

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
 SECOND REGULAR SESSION
 32nd Legislative Day
 Wednesday, March 25, 1992

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

Prayer by Reverend Patrick Seymour, First Congregational Church, Millinocket.

The Journal Tuesday, March 24, 1992, was read and approved.

SENATE PAPERS

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (H.P. 1660) (L.D. 2337) on which the Majority "Ought Not to Pass" Report of the Committee on State and Local Government was read and accepted in the House on March 23, 1992.

Came from the Senate with the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Resolution passed to be engrossed as amended by Committee Amendment "A" (H-1173) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Allow Municipalities to Appeal the New State Valuation" (EMERGENCY) (H.P. 1692) (L.D. 2372) which was passed to be engrossed as amended by Committee Amendment "A" (H-1136) as amended by House Amendment "A" (H-1168) thereto in the House on March 19, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1136) as amended by House Amendment "A" (H-1168) and Senate Amendment "A" (S-661) thereto in non-concurrence.

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

Representative LORD: Mr. Speaker, I move that the House recede and concur.

Mr. Speaker, Ladies and Gentlemen of the House: If you look at the Senate Amendment, you will notice that it included three of the four towns that was in the original bill. The town of Waterboro is missing. It is my understanding that the House and Senate Chairs made a statement that if Waterboro was included, they would see that the bill was killed. It was kind of a slap in the face, I think, in view of the fact that I was the prime sponsor and did the work. I had to make a decision of whether or not I would penalize the other three towns that were involved or take it on the chin. I decided to take it on the chin.

However, there was a statement made when we were debating this issue by the House Chair, that the only

thing the towns had to do within 45 days was to write a letter and I would like to read to you what they actually have to do. That statement was absolutely, positively false.

This is the cover letter that goes out to the towns and cities of the state. "Any municipality deeming itself aggrieved shall file a written notice of appeal with the Board within 45 days of this receipt of notification of the Bureau of Taxation's decision. The decision to the Board will be in writing and signed by a majority of the municipal officers and shall be accompanied by an affidavit stating the grounds of appeal. The affidavit must be meaningful and specific. The copy of the appeal and affidavit shall be served to the Bureau of Taxation. The Bureau shall have the burden of proving that its determination is correct with respect to that municipality."

So, I think from now on, when a municipality gets that notice, they had better tend to business and do the job right.

There is a flaw in the system for appealing evaluation and is there is a flaw in the system for repealing the Tree Growth. There is no chance for any appeal or extension of the appeal and I hope that between now and the next session that something is done because if it isn't, I am going to put in another bill to correct this situation.

Thank you very much for your time.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I am told that there were three towns, namely Whitefield, Franklin and Mechanic Falls who had applied on time and, for some strange reason, the appeals didn't get to the right office on the right date to be seen by the right people. In that case, the Taxation Committee unanimously decided — all right, say it was wrong and therefore in some respect we are guilty, we will do this exception. There was no documentation from anywhere, and we had double checked this three or four times, that said any other town besides those three have been included.

Therefore, I would suggest to the House that we have two choices, we either insist on our previous action or we indefinitely postpone the whole matter.

I would sincerely hope that you would defeat this motion and consider gutting the whole bill.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I am not going to speak this morning on those three towns on whether they did or did not get their appeal in on time. What I am going to tell you is that there is a flaw in the system. A lot of those small towns out there that don't have managers, just have Boards of Selectmen, will get a notice from the Bureau of Taxation that their valuation is going to thus and such in the next year. One of the problems we have run into, and we really haven't gotten into a situation in the last four to six years that we have appealed our valuations, we have been upset with it, but we have received a notice, just to give you an example, we got a notice on Friday, our board met the night before, and the notice says in ten days there is going to be a hearing in the Penobscot County Courthouse to discuss our valuation and before our board meets again in two weeks, which they do every two weeks, this hearing has been held. What happens

with a lot of those municipalities that don't have managers is that that hearing process that is laid out for those municipal officials lays on somebody's desk and it is not looked into. They feel if they don't go to the hearing, there is no sense in appealing their valuation.

Today I think we ought to support the gentleman from Waterboro and take care of these minor problems but in the future, I would suggest to the Bureau of Taxation on Tree Growth and municipal valuation that there should be a minimum of 30 days notice to those municipalities so they have a chance to look at the appeal.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: To follow up on the savings from the good Representative from Saco, my understanding of the bill that is in front of us is that it only includes the towns of Whitefield, Mechanic Falls and Franklin. I have spoken at great length with Representative Lord and have very much appreciated his willingness to understand that these towns were in a different situation.

I agree also with Representative Strout that it is very difficult for small towns who don't have managers, for towns who are working with part-time selectmen who are attempting to get all of the paperwork together and submit it on time and in the proper places. We do need to simplify this process, we need to clarify this process so that small towns are not unfairly penalized.

The bill before us with the Senate Amendment only includes the towns of Whitefield, Mechanic Falls and Franklin, which are the towns that in fact did make and have been documented that there was an effort to get the information here but somehow within the system was diverted and was incorrect.

I would urge you to support the motion to recede and concur and then hope in the future we would be able to address the other issues that are facing small towns on this issue.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: The Tree Growth problem seems to be entering into this picture and I think I can explain how this all comes about. For the past nearly 20 years, the State Bureau of Taxation sends to the municipal officials a form to be filled out. All of the information is on the inside of the valuation book, it is a one page thing, it can be filled out in probably five minutes, it is nothing that is new, they are notified in advance and it has nothing to do whatsoever with the valuation until there is a chance in valuation that may affect the figures somewhat but those appeals have no bearing or very little bearing on the Tree Growth Reimbursement itself. I understand what happens in the small towns where sometimes the town officials have been working in the woods or around the farm, they come home at night and get these papers, just another form from the state, and it may get filled out or it may not.

I would point out that during the past year, almost \$500,000 was not reimbursed in any part whatsoever because of the fact that the towns either did not comply with the requirements for fair valuation practices or they filed late. They have had 30 days notice and it is true that we had several

cases here where people didn't file because of a change in managers, it is not the managers' responsibility, it is the responsibility of the town officials to send these reports back. The manager usually does the work, I grant, if there is a manager and for the reason that they did not file on time, and they had 30 days notice, they are not going to be paid. As I understand it, the amount of money that was available for reimbursement this year was returned to the towns that did qualify at the rate of 62 percent rather than 90 which the law does allow and encourage and permit. The fact that these towns did not file, because somebody dies, a change in town officials, new officials on the job, is something for you folks to decide — that's how this all comes about. If you are going to do it for one, actually you should do it for all of them because there is roughly \$500,000. If you can find \$500,000, I am sure they would all be delighted to get it back.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I apologize for arriving late for the debate on this bill but it comes back from the Senate amended to include a third town, the town of Mechanic Falls. I want to explain to the House that the bill that was presented to the Taxation Committee that we debated here last week or the week before, I can't remember which, was a request from four towns for an extension on their appeal period. As the House will recall, during that debate, I mentioned that there has been anywhere from 12 to 15 towns that had asked to join in that extension as well as the four towns that were in the original bill. In fact, the Minority Report out of the Taxation Committee, which we adopted, would have extended that to 84 towns and I called it a kind of a picture window — it was much more than a window — and it would reeked havoc with the assessment process throughout the state because the state values had already been set.

The reason that there are three towns in this bill now, quite honestly, is because those three towns, the two that were amended on in this House and one in the other body, did in fact file their appeal on time. That is well documented that they did, the State Tax Bureau admits that they did but they are the only three towns that are in that category.

I have some sympathy for people who file on time and because of errors made by state employees or state bureaucrats, they were granted their appeal, and that is the category that these three towns fall in. As for the other 81 towns, I don't think we can set a precedent whereby we allow an extension to anybody because if we do that, the State Tax Assessor will never get around to setting the state valuation because we will have appeals going all through the year. You won't get a state valuation or you will get one that is adjusted by the week as the appeals are decided.

I think as this bill has been amended in the other body that this bill provides some relief for the three towns who are in this position through no fault of their own. As for the other 81, I don't think we can make provisions for them.

I would urge the House to support the motion to recede and concur.

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

Representative MURPHY: Mr. Speaker, Ladies and

Gentlemen of the House: I am not going to speak on those three municipalities, I agreed not to. However, I just want to say that there are 110 municipalities in the State of Maine who are not going to get their Tree Growth. I am sure we all have one or two.

Subsequently, the House voted to recede and concur.

Non-Concurrent Matter

An Act to Encourage Expansion of Certain Residency Programs Related to Primary Care Physicians (H.P. 1706) (L.D. 2387) (C. "A" H-1109) which was passed to be enacted in the House on March 18, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1109) as amended by Senate Amendment "A" (S-669) thereto in non-concurrence.

The House voted to recede and concur.

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1507)

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1992 (EMERGENCY) (H.P. 1761) (L.D. 2447) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1507)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

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

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185)

TABLED - March 23, 1992 (Till Later Today) by Representative CHONKO of Topsham.
PENDING - Adoption of Committee Amendment "A" (H-1192)

On motion of Representative Gwadodsky of Fairfield, retabled pending adoption of Committee Amendment "A" (H-1192) and later today assigned.

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

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Implement Constitutional Provisions Restricting the Imposition of Unfunded State Mandates" (S.P. 767) (L.D. 1963) - In Senate, Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.
TABLED - March 23, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Acceptance of Either Report.

On motion of Representative Joseph of Waterville, L.D. 1963 and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

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

JOINT RESOLUTION TO PETITION THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO LIMIT CONGRESSIONAL TERMS OF OFFICE (H.P. 1754)
TABLED - March 24, 1992 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Adoption.

Representative Paradis of Augusta offered House Amendment "A" (H-1232) and moved its adoption.
House Amendment "A" (H-1232) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.
Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I would request the yeas and nays and urge people to vote against this motion.

I think we need seasoned people in the Congress of the United States, we need seasoned people to be able to deal with the bureaucracy there and we need seasoned people, especially in leadership positions, in order to be able to deal with the seasoned people that will be in other governments around the world, in Europe for example, where they do not have term limitations. Experience is important. I think most people here in this House, if they are honest, know that.

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 Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, a question if I may, a point of parliamentary inquiry?

Is the motion before us indefinite postponement of House Amendment "A" or the Resolution?

The SPEAKER: The pending motion before us is adoption of House Amendment "A" to the Resolution.

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

Representative MAHANY: Mr. Speaker, I would withdraw my motion and I want to speak to the whole bill.

The SPEAKER: The Chair would advise the Representative from Easton, Representative Mahany, that a roll call has now been ordered and now must be held by this body.

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I hope that you will vote against the motion to indefinitely postpone House Amendment "A".....

The SPEAKER: The Chair would advise the Representative from Augusta, Representative Paradis, that the pending motion is adoption of House Amendment "A" to the Resolution.

Representative PARADIS: Thank you, I stand clarified. I hope that you will vote in favor of adoption of House Amendment "A" because I think that that clarifies the Resolution.

I would say in concurrence to the gentelady from Easton that I agree that term limitations are bad. They are bad policy in this chamber and they are bad policy in Washington because the people have a right to vote and exercise their franchise and vote incumbents out but I think it is wrong for us to send a message if this Resolution were to pass and say that we want term limitations but we want incumbents protected. The message that we are getting is that incumbents ought to be part of the solution because they are part of the problem right now. So, if the Resolution is going to pass, I want incumbents clearly stated in the Resolution. That is my reason for proposing House Amendment "A" this morning.

I urge adoption.

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

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly agree with the Representative from Augusta, Representative Paradis, and would urge your support for the amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-1232). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 379

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Butland, Carleton, Carroll, J.; Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Crowley, Dore, Dutremble, L.; Erwin, Farren, Foss, Garland, Gean, Graham, Gwadosky, Handy, Hanley, Hastings, Heeschen, Heino, Hichborn, Jacques, Joseph, Kerr, Ketterer, Kilkelly, Kutasi, Larrivee, Lord, Luther, MacBride, Mahany, Marsano, Mayo, McKeen, Michael, Mitchell, J.; Nadeau, Nutting, Oliver, Ott,

Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Savage, Sheltra, Simonds, Skoglund, Spear, Stevens, A.; Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tupper, Vigue, Waterman, Wentworth.

NAY - Adams, Anthony, Cahill, M.; Carroll, D.; Chonko, Constantine, Cote, Daggett, DiPietro, Donnelly, Farnsworth, Farnum, Goodridge, Gould, R. A.; Gray, Greenlaw, Hale, Hichens, Hogle, Holt, Hussey, Jalbert, Ketover, Kontos, Lawrence, Lebowitz, Lemke, Look, Macomber, Manning, Marsh, Martin, H.; McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Morrison, Murphy, Nash, Norton, O'Dea, O'Gara, Pfeiffer, Pineau, Pines, Plourde, Poulin, Rydell, Saint Onge, Salisbury, Simpson, Stevenson, Tracy, Treat, Whitcomb, The Speaker.

ABSENT - Bennett, Boutilier, Bowers, Duffy, Duplessis, Gurney, Hepburn, Libby, Lipman, Pendleton, Small.

Yes, 83; No, 57; Absent, 11; Paired, 0; Excused, 0.

83 having voted in the affirmative and 57 in the negative with 11 being absent, House Amendment "A" (H-1232) was adopted.

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

Representative MAHANY: Mr. Speaker, I move the indefinite postponement of Joint Resolution (H.P. 1754) and all its accompanying papers.

Mr. Speaker, Ladies and Gentlemen of the House: I would simply remind you that in our time where the issues are so complex, and I believe bureaucracies are so powerful, that we really do need representatives in Washington and anywhere else in my opinion who have been around, who are experienced, who are seasoned, who know the game and who can deal with those complexities and deal with the bureaucracy and help the junior members to understand how things are.

Having spent quite a few years in Europe and being acquainted with the way their systems work and how seasoned and experienced their politicians in general are in international relations, I can assure you that we need seasoned people in the Congress of the United States, especially in leadership positions and on certain committees to deal effectively with those seasoned politicians in other countries.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I take this as an affront to the American people of the people of this state that they don't have the intelligence to decide who should be in Congress. The people of this state will decide if they don't want someone to be in Congress, if someone should be kicked out Congress. We saw an example recently in Illinois where the incumbent Senator on my party's side was defeated in the primary. The people said they had had enough of Senator Dickson. If the people of this state say they should retire Senator Mitchell, Senator Cohen, Congresswoman Snowe or Congressman Andrews, it is up to the people of this state to say you have been there long enough. I would hate to think that the people in my town would not have the right to kick me out, I don't say re-elect me because if I can't run again, there is no way that they can express their views on whether or not I did a good job. Let the people decide who shall return to Congress. If they

are going to do it on Congresspeople or Senators, the legislature is next. As anybody who has served in this body knows, it is no easy matter. Can you imagine now if this went through for the legislature and you would have a hundred new people? It takes at least one or two terms before you even know what is going on.

The amusing thing is that in the years that I have been interested in politics, it is always the ones who are out that want to kick out the ones that are in. We saw that in the big box back in the 1950's. We saw that term limitation for the President of the United States — one party didn't like the idea that Franklin Delano Roosevelt was elected four times so we passed it. Who were the first ones to get affected by it but Dwight D. Eisenhower? John Kennedy got elected because Ike could not run again.

Remember one thing — for anybody who wants to start this, always remember, don't create a monster that you can't live with later. That is exactly what you are doing. You are going to create a monster because you will have a very popular person in office that will not be able to run again.

I would suggest that you go along with the indefinite postponement.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that 12 years in one office is sufficient. If the person is very effective and very eloquent and very capable, that person can get elected to a higher office or a lower office if he or she wants to.

I believe that the people of the State of Maine, as well as throughout the nation, are sick and tired of having politicians entrenched because we all know that it is money and influence that gets these politicians elected. How do you get influence? It is by staying in and staying in year after year and doing exactly what the people who are giving out the money wants you to do. They, and I am not saying all of them, do not represent the average Joe on the road. These politicians do not. As a matter of fact, some of us here do not and I would be willing to take for myself — if we had a term limitation, Ed McHenry would not be in this House, maybe I would be in the other body, maybe I would have had the gall to run for Congress but I didn't because I feel safe in this House, that is the honest to God's truth. I feel secure because I can run for this House and I can win. For the other body, it is a bigger district, I am taking on something else.

I believe that term limitations would be the best thing for all constituents, the best thing for the nation. I can tell you that my Speaker might be President of the United States had we had term limitations because he would have had to move on. He and I don't agree on a lot of things but I believe he is a very effective person. He knows parliamentary procedure better than anybody else in the world as far as I am concerned. He would be some place else other than this House and he might be a very, very good President. But, not having term limitations — you know, we are secure where we are at and that is why I honestly believe that we should have term limitations.

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

Representative MICHAEL: Mr. Speaker, Ladies and

Gentlemen of the House: Term limitation is the issue of the nineties, this is not going to go away. We can come up with all the fragile excuses and reasonable executions that we want to to justify not voting for this but I will tell you, it is not going to go away. This is something that the public wants.

I think it was Ralph Nader who said that there are two issues that separate "them" from "us." One of them is term limitations and the other one was the Congressional pay raise issue so this is one of them. If you want to know whether you are with "them" or "us" you can vote on this thing, that is the way I look at it. It is very important. You may not understand it yet so perhaps you will be forgiven for your mistakes today but I think ultimately it boils down to that issue.

Incumbency, the incumbent party that we all are, brings with it a tremendous advantage over regular people that would like to seek office. Therefore, our advantage of incumbency undermines the democracy that we all say we stand for. Term limitations, which is no real different than what we have for President right now of a two term limitation, a two term limitation for Governor — there is nothing all that drastic about this. Term limitations reams in the potential power of abuse. You and I know how it works, we have our franchising privileges up here, we get our names in the papers, it is hard to look at the statistics to throw out an incumbent. We got our PAC money, we've got all that stuff. This is what the public wants, they don't want to figure out to throw out, they want to make sure that we get thrown out automatically after a period of time so that there is a guarantee for some new blood.

To use an analogy, there is an issue that comes up every once in awhile and that is gun control. I always say to the gun lobby, "Look, you ought to be drafting your own gun control legislation before you get your heads chopped off instead of holding back and holding back and building up a lot of resistance." I recommend you do this with term limitations.

This Resolution that the prime sponsor put in is extremely generous, this is the best you are ever going to do. I would never have drafted this particular term limitation proposal, it would have been for me a maximum of 10 years and I would not have allowed the Congress to go back and forth between the House and Senate. The way this is worded, someone can run for the U.S. Senate for two terms, run for Congress for two or four years and then go back to the Senate. I think that is extremely generous, I think you should appreciate what the gentleman from South Paris has done here by giving you every out possible to give you the least damaging term limitation proposition possible. I recommend that you take advantage of this because I tell you this is the best you are going to see. If you are opposed to term limitations, this is the best you are going to see.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I request the yeas and nays.

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 Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I just wanted to make one point in response to the good Representative from Lisbon, Representative Jalbert when he said, let's let the people decide and that is exactly what I would like to do. I have been involved with a group and that is exactly what we tried to do, let the people decide through the initiated petition process, submitted it to the Secretary of State's Office on October 3, 1991 and received a letter from Michael Carpenter on October 23rd saying that this was beyond the petition process and the only way to address this was through the legislative process. So, the only vote the people have is here through their elected Representatives on this issue. That is the only opportunity that they have.

I appreciated the opportunity and the level of debate that we have had on this issue morning. It has taken six years for us to have good bipartisan support for this bill and I hope we can go forward in my short three days left here in this body.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Very briefly this morning as we get the blood flowing for a later debate, I am sure, I hope that you will support the motion of the Representative from Easton to indefinitely postpone this Resolution.

In the news last night when we finally reached home, there was a rather noteworthy event that Senator Warren Rudman, the senior Senator from New Hampshire had announced that he would not run for a third term in the Senate. He had served two terms and he said that that was sufficient and he wanted to go on and do something else with his life.

Voluntary term limitation — pure and simple, let me remind the members of this body that term limitation, if enacted, hurts small states like Maine and New Hampshire. Why? Just look at the New Hampshire Congressional delegation, we have two freshman Congressman in New Hampshire, one Democrat and one Republican. The junior Senator from New Hampshire, Senator Smith, has been in the body for all of 15 months. Senator Rudman is retiring and how does that affect a small state like New Hampshire? We have Senator Mitchell and we have Senator Cohen. If you go to Washington and you go to any of the professional office buildings and you say you are from Maine, they tell you right away, "You are fortunate to have two effective and respected U.S. Senators." Why would we want to get rid of these people with some artificial term limitations? If the people of Maine re-elect them, we ought to be fortunate to use their good services and appreciate the work that they do for us. If California wants term limitations, I am all in favor of letting California have term limitations, they have the largest Congressional delegation in the United States. If New York wants term limitations, I favor letting New York having term limits and Pennsylvania, Michigan, and Texas but for a small state that has four members in Congress, like Maine, why shoot ourselves in the face to spite our finger? It doesn't make sense, let the states decide

individually if they want to limit their members but I am glad that we have several members who have, not only seniority, but they have respect and power.

I urge indefinite postponement of this Resolution.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I can't let this debate go by without humbly commenting on something that has been said. It may make more sense if we stop and think about it, to limit terms of Governors and Presidents because of the great power in those offices. When the good Representative Michael mentioned regular people as being different from us, that is the thing about a House of Representatives particularly and Senators are more so than governorships and presidencies, they are more like regular people. We don't have all that power, we are representatives of the people, we are regular people. If, as he says, regular people don't want to figure out who is doing a good job for them in government, that probably is the big problem here, we must change our educational system in order to help young people as they grow into full-fledged citizens of this nation of ours, learn how to figure out who is doing a good job in government and who isn't and that is where the great lack is occurring.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In response to my good friend from Madawaska, Representative McHenry, who stated that if he could not run again that he could always go back home and run for another office — he could very well get elected First Selectman in Madawaska but I don't think we should inflict that kind of punishment on the people of Madawaska. Many people are sent down here sensing that maybe he could get re-elected, maybe they are trying to get rid of him in Madawaska.

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

Representative GRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: As a Democrat from a two-to-one Republican district who beat an incumbent who outspent me, I don't see the need for anyone to protect me from the power of incumbency, I don't see the need for anyone to set artificial limits upon the decision making of the people of my town. I find it offensive that people would seek through a law or statute to limit the number of terms that any elected official would serve. During the Reagan Administration, there was a move nationally which did not go very far to remove the term limit on the President. Although I in no way agreed very much with what President Reagan did, I always spoke in favor of allowing him to run as many times as he wished. It is the people's decision in each election to decide whether their Representative or Senator is no longer effective or whether that Representative or Senator by virtue of their time of service and the committees that they have served on and their experience is precisely the person they want steering the ship of state for them during the upcoming term.

Some people will try to tell you that this is the issue of the 90's — it is not, it is the dud of the 90's, it makes headlines, it does no good. It does some harm. I will still advocate that we remove term limits for the President and for the Governor because I don't believe we should be making lame ducks out of people.

Since I announced at the beginning of this year that I was not running again, I have experienced in small ways the stalling of certain bureaucrats who I do battle with in committees awaiting my departure, hoping that no one else will have the same interests that I do or care about the same issues and that I will fade off into the night and they will not see me anymore. Well listen, I know a few people down here now and I know a little bit about what is going on and I might just be on the telephone during the 116th Legislature keeping track of my old friends in the bureaucracy. Still, it disturbs that once I announced and became a lame duck that I found this stalling going on so if you want to be stalled, if you want the bureaucracy to wait you out until your term is up, then you should vote against the pending motion and go on to have term limits.

I urge you to vote for the pending motion to indefinitely postpone as the right thing to do.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry. Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: We say that we want the people to decide — well this is exactly what it is, it is putting it out to the people and let the people decide whether they are going to have term limitations or not. Let the people vote on it, let the people decide.

The SPEAKER: A roll call has been ordered. The pending question before is the motion of the Representative from Easton, Representative Mahany, that Joint Resolution (H.P. 1754) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 380

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kontos, Larrivee, Lawrence, Lemke, Look, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McKeen, Melendy, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Norton, O'Dea, O'Gara, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Pouliot, Powers, Rand, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Skoglund, Spear, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Cashman, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Hanley, Hastings, Heino, Hepburn, Kerr, Ketterer, Kilkelly, Kutasi, Lebowitz, Lipman, Lord, Luther, MacBride, Marsano, McHenry, Michael, Mitchell, J.; Nutting, Oliver, Ott, Parent, Pendexter, Pendleton, Pines, Poulin, Reed, G.; Reed, W.; Richards, Richardson, Simpson, Stevens, A.; Stevenson, Whitcomb.

ABSENT - Bowers, Crowley, Duffy, Gurney, Libby, Merrill, Small.

Yes, 94; No, 50; Absent, 7; Paired, 0; Excused, 0.

94 having voted in the affirmative and 50 in the

negative with 7 being absent, the motion did prevail.

By unanimous consent, all matters having been acted upon, except those held, requiring Senate concurrence were ordered sent forthwith to the Senate.

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

Bill "An Act Regarding Advisory Boards and Occupational and Professional Licensing Boards" (EMERGENCY) (H.P. 1664) (L.D. 2341) (C. "A" H-1180) TABLED - March 24, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield. PENDING - Passage to be Engrossed.

On motion of Representative Coles of Harpswell, retabled pending passage to be engrossed and later today assigned.

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

Bill "An Act Concerning the Structure and Operation of the Seed Potato Board" (H.P. 1712) (L.D. 2397)

- In House, Passed to be engrossed as amended by Committee Amendment "A" (H-1150) as amended by House Amendment "A" (H-1159) thereto on March 19, 1992.

- In Senate, Passed to be engrossed as amended by Committee Amendment "A" (H-1150) in non-concurrence. TABLED - March 24, 1992 (Till Later Today) by Representative TARDY of Palmyra. PENDING - Further consideration.

On motion of Representative Tardy of Palmyra, the House voted to recede.

The same Representative offered House Amendment "B" (H-1246) to Committee Amendment "A" (H-1150) and moved its adoption.

House Amendment "B" (H-1246) to Committee Amendment "A" (H-1150) was read by the Clerk and adopted.

On motion of Representative Tardy of Palmyra, the House reconsidered its action whereby House Amendment "A" (H-1159) was adopted.

On motion of the same Representative, House Amendment "A" (H-1159) was indefinitely postponed.

Committee Amendment "A" (H-1150) as amended by House Amendment "B" (H-1246) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1150) as amended by House Amendment "B" (H-1246) thereto in non-concurrence and sent up for concurrence.

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

ORDERS

On motion of Representative O'GARA of Westbrook, the following Joint Resolution: (H.P. 1756)

(Cosponsors: Senator ESTY of Cumberland, Representative LEMKE of Westbrook and Representative MCKEEN of Windham)

JOINT RESOLUTION RECOGNIZING THE SELECTION
OF THE WESTBROOK HIGH SCHOOL MARCHING BAND
AS A PARTICIPANT IN THE 1993 TOURNAMENT
OF ROSES AND ROSE PARADE

WHEREAS, the Westbrook High School Marching Band has been notified by the Tournament of Roses Committee that the band has been selected to participate in the Tournament of Roses and the Rose Parade on New Year's Day, 1993; and

WHEREAS, the invitation to the Westbrook band is the first ever received by a band from our State; and

WHEREAS, this recognition of the excellence of the Westbrook High School Marching Band is particularly significant, as only 11 bands from outside the State of California have been so honored; and

WHEREAS, the Westbrook band has an exemplary competition record, which includes first-place finishes in many state competitions, as well as a National Championship Award from the Chocolatetown competition in Hershey, Pennsylvania; and

WHEREAS, the selection of the Westbrook High School Marching Band is not only a recognition of that group's skill, but is also an acknowledgement of the high level of talent present among the many marching bands from the State that have participated in the competitive events that honed the skills of the Westbrook unit; and

WHEREAS, the Westbrook band will appear before a worldwide television audience next New Year's Day; now, therefore, be it

RESOLVED: That the Westbrook High School Marching Band is recognized as the representative of the State of Maine and its people; and be it further

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature, now assembled in the Second Regular Session, pause in our deliberations to send our warm congratulations to the Westbrook High School Marching Band, the members of the band, and its supporters, boosters and friends; and be it further

RESOLVED: That we wish the Westbrook High School Marching Band and its members continued success in their efforts to bring recognition and honor to our State and nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Superintendent of Schools of the City of Westbrook for presentation to the band and its members.

Was read.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.
Representative O'GARA: Mr. Speaker, Ladies and

Gentlemen of the House: The Joint Resolution just read pretty much tells you what you need to know about the honor that this great band has just received. I also want you to know and I want them to know how very proud we in Westbrook are of the band, its members, its director, and its very great and supportive band booster club. I also want you to know that besides their well-known musical talents, the band members are good students, active athletes and participate in other related school and community activities and I can assure you will represent you and all of our citizens well in Pasadena next January.

The band is represented in the balcony and I am sure they are going to be introduced but I just wanted you to know and them to know (again) that we are all proud of the band, we wish them well in the fund-raising activities and, of course, in their appearance in the Rose Bowl Parade and related activities next January.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I may run the risk of being in a conflict of interest speaking on this since my daughter is a member of the band. She obviously did not inherit her musical ability from me but I do want to add to the words that Representative O'Gara said that we are extremely proud of the band. It is a long musical tradition of the city of Westbrook and I think that the State of Maine also is proud of what we have done. I certainly want to add congratulations to that effort.

At this point, the Speaker recognized the band representatives.

Subsequently, the Joint Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act to Establish the Motor Vehicle Emission Inspection Program" (H.P. 1645) (L.D. 2308)
- In House, Passed to be engrossed as amended by Committee Amendment "A" (H-1154) as amended by House Amendment "A" (H-1181) thereto on March 23, 1992.
- In Senate, Passed to be engrossed as amended by Committee Amendment "A" (H-1154) in non-concurrence.
TABLED - March 24, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Further consideration.

On motion of Representative Mitchell of Freeport, the House voted to recede.

The same Representative offered House Amendment "C" (H-1249) to Committee Amendment "A" (H-1154) and moved its adoption.

House Amendment "C" (H-1249) to Committee Amendment "A" (H-1154) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: It's no secret that I don't particularly like this bill, although I do think Representative Anthony's amendment improved it considerably. Based on a vote to indefinitely

postpone it a couple of days ago here, I thought if it was going to pass, it ought to be improved a little bit so I asked our staff, Tim Glidden, to draft this amendment.

The amendment specifically deals with inspection waiver for poor people and directs the board to establish by rules a program to waive the fees for the poor and for the Department of Environmental Protection to come into the Energy and Natural Resources Committee next year with a proposal to waive automobiles that drive very few miles.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: I would urge your support of the amendment presented by the good Representative from Freeport, Representative Mitchell. The needs of the fixed and low-income who are very much on the minds of us who sponsored this bill and spoke about it the other evening. Those needs are, as we all know, special and very pressing and if this is one opportunity to meet those, and at the same time, meeting those standards for the state air quality that we must meet according to federal guidelines, I think it is a step in the right direction.

Subsequently, House Amendment "C" (H-1249) to Committee Amendment "A" (H-1154) was adopted.

House Amendment "A" (H-1181) to Committee Amendment "A" (H-1154) was indefinitely postponed in concurrence.

Committee Amendment "A" (H-1154) as amended by House Amendment "C" (H-1249) thereto was adopted.

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

Representative ANTHONY: Mr. Speaker, I move that we reconsider our action whereby House Amendment "A" was indefinitely postponed.

Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" is the one that I put on that makes the program statewide. I still believe and I have nothing against northern Maine, nothing against the 11 counties that were left out, but I believe that we should, as a matter of policy, be adopting laws that extend statewide. That is why I put this on.

I further believe that this is a good program and we should make it available to all the citizens of the State of Maine and thus I would ask your support for reconsideration of what was gaveled through very quickly which was indefinite postponement of my amendment so we can then put the amendment back on and send it back over to the other body with both amendments on it.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I always admire tenacity and the good Representative from South Portland is indeed showing that but, once again, the simple fact of the matter is we are just starting this program, it is not necessary in northern Maine at this time. We just put an amendment on that deals with what people saw as a potential undue burden on people because of their limited financial means. Clearly, if you put this program statewide, which I repeat in the opinion of the people who will administer the program, is not necessary. You will expand the cost of the program to an area that is not necessary at this time.

I tried to convince the good Representative from South Portland yesterday that, if we allow this process to go forward, we will have a better idea of where more of the problems are. If the problems seem to be resolved in northern Maine, then at that time, this legislature or the next one, could deal with that problem.

I would hate to see this very important bill die in non-concurrence between two bodies because of tenacity.

I would ask you not to reconsider the indefinite postponement of House Amendment "A."

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we will reconsider the indefinite postponement of House Amendment "A" because I think it is only fair. What is good for the goose is good for the gander. If we are going to have a program, it should apply to all the people of Maine. I think it is just plain fair.

If House Amendment "A" is indefinitely postponed, there was be further amendments needed for this bill. I was looking for a copy of the Committee Amendment but I couldn't find it on my desk but at the bottom of Page 2 and the top of Page 3 of that amendment, there is a provision in the bill which was brought to the attention of the committee but nothing was done with it to make it a failure to have a certificate would be prima facie evidence of failing to comply with the program. You would have to face some penalties that were outlined in Title 29 and if that remains in the Committee Amendment, a person who moves from northern Maine to southern Maine and doesn't get his car inspected at the DEP station right away would automatically be guilty of this crime that the penalties are set up for in Title 29. There are two things that I think it is just fair that the program should go statewide but if you choose to make it to apply only to the six counties, there is another problem that arises in that particular section of the Committee Amendment.

Representative DiPietro of South Portland requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heeschen.

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

I would just like to ask anybody about the cost of going from a seven county thing to a sixteen county program. Were the figures that were given of an estimate of \$17, \$25 or \$30 per inspection on a seven county basis — is it true that if we expand this to sixteen counties that it will cost somewhere between \$60 and \$100 per inspection, not only for those in the expanded area but for those in the original seven county areas?

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

The Chair recognizes the Representative from

Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: Yes.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I have heard the argument that because we make it statewide, the expenses are going to double and triple. That is based on only locating the licensing or testing mechanisms within 15 or 20 miles from the furthest home that is to be serviced by that area. We have already been told that servicing or testing areas were supposed to be outfitted to serve 25,000 cars per year. If you were to change your locations so that each one serves 25,000 cars per year, you obviously would be expanding the radius for each of those testing services in rural areas but that is not unusual for those rural areas to have to drive further for many of their services. But, if that were so, it is my clear understanding that the cost would not be doubled. It is only doubled if you suddenly take these testing centers and say you will have to drive more than 15 or 20 miles no matter where you live to that center. They are then saying in northern Maine or in rural Maine that those counties will only have testing centers servicing maybe 10,000 cars a year.

I do not agree with the idea that it is going to cost double if in fact they set the testing centers in the proper locations throughout the state.

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: I was talking to a fellow from DEP yesterday whose name I can't remember and he said that, if the rest of the state was included, you probably would have two permanent stations, one in Bangor and the other probably in Presque Isle. The rest of the state would be serviced by mobile units. If you serviced them by mobile units, you could cut the costs down. The only thing is, in that case, the mobile unit might be going from one county to another and they would say that this mobile unit would be in one county say three or four days and then they would move on. It would be up to the individuals who have cars that have to be inspected to go to that place and have their cars tested but if this system is used, it will not raise the cost from \$50 to \$100. That's his exact statement to me.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I hope you paid close attention to the two previous speakers because they both have pointed out the fallacy in the arguments that, if we include the whole State of Maine, the cost is going to go to — well, it was \$70 two days ago and now I have heard \$100 today.

I guess getting back earlier, a previous speaker said that there was no need to include northern Maine in order to clean up southern Maine — well ladies and gentlemen of the House, I firmly believe that you are not going to clean up Androscoggin County, for one example, by excluding Oxford County, which in my opinion is in southern Maine. It is just not going to happen.

I relayed last week a situation in my district where an elderly couple lived in Turner and Androscoggin County, they would come under this law, their children live 20 to 25 feet away on the other

side of the road in Oxford County and they are exempt. Their children have at least four times the number of vehicles that their elderly parents do. Even if we are talking an average cost of this inspection of \$30 in southern Maine every two years, that is four pennies a day in order to clean up our environment. Even if you went by the argument that it would cost twice as much if you include the whole state, which I think is obvious now that it won't, you are talking eight pennies a day to help the kids in Maine that have asthma or to help our ozone problem.

I would urge you to support the motion to reconsider and let's make this bill statewide.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: It doesn't seem reasonable that a county like Somerset with a town like Fairfield that adjoins Waterville which is in the County of Kennebec, they won't have to have it, but the town of Waterville will have to have it. How many of those people from Fairfield go to Waterville?

I haven't had the privilege, and I shouldn't say this probably as a Representative, but I haven't had the privilege of going to Acadia but somebody made a good point the other day — somebody said that Acadia is one of the most sort after places in the country by people and Hancock County isn't in it. How many cars are in Acadia in the midst of July? Isn't that going to say something on a day when the humidity is very high? Believe me folks, those people who live on the coast will tell you that we have pretty high humidity. Just because we have sea breezes doesn't necessarily mean that we are going to have high humidity. So we are talking about Acadia which has one of the highest readings but yet in the middle of July they probably have the most traffic that they have all year. Granted that most of those are summer residents but a lot of those are full-time residents. I just don't see the logic. Are you telling me that cars in northern Maine don't come to southern Maine during the summer? That's crazy. People from Somerset County don't go to Georgetown, to Popham Beach? They do. To say that we don't need it in northern Maine, I just don't think flies in the face of reasonableness.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I just would like to make one point — the whole purpose of what we are doing here right now, as the Speaker referred to, we have a lot to do, but the major thing that we are doing here is trying to find money to balance a budget. It just seems to me that we should not be spending capital, which we have a very short supply of, where we are going to get little return for it, eventually we will have to increase the whole coverage of the state, but right now, the law of diminishing returns does take effect and let's not spend capital uselessly.

The SPEAKER: The Chair recognizes the Representative from Coplin Plantation, Representative Powers.

Representative POWERS: Mr. Speaker, Fellow Members of the House: Those of you have heard me speak the last part of the week and, every time that I have stood on this issue, know firmly that I am definitely against any form of this legislation. It is the most poorly conceived piece of legislation

that I think has come before us since I have been here.

I have also heard in this body many times about the issue of fairness. You are going to hear it again. I wonder sometimes if you people truly understand the word "fairness." How can this possibly be fair to the people in the State of Maine to bring a mandate down on them at this particular time when I think we probably have already passed the point of no return. Somewhere along the line somebody has missed the boat. Why are they turning to the people in the State of Maine to clean up the atmosphere when you know what is going on in Detroit? They are going to the wrong people, they are to the wrong end of the horse. We have to consider the fairness issue in this matter.

I firmly will consider these two amendments because I think they do add credence to it somewhat but I would like to see this bill swept under the rug until another session when perhaps we would have more time to work it and people have a chance to digest a lot of the testimony that has been heard. The people out on the street have very little knowledge of what this bill is really going to do and I think that that is part of the unfairness. Therefore, I think until the time when the public can really have a chance to think about this and analyse it and digest it, this is the poorest time that we can bring something like this before the people, particularly in the southern counties. How can that be fair, when my automobiles, tractors, the skidders in the forests, the log trucks by the thousands that are beating our roads to pulp are exempt, come down to the poor person who has to rely on his automobile to get him or her back and forth to work or to a weekend of camping once or twice out of the summer, this is an important thing. I think we should scuttle it.

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

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

I have two questions. One is, am I correct in understanding that there is some kind of federal penalty if we do not pass this bill now or something that sets up a plan? Secondly, what is the earliest date by which anybody could possibly be required to have to have an inspection? My understanding was that it wasn't until after the next session.

The SPEAKER: The Representative from Hallowell, Representative Farnsworth, has posed a series of questions through the Chair to anybody who may respond if they so desire.

The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: I didn't get part of it but the last part of it is that we have got to have this program going by July 1, 1994. The reason we have got to do something now is because of the fact, and I read that letter to you from EPA yesterday, that they say it takes between 2 and 2 1/2 years to get all the things in line to get the job done. That is what is taking the time. It isn't something that you can pass today and tomorrow you are going to have everything in place. That is the reason we have got to move now. EPA says if we don't do it, they will come in and have a program and we are going to pay for it. You know what happens when the federal government starts a program, it probably will cost

twice as much as a state program would. That's the story.

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

Representative FARNSWORTH: Mr. Speaker, the other question I posed through the Chair earlier was, what is the earliest date under this bill that anybody could actually have to have an inspection and be required to pay for the inspection?

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

The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: The program cannot possibly be set up and operating until late 1993. That's why we need to start now in order to get the rules done by the Fall, to get the RFP's out, to get the bids accepted and the construction of it so the earliest they will open is sometime in mid to late 1993.

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

Representative HOGLUND: Mr. Speaker, Men and Women of the House: I believe Representative Farnsworth asked a question about federal money and was that what you were alluding to? We would lose federal money if we don't push this through and that was the big threat on it.

The SPEAKER: The pending question before the House is the motion of the Representative from South Portland, Representative Anthony, that the House reconsider its action whereby House Amendment "A" (H-1181) was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 381

YEA - Aikman, Aliberti, Anthony, Ault, Boutilier, Carroll, D.; Cathcart, Chonko, Clark, M.; Constantine, Daggett, DiPietro, Dore, Dutremble, L.; Farnum, Foss, Goodridge, Greenlaw, Hale, Hanley, Hastings, Heino, Holt, Hussey, Jalbert, Kerr, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Libby, Look, Luther, MacBride, Macomber, Manning, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Nutting, Oliver, Ott, Parent, Paul, Pendexter, Pindleton, Pfeiffer, Pines, Plourde, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Ricker, Saint Onge, Sheltra, Simonds, Skoglund, Small, Strout, Tammaro, Tracy, Vigue, Waterman, Wentworth.

NAY - Adams, Anderson, Bailey, H.; Bailey, R.; Barth, Bell, Butland, Cahill, M.; Carleton, Carroll, J.; Cashman, Clark, H.; Coles, Cote, Donnelly, Duplessis, Erwin, Farnsworth, Farren, Garland, Gean, Gould, R. A.; Graham, Gray, Gwadosky, Handy, Heeschen, Hepburn, Hichborn, Hichens, Hoglund, Jacques, Joseph, Ketover, Ketterer, Lebowitz, Lemke, Lipman, Lord, Mahany, Marsano, Marsh, Martin, H.; Mayo, McHenry, Michael, Michaud, Morrison, Nash, Norton, O'Dea, O'Gara, Paradis, J.; Paradis, P.; Pineau, Poulin, Richardson, Rotondi, Rydell, Salisbury, Savage, Simpson, Spear, Stevens, A.; Stevens, P.; Stevenson, Swazey, Tardy, Townsend, Treat, Tupper, Whitcomb, The Speaker.

ABSENT - Bennett, Bowers, Crowley, Duffy, Gurney, Merrill, Ruhlin.

Yes, 71; No, 73; Absent, 7; Paired, 0;

Excused, 0.

71 having voted in the affirmative and 73 in the negative with 7 being absent, the motion did not prevail.

Subsequently, the bill was passed to be engrossed as amended by Committee Amendment "A" (H-1154) as amended by House Amendment "C" (H-1249) thereto in non-concurrence and sent up for concurrence.

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

An Act to Establish a Supervised Community Confinement Program for Certain Prisoners of the Department of Corrections (S.P. 916) (L.D. 2353) (C. "A" S-632)

TABLED - March 24, 1992 (Till Later Today) by Representative ANTHONY of South Portland.
PENDING - Passage to be Enacted.

On motion of Representative Anthony of South Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 2353 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-1248) and moved its adoption.

House Amendment "A" (H-1248) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-632) and House Amendment "A" (H-1248) in non-concurrence and sent up for concurrence.

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

ORDERS

On motion of Representative MELENDY of Rockland, the following Joint Order: (H.P. 1762)

Ordered, the Senate concurring, that Bill, "An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine citizens," H.P.1707, L.D. 2388, and all its accompanying papers, be recalled from the legislative files to the House.

Was read.

Representative Marsano of Belfast 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: A roll call has been ordered. The pending question before the House is passage. 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. 382

YEA - Adams, Aliberti, Anthony, Ault, Bailey, H.; Bell, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Gwadosky, Hale, Handy, Hastings, Heesch, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Look, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKee, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richards, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, R.; Barth, Carroll, J.; Duplessis, Farren, Foss, Garland, Graham, Gray, Greenlaw, Hanley, Heino, Hepburn, Hichens, Ketterer, Kutasi, Libby, Lord, Luther, MacBride, Marsano, Nash, Parent, Pines, Reed, G.; Salisbury, Savage, Small, Spear, Stevens, A.; Whitcomb.

ABSENT - Bennett, Bowers, Duffy, Gurney, Merrill, Ott, Ruhlin.

Yes, 111; No, 33; Absent, 7; Paired, 0; Excused, 0.

111 having voted in the affirmative and 33 in the negative with 7 being absent, Joint Order (H-1762) received passage. Sent up for concurrence.

BILL HELD

Bill "An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (EMERGENCY) (H.P. 1748) (L.D. 2436)

- In House, Read Twice under Suspension of the Rules and Passed to be Engrossed without Reference to a Committee.

HELD at the Request of Representative GWADOSKY of Fairfield.

The SPEAKER: The Chair would call you attention to the matter which is listed as "Bill Held." If you remember, this was also on your calendar yesterday as a bill held. Therefore, it is not before this body any longer, it is in the other body.

The Chair laid before the House the following matter: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (H.P. 1660) (L.D. 2337) on which the Majority "Ought Not to Pass" Report of the Committee on State and Local Government was read and accepted in the House on March 23, 1992; Came from the Senate with the Minority "Ought to Pass"

as amended Report of the Committee on State and Local Government read and accepted and the Resolution passed to be engrossed as amended by Committee Amendment "A" (H-1173) in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Lemke of Westbrook, the House voted to recede.

The same Representative offered House Amendment "B" (H-1175) and moved its adoption.

House Amendment "B" (H-1175) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: The proposal that I am putting before you today, hopefully, does two things.

Number one, it represents a compromise between the proponents and opponents of simple reduction of legislative size.

Number two, I believe it presents us with an historic opportunity to reform the way we do the people's business.

With your indulgence, first I would like to address what kind of a compromise this is and then secondly, I would like to give you the basic argument in behalf of a unicameral legislature because this is what this amendment does. It reduces the size of the House of Representatives from 151 to 149 members and secondly, it creates a one House unicameral legislature.

I mentioned compromise a minute ago, I believe what this represents is a compromise between the basic arguments for reduction and the basic arguments against it. As I understand it, the two major arguments for reduction of legislative size are cost and efficiency. There is data in behalf of cost and there is divided opinion in terms of efficiency but for the sake of argument, let's accept both. Reduction in size would give you reduction in cost and efficiency.

There are counterarguments which we heard the other evening in behalf of keeping the legislative body relatively large. One, you preserve the principle of representation, which is particularly important in a state structured geographically like the State of Maine, particularly for rural constituencies.

Secondly, there is the argument that a small legislative body would be overly susceptible to the influence of lobbyists. There is another argument that relates to cost in another way — if you have too small a legislative body, the cost would be prohibitive for members to run and serve. Those, as I understand it, are the arguments on both sides.

The amendment I have presented would allow for a net reduction in legislative size. At the same time, it would preserve a legislative body large enough to be truly representative and not overly susceptible to the special interests.

What are the advantages of a unicameral legislature? Very briefly, number one, it would give us a simpler form of organization of government, it would eliminate the complexities caused by two Houses and duplication of effort.

Secondly, it would reduce that duplication of effort and waste of time and money involved.

Thirdly, a one House legislative body would make it easier for the public and the press to follow

legislative procedure. The visibility that would come from this would make our job easier and, at the same time, it would induce a greater degree of accountability. It would not be possible, ladies and gentlemen, to play some of the games that we do play with a bicameral legislature.

Fourthly, I think it would create a much more responsive body.

At first blush, this may seem to be a radical proposal but there is a history. The State of Nebraska in 1937 adopted the unicameral form of legislature and the track record since then is there. If I may put on the Record briefly, this is from the unicameral option in the publication "The Future of State Legislatures" published by the Humphrey Institute of Public Affairs, University of Minnesota, 1986. "The Canadian and Nebraska unicameral systems suggest that a one House legislature need not imply hasty procedures. The Nebraska procedure provides what seems to be more than adequate a system of internal checks and balances to preclude the passing of hasty or ill-considered legislation. The procedure is highly visible, accessible and one which provides for a great deal of deliberation. The Nebraska experiment is largely the work of the advocacy of Senator George B. Norris, one of the great progressives of early 20th Century American history." I provided you with a handout which summarizes his wisdom on this. I will not read that into the Record, you have it before you. I think he makes, and I hope you agree, a fairly compelling argument.

Since 1937, there has been no serious effort whatsoever to change the form of government they have. In the State of Nebraska, and there are many other reports but I am not going to introduce them, the evidence is that it works.

There are, however, two problems with the Nebraska experiment — if you still have what I might call the legislative size pink slip that I passed out yesterday or the day before, you will note that the Nebraska Legislature is the smallest in the nation with 49 members. The only criticism that has been raised in Nebraska are questions about the legislature precisely relates to this, that it is too small and, therefore, there is the question of the influence of lobbyists. The amendment that I have proposed would not have that problem but, at the same time, would be a unicameral form of government.

It was mentioned in the quote and I will mention it just briefly that there are other examples of unicameral forms of government. All of the Canadian Provincial governments are unicameral and for most of their history they have been. Quebec in 1968 was the last to adopt the unicameral form. It has worked in Canada.

In Europe on the state and provincial levels, all of the legislatures are unicameral. As we know on the level of city or municipal government for a very long time, all of the forms of government have been unicameral. In fact, the Parliament which is often alluded to, the British Parliament, is a masked form, if you will, of a unicameral legislature, since the House of Lords long ago lost any effective power, period, so that the House of Commons directly elected is the legislative body in Great Britain. In fact, unicameralism is not unknown in our history, a number of Colonial governments were unicameral, most notably Pennsylvania. Of the original framework of government, we had the Articles of Confederation

which was unicameral. The State of Vermont remained unicameral until 1835. There are other speakers today, I understand, who will address the historical background so I am not going to stay with that at this time beyond saying that there is a background.

Pointing out one other thing on the handouts that I gave you, because I think two things are illustrated, one, yes Maine is among the top 20 percent, if you will, in terms of size and that strikes you. If you then distill it and look at the legislative size of the New England Legislatures, you will see that Maine is very much in line and in fact is smaller, but all of the New England Legislatures are relatively large. There is an historical reason for that, it relates to English constitutional history, it relates to the Puritan background, it relates to, if you will, the development of Yankee common sense and that was, that in New England, unlike any part of the country, we developed town by town, township by township, and the idea was to preserve the link between everyone of those towns in representation in the general court or whatever the name of the legislature was. That is part of New England's history and I may sound exceedingly provincial but I think New England was right because this does maintain the principle of representation.

There is in today's Press Herald, and some of you may have seen it, an editorial which has a headline, "History Is On the Side of Smaller Legislature." Rightly or wrongly, the people relate size to inefficiency. My daughter is much more familiar with the lingo nowadays but I think the response to that is "naught." The fact of the matter is that history is on the side of large legislatures if you are concerned with preserving the principle of democracy.

The mention here is of efficiency — democracy is not always, as I think we know and see, the most efficient form of government but it is the type that works better than all others. Our arguments on behalf of efficiency should never negate the need for democracy and to maintain its principles.

I would just say that this editorial is an example of a problem that we confront. The people may very well, at this point if you conducted a poll, think that by reducing the size of the legislature would make things better. Why wouldn't they? They constantly read editorials like this that tell them that. They have not heard or it has not gotten out to them the counter balancing arguments. I am willing to bet if they did, they would support a unicameral legislature. It says here that the idea of a unicameral legislature is not a bad one, that it deserves discussion and says, "Why go for it because the Senate will probably oppose it?" Men and Women of the House, I think we have to be more than reactive. I think too often in this House that we are reactive and why not? Problem after problem, issue after issue, we are always reacting, we are not proactive. In many ways, I think we are prisoners. We are prisoners of concerns for expediency. This is the most expedient thing, maybe if we do this, it will work. We have seen again and again that that doesn't work. Perhaps the editorial writers have all said that this is the way to go so we had better go that way — that isn't the best way to act.

The good Representative from Ogunquit the other day made a point on the floor and it is a valid point and that was, maybe the legislature won't be held by reduction in size but the perception is there that it will help. We have to deal with perceptions, I know

that, I am a historian, the perception of reality dictates what we do but we cannot be prisoners simply through perceptions. The people expect more of us than simply reacting, they expect us to be responsible to come up with constructive leadership. Many years ago, John Kennedy wrote a book about this called "Profiles in Courage." You don't always react, you sometimes have to take a stand.

One other point and I will mercifully (I am sure to you) sit down. To me, the one argument and the only argument that has been made against a unicameral legislature, which is strong and should be addressed, is that it would do away with the system of checks and balances, that the system of checks and balances in a bicameral legislature is necessary. Men and Women of the House, that was a good argument 200 years ago when it was made by our founding fathers. There are reasons for it. One reason is that after the Revolution, as a result of the Revolutionary experience and the strong attitude against executive authority, either by the King or Royal Governors, all of the state legislatures were much more powerful, the legislative branch and the governors. The governors, by law, were weakened, there was no balance between the executive branch and the legislative, that is the historical record. The feeling was that internal checks, therefore, had to be created within the legislative branch because it was so powerful. That in fact was an argument that Madison made in the Federalist papers — well ladies and gentlemen, 200 years later, the pattern of development has been increased power of the governors so that the argument originally on this level is moot. It no longer applies. The real checks and balances should be where the real checks and balances always should be, between the three branches, legislative, executive and judicial.

Secondly, on the national level and in a number of states, the feeling was that they couldn't allow the government to be too democratic, Democratic with a small "d." Our founding fathers were a little bit afraid of or worried about letting the people have a direct voice. That is why they wanted a Senate on the national level. The feeling was that you would have different constituencies and there would be a balance, the upper body, if you will, would be more conservative, more aristocratic; the lower would be more democratic directly from the people. If that argument ever made sense or ever had support, it was invalidated by 1964 with the Supreme Court decision of Reynolds vs. Simms, where both Houses of all legislatures have to be apportioned on the basis of population so the base for both Houses is the same. It is not different so that argument also no longer applies.

I made a promise and I will adhere to the promise but the one thing I would say in closing is, that what may seem to be a very radical, very visionary proposal, I think upon analysis, upon thoughtful consideration, actually makes a great deal of common sense. What we would be doing is, not simply reducing size, which is arguable that that does anything one way or the other, what we would be doing is undertaking real, substantive, meaningful reform. That, I think, is what the people out there really want. What they want is for us to reform the way we do business, to be more responsive, to be more effective and I sincerely believe that this proposal would allow that.

On this, don't think small, we are talking

reduction, don't think small, let's act big, if you will, on this issue. Let's respond to a window of opportunity, let's open up the windows to the winds of change in this state. The people of the State of Maine, I think, will be very pleased if we do that and history will record that the 115th Legislature, which probably has had to deal with more problems, more consistently on a daily basis, than any legislature since 1880, that this legislature can say, we not only reacted to events, but we acted to master them and move the State of Maine forward.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the wonderful comments of the Representative from Westbrook. I can see why he has a PhD in history because his history lesson to us this morning is very much appreciated.

I have a particular interest in this legislation and plan to vote to adopt House Amendment "B" because in 1979, one of the first things I did as a member of this body in the 109th Legislature, was to sponsor a bill for a unicameral legislature. It isn't a new proposal. It is a rather old proposal that is sort of picking up steam across the country. There is no need to have bicameralism in our state houses, not since Reynolds vs. Simms, not since the Supreme Court made their determination in one man/one vote. We see vestiges in the Senate where the presiding officer recognizes a member as a Senator from a county. As the Representative from Westbrook alluded to, counties chose in this state two members to serve in the Senate; in the towns, chose members to serve in the lower body, the House. That is why when we are recognized by the presiding officer, it is the Representative from a particular town. But, since Reynolds vs. Simms, we can have a Senator representing three or four counties as is often the case because of the district that has been apportioned to them.

Our founding fathers had, in one hand, a terrific amount of faith in people but, in the other hand, had a fear of direct democracy unchecked. Madison was in favor of a popularly elected lower house. The House of Representatives in our Constitution details that. But, at the same time, in order for the state, the larger states and the smaller states to be able to get along and to get the Constitution ratified, he had to go along with an upper body, an appointed represented body. Until 1916, until George W. Norris in the progressive era, the United States Senate was an appointed body. We, the legislature, elected them from our state houses and sent them to Washington for a six year term. They were not elected by the people. That was amended in the Constitution by the people of the United States and since 1916, they have been popularly elected.

There is no reason to have bicameralism when everyone in the other body represents everyone that we do on the same basis, a district representing one man/one vote.

If you reduce the size of this body, which was what the original bill called for from 99 to 59 to 139 or 149, you still keep intact two administrative structures, two staffs, roughly equal in expense. We have an administrative staff, they have an administrative staff. We have printing, they have printing. Just to reduce the size of the body makes a short term, one-time saving, period. To abolish the other body, they save long time administrative

savings because it is a duplication of effort. While we think it is a check on us, there is nothing we can't amend here in our own rules, the House Rules, that call for a longer period of time for bills to be considered.

Your city council and your town meetings are unicameral. Augusta, my city, abolished a bicameral legislative body in the early 1960's. We had a board of aldermen and a city council and we abolished it. We have solely a city council. All of our cities have unicameralism, as was mentioned earlier in this debate by the Representative from Westbrook. Why can't this legislature seriously consider one House?

In the tradition of New England town meetings, the Massachusetts Legislature, the House, is called the Great and General Court. There were 240 members until 1970, I believe, 240 members in the Great and General Court of Massachusetts. As the good Representative has explained, every township could bring issues of concerns to the general court. We think of courts as judicial bodies but our founding fathers, the colonialists, deemed the House of Representatives to be the Great and General Court.

The western states, the newer states in our Union, have small legislative bodies but what was never mentioned in this body when we debate reducing the size of the House is that they have strong county government. They elect ten or fifteen county commissioners to administer their districts. They administer fire and police protection and hospitals and general aid. They raise taxes, they pass laws.

We really do not have that setup in our county government. They cannot pass any laws, they rely on the legislature and the towns to do laws in this state. They are not the same form of county government according to our New England tradition as the western states have. They have another layer of government that is very costly, we have the legislature.

One and a half percent of the cost of running our state bureaucracy is the legislature, supposedly a co-equal branch of government. I hear the debate raging in the press, in this body, outside, of how inefficient the legislature is because of its size. How awfully inefficient it is to run a legislature today because of salaries, because of the number of bills that we print.

Let me ask you, in the history of democracy from Ancient Greece to the United States of America, the longest living democracy under a Constitution in the history of mankind, what democracy has ever failed because it was too large? Which one of the countries that enjoyed democracy, whether it be Greece or the United States, failed because its legislative body, where the people spoke freely, failed because it was too large? I don't know of any. A lot of them failed when they got too small, specially when they got to the number one and that is called dictatorship.

We have a check on the executive. I enjoy a healthy debate between the executive branch of government and the legislative branch of government. If the executive thinks the legislative is too big, he has every right as a free citizen of this state to make those views known, but think nothing less of it than a debate between two branches of government. No matter how political it is, the executive, be he Republican or Democrat, would love to have more control over the legislative branch of government. It is nothing more than an historical debate, one which our founding fathers expressed so coherently

when they put the checks and balances in. It is not always a political debate.

So, I rise this morning to support House Amendment "B." I urge its adoption. Unicameralism has worked in Nebraska, a state in geography very similar to our own and in population and it can work in Maine. We can make it work no matter what the number is but we do not have to have bicameralism. Bicameralism is not that efficient. We can prove to the people of the United States that two states can do it.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: As a member of the State and Local Government Committee, I certainly have seen this issue, actually twice in the last two years and have been an outspoken opponent to reducing the size of the House. My concerns, as I have expressed often, are that rural people, I believe, would be underrepresented by reducing the size of the House.

I want to thank Representative Lemke for bringing this particular amendment before us because it does in fact resolve that issue for me because the issue of rural access is very important and by maintaining a House of reasonable size, and I think this House is of reasonable size, given the layout of our state and the way our state is put together, then that is successful. What it also does is create additional effectiveness within our system.

We have looked at restructuring government department by department in a rather arduous process over the past few weeks. I see this as an opportunity for us to restructure our own department.

I would take exception with the comment about abolishing the other body. I would like to see this as a building process, a process in which a new body is in fact created as opposed to abolishing one and keeping the other. I think that is really important because these kinds of processes, any kind of restructuring, should not be seen as just tearing apart and tearing down but creating something that will work better than what we have currently. I would urge you to support this amendment.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I have the Nebraska rules that I had requested about six months ago and I am going to vote against the pending motion, not because I don't think reform is not needed, in fact I do, but because I don't think the motion in front of us does in fact create reform. If you believe that by virtue of the fact that we go to a unicameral legislature that that is reform in and of itself, then you vote for the pending motion but I do not feel that.

My good friend from Westbrook said the State of Nebraska was a good example. Well, the State of Nebraska has several pieces of reform that I think we as a legislature should look at but they do not require a constitutional amendment.

First of two major points — one, in terms of size of this body and the other body, we can deal with that as part of the redistricting issues and deal with it within our system without amending the Constitution. The Constitution talks about 151 members in the House and 35 in the Senate. In terms of other reforms, Nebraska elects from their full

legislature, the full unicameral legislature, a committee on committees of 13 members of which all the districts in that state are equally represented. That committee recommends to the full unicameral legislature what the membership of every committee will be in that legislature and the full body votes on those recommendations. Then for each committee, the chairs are elected by secret ballot of the full legislature, not by any one member, not by any two or three members. That is done through the rules of that body, it is not done by a constitutional amendment. Also, the committees themselves are vested with a great deal more power than we currently have within our own committees. They can meet on any issue, attend public hearings; create public hearings, create public discussion and create legislation without going through any other entity or having a bill referenced. To me, those are important reforms. Some of those things, if not all of them, can be done without a constitutional amendment. If I thought for a moment that having a unicameral legislature, which primarily the purpose and the reason for the savings is downsizing of the legislature, creates a more equitable and democratic (small "d") process, I would probably support it. I can't see that happening with this bill. I think there are reforms that we can do without a constitutional amendment and without all of the unanswered questions and I think we ought to do that.

I would urge indefinite postponement of this amendment and ask for a roll call.

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 vote against the pending motion to indefinitely postpone House Amendment "B." I commend the sponsor of this amendment because this is a genuine opportunity to reduce the size of the Maine Legislature and to continue to have Representatives throughout the State of Maine.

Two nights ago on March 23rd, I rose and said that I was voting against the pending bill, L.D. 2337, because there are more questions than there were answers. When a piece of legislation comes to you and says that we will reduce the size of the Maine House of Representative to 99 to 123, what does that mean? The question within the committee was, why? The second question within the committee was, how? The question that I had was, how many Representatives will represent Maine citizens north of Bangor in the rural areas of this state? How many Representatives will there be west of Augusta in the western rural part of this state? I believe that this is a good alternative.

The press has said and has been a proponent of reducing the size of the legislature, not naming either the House or the Senate, that this would be a good idea to cut costs. I believe that the sponsor of this amendment has said to you and has very poignantly said that it will reduce the overlap, the duplication of staff, the duplication of all of the functions that go on. One of my questions was, would the pending bill that we were talking about two nights ago save money? The answer was no, when in other states they are paying \$100,000 staffing allowance in order for legislators with very large districts to continue to be in contact with their constituents? What about accessibility. That question has been answered for me. The size and the

role of joint standing committees — well, with 149 legislators, those standing committees could be of somewhat the same size and they would be divided in a partisan fashion with the minority and majority according to percentages.

The good Representative from Lewiston has said, you do not need a constitutional amendment. I don't find that an accurate statement, you need a constitutional amendment to reduce the size of the Maine Legislature. In his further comments about the State of Nebraska, where incidentally, all legislators are called Senators and there are only 49 and I think that is too few, that those issues can be decided by Joint Rules. I believe that the questions would be answered and I believe that Maine people would be adequately represented. I don't want to think of this in terms of abolishing anything. I want to think of this as there will be 149 candidates out there running for the Maine Legislature. One hundred and forty-nine people will commit themselves to public service representing the people of Maine throughout this state and there would not simply be a heavy representation from the urban areas of this state as the bill in fact indicated could happen.

I urge you to not support indefinite postponement of House Amendment "B", it is a very valid piece of legislation and proposal for us to consider.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: As always, Representative Lemke does a very well-informed job in describing his position on issues dealing with democracy whether it be a debate over direct democracy or indirect democracy, recall or whatever, he always does a job that is very well-informed.

The concerns I have had — I have thought about this issue a lot because I was very much persuaded by a lot of things that he had to say with the unicameral court but I ultimately came down to one thing, frustration, frustration over the process. You can call us a unicameral body or a bicameral body but the fact of it is that it comes down to putting on a different set of clothes. You have the same thing.

I think Representative Boutilier is correct when he says that we have to look carefully at the system of a unicameral body and look at what they have as a system as a whole and what we as a bicameral type system have not done. Have we exhausted all the possibilities of reforming our own system?

One of the major ingredients of both of these types of bodies comes down to size. Nebraska, I believe, has the same population as Maine. They have 49 members, we have the same population and we would have 149 members, they are both extremes.

The criticism I have heard with both systems, bicameral versus unicameral is size. That is the common ingredient. One of the things that we can reform within our current system to be an analogue of the unicameral system is size. This is something we already have in place.

If you adopt the unicameral notion, you might also ask yourself, is it correct what the other body does that has 35 members or is it correct what this House does that has 151 members? I think we can agree that we all disagree on a number of items and neither one of us is right all the time and that debate goes on. What happens when you reduce the size is you actually are under more scrutiny by your

constituents, you have much more of a direct democracy, a direct democracy so that you are less influenced by lobbyists because you are the person that is trying to compromise all these special interests out there to meet a happy medium. When we have a size of 149 with a unicameral system, that tends then again create factions, small factions that can never come together to meet some kind of unified compromise that essentially helps a little bit, hurts a little bit.

I think that before we take a drastic step to go to a unicameral system is that we have to look at our system that we have in place. I would suggest that one of the things that the people are saying out there is that we have to reduce size. I would suggest that we could reduce size within our current system and we could achieve the very same thing that we would have with a unicameral system, the difference is that we have got a substantial history with our current system to be able to adopt it to the State of Maine and for the people of the State of Maine.

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

Representative KERR: Mr. Speaker, Men and Women of the House: If we are going to go back in time, I would like to go back to when Maine became a state and some compromises were made. One of those major compromises was that each of the 16 counties would be represented by two Senators. Today, our House and Senate are apportioned according to population. The terms are identical, the county boundaries are no longer the determining factor. As the good Representative from Augusta stated, back in 1964 the Supreme Court of the United States ruled that both Houses of the state's legislature must be based on population. Thus, the basic purpose of the Senate is no longer valid. In fact, the distinction between the two bodies is artificial and elitist. This dualism, as we all know, is very costly and not really needed. If we are sincere about realizing some savings by reducing the number of legislators and the staff, unicameralism, I believe, is the most meaningful system without jeopardizing the genuine democratic representation.

We have talked about Nebraska. I would like to look at nation states as diverse as Denmark, Finland, Israel and New Zealand that manage their national affairs with a unicameral body. I believe it is time for the people of Maine to have a chance to end this exclusive to Maine. I believe we should stop passing the paper and the dollars, let's save some tax dollars and make our legislative body more effective and efficient.

I would only urge you to support House Amendment "B" of L.D. 2337 for a unicameral form of government.

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

Representative SHELTRA: Mr. Speaker, Men and Women of the House: I would like to have you know that I have been supportive of a unicameral form of government since the early 1960's when the now deceased Judge Nicholas Danton was a member of this body and presented this form of government. He told me at that point in time, "Carl, if you should ever serve in the legislature, you will see what I mean." Well, I have served for six terms and in those six terms, I have witnessed many situations that I feel would have been avoided had we had a unicameral form

of government.

Most of you here, even the last session and many sessions before that, you have seen ourselves milling in the hallway in the darkness and lateness of the night, just waiting for the other body to enact legislation. Not only that, but waiting for all that paper work to be sent to the printers to be printed and then to be forwarded to us. To me, this was a complete waste of time, whereas I felt all along (as many others) that the procedure had it been enacted with just a unicameral form of government that we would have obtained the same results. I definitely am for this amendment.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: I hope that you will support this amendment, I think it is a good compromise. One of the reasons I rise to say anything is because I had a Joint Order in that would create a unicameral legislature and it is up to the State and Local Government Committee to consider that.

I will say that a couple of my perceptions or visions were a little bit different. I wanted to create one unicameral legislature out of the two bodies, change the name, and rather than reducing the size, I wanted to add ten members. We would still be, if we did that, reducing the overall size of the legislature by about 25. I do believe very strongly in maintaining democracy at the grass roots and, while it is unrealistic to do what the founding fathers intended, namely to give each town its own Representative, I think we should stay as close to that as we possibly can and maintain a really good New England tradition in that respect.

I do agree with Representative Lemke very strongly that if we have a unicameral legislature, it is much easier for the people to follow what is going down in their representative body and to ascertain who is responsible for what, which gives them a little more accurate information to help them in determining whether or not they want to send this one or that one back to the legislative body.

With respect to duplication of effort, I could not agree more with Representative Lemke. I think in fact, if the people out there knew how much time and energy is expended bouncing legislation back and forth between the two bodies, that they would be rather shocked. Of course, what costs time and energy, costs money. We could save all that time and energy and put that energy into something more constructive and save money by consolidating efforts and staff by creating a unicameral legislature. We would avoid a lot of confusion and hassle if we did that. About everything else that I think there is to cover has already been covered so, for me, I am being relatively brief.

I would address one question to the Representative from Lewiston, Representative Boutilier. I wonder if the unicameral legislature in Nebraska is a full-time legislature or not?

Once again, please support this amendment, I think it is a good compromise.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I am not going to add to the argument, I think the argument has been made well on both sides but I am going to make a point of clarification in response to a query that may be unspoken on many of

your parts. Why the number 149? The reason for that — again I will make reference to my pink sheet — is that if you look at this and you want to do the calculation, 149 is the exact median in terms of sizes of state legislatures throughout the country. I thought that was an adequate number. That is the reason for 149. Obviously, it parallels quite closely with the size we have of 151 and I don't want to leave the impression that the reduction is only going to be a couple of seats. Obviously, the net reduction is about 40 seats. So, what we have here is a compromise. I hope it is a compromise that you will accept.

I am not going to recapitulate the history of the State of Nebraska but like the State of Maine, they didn't create their constitution in one piece without amendment over the years. I consciously tried to give what I thought was good about Nebraska but not totally replicate it, I think its size was too small and, therefore, I thought 149 preserved the principle of representation while, at the same time, allowing for the net reduction.

Representative Boutilier of Lewiston moved that House Amendment "B" (H-1175) be indefinitely postponed and further requested a roll call vote on the motion to indefinitely postpone.

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 Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House: I would hope that we do not indeed postpone indefinitely any further discussion of Amendment "B" presented by my friend and near seatmate, Representative Lemke. I think if we need any proof that a single House body can govern itself well, pay attention to the affairs of the citizens of the State of Maine and do the job that needs to be done, we need only look around our own chamber at the very careful attention we have been paying to this one subject for the entire length of this debate. This rarely happens on a day when there has been so much stuff on the table before us and so much stuff yet to be presented to us on the agenda awaiting us.

Other people have well laid forth the groundwork and I would like to address what I was able to find in the original intent of the founders of the state in the year 1819. Mr. Lemke, I think, has fairly well set forward the choices and the one reason why we may want to be considering, does smaller necessarily mean better? Does smaller necessarily mean cheaper? Does smaller necessarily mean more efficient? I think the question is a question of quality. Why are we proposing to reduce the size of the legislature? Is it a desire to punish the institution or a desire to improve the institution?

I went back to the original debate of the 1819 convention that founded the State of Maine and found that they are readily available in most libraries in the state in a book this thick, one inch of which is devoted to what was described by the members of that founding body as the most important clause of the entire constitution, that was the one respecting

legislation and representation. There was a great deal of talk in 1819 about reducing the size of the legislature because the Mainers then meeting were speaking about the only legislature they knew, that of Massachusetts, which in 1819, had 700 members. Therefore, there were various motions made upon the floor of that convention to reduce the size of the House of the legislature as best as they saw fit for a very scattered rural state which they knew we would be. Various motions at different times carried to make it either 200 members or 300 members or to finally settle upon about 1500 human beings represented by one legislator, about 150, as we have it today.

They cited several things to make sure that the evils of the big city legislators would not ever be able to overwhelm the important things they felt would be represented by those people who came from rural areas. In fact, they said this, "Suppose six new towns are clasped together for the purpose of sending one Representative? Well, these towns being six miles square making 216 square miles, say these towns send one man and the best they can find among them, an honest old farmer, a steady plow jogger and he attends and sits silent all session and all the year if he goes, unless he is requested to give his yea or nay, then say that the town of Boston sends three and they will take care that they are men of information and the best information, men who have spent their whole lives in study, men who are profound politicians, the most able and eloquent orators. The question is, who will be the best represented, the two square miles in Boston or 216 miles in the woods according to their wealth and position?" Therefore, the founders decided it was best to have a fairly large body at least in the House to make sure that those 216 square miles in the woods in fact were well and effectively represented. In fact, their greatest fears in making that body was that there would be people too young serving in it. In fact, went further on to say this, "Of all the arts in civilized society, none is of so much important as that of making laws. None requires more extensive knowledge of a particular object. When then and how is a boy, just from under family government, with his freedom suit stiff as buckram on his back to acquire all this vast extensive knowledge of legislation? They ought to have some acquaintance of mankind on the ordinary manner of doing business. I do not like to see a legislature," said this particular legislator, "filled with young men, men with no experience, there would be no want of men over the age of 25 and short of the age of imbecility through years or bodily infirmity to fill all the future legislatures of our State of Maine."

I tend to think the result they created, this particular body, the House, indeed lived up to that challenge and that promise. Look around you, men and women of the House, and notice how I phrased that, men and women of the House. The number of women present today, the number of the very young and the very old who have served here, people of color, representatives of our own native North Americans.

The bill before us today, Amendment "B", is no threat to either party and indeed is a challenge to either party. If you have any doubt how rich in fact we are, as a result of the founders and their thinking and a result of the votes at home that brought us here, then just look around fellow members of the House. If you have any doubt that a

unicameral legislature would have people of quality, look at your seatmates, people like the millwrights like Dick Tracy and Herb Clark, lawyers as different as Dana Hanley and Susan Farnsworth, grocers like Will Bell, farmers like Willis Lord, John Nutting, Bob Spear, Walt Whitcomb, educators like Charlie Heino or Omar Norton, or scholars like William Lemke. I rest my case.

Please do not indefinitely postpone Amendment "B" and let us go forward with the work before us.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: It would probably be a lot easier for me to have stayed in my seat and not said anything on this particular issue but since the other Representative from Westbrook has introduced into evidence the book "Profiles in Courage" and since I have already read it a few times myself, perhaps even though it would be easier to not say anything, I just have to. One of the chapters in "Profiles in Courage" that I liked best of all was the chapter regarding the Senator who in spite of tremendously popular sentiment to remove the President of the United States in the impeachment proceedings against President Johnson and even though ultimately would ruin his political career, he had the courage to go against the sexy, apparently popular mood and to cast his vote in the opposite direction. In my judgment and from listening to what has been said, I suspect that I will be well on the short end of this particular vote but this is only my view and my own opinion. I do not have, (oh, I think I do have but I don't express it as well) the historical background that has been put forth here today but I did spend quite a bit of time or a little bit of time in Nebraska and a lot of time with one of its 49 Senators. He did me the favor of spending quite a bit of time with me because I was interested in their system. I can tell you that the same problems that exist here, exist there, maybe in a different way, but if you think things will go all that much more smoothly and that they will be no differences between people and that it will be more efficient, I can tell you that that isn't necessarily so.

I am troubled. I have a long statement because I thought we would be talking about just the idea of reducing the size of the legislature and I realize that is not what is on the floor at this very moment. I get very tired of hearing legislators, either by their silence or by just getting up and agreeing with what is in the press about the inefficiency of this body. It is slow, there is no question about it. My two seatmates will tell you that there is nobody that gets any more frustrated than I do when things go slowly. I would submit to you that in fact this legislature and the ones before us, and I would assume the ones after us, have done a lot of wonderful things for the people of the State of Maine because of the action between and interaction between the two bodies.

The press, and I admit there is a lot of it, gives you the impression that the public at large out there feels that we are too big and that is the reason that things are the way they are right now. I submit to you that neither the size of our body or the terms of office or the fact that we have two houses, none of those have anything whatsoever to do with our economic problems, they are there and they exist and they exist everywhere.

I guess I will sit down and just say to you that I am going to cast a vote to indefinitely postpone this bill. I was going to cast my vote to vote against it, I will subsequently vote against reducing the size of the legislature and I will stand up to anybody today and in November. If it should be the reason I don't return in January, so be it, but I just could not stay here and sit and not say anything and let you know that this Representative does not agree with it for any of the reasons that have been expressed to you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Lewiston, Representative Boutilier, that House Amendment "B" (H-1175) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 383

YEA - Aikman, Ault, Barth, Boutilier, Butland, Cahill, M.; Constantine, Crowley, Daggett, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Gwadosky, Hanley, Hastings, Hichens, Jalbert, Kutasi, Lawrence, Libby, Look, MacBride, Marsano, Merrill, Mitchell, E.; Murphy, Norton, O'Gara, Pendexter, Pines, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Small, Stevenson, Tamaro, Tupper, Whitcomb.

NAY - Adams, Aliberti, Anderson, Anthony, Bailey, H.; Bailey, R.; Bell, Bennett, Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Cote, DiPietro, Duffy, Erwin, Farnsworth, Gean, Gould, R. A.; Graham, Gray, Hale, Handy, Heeschen, Heino, Hepburn, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lebowitz, Lemke, Lord, Luther, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, J.; Morrison, Nadeau, Nash, Nutting, O'Dea, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Rand, Richardson, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Skoglund, Spear, Stevens, A.; Stevens, P.; Strout, Swazey, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

ABSENT - Bowers, Donnelly, Dore, Gurney, Lipman, Macomber, Simpson, The Speaker.

Yes, 46; No, 97; Absent, 8; Paired, 0; Excused, 0.

46 having voted in the affirmative and 97 in the negative with 8 being absent, the motion to indefinitely postpone did not prevail.

Subsequently, House Amendment "B" (H-1175) was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1173) and House Amendment "B" (H-1175) in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

SENATE PAPER

The following Joint Order: (S.P. 968)

ORDERED, the House concurring, that Bill, "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State," H.P. 1669, L.D. 2345, and all its accompanying papers, be recalled from Engrossing to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

MATTER PENDING RULING

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "B" (S-527) - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities (S.P. 42) (L.D. 66) - In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Resolution passed to be engrossed as amended by Committee Amendment "B" (S-527) as amended by Senate Amendment "A" (S-535) thereto and Senate Amendment "B" (S-555) TABLED - March 4, 1992 by Speaker MARTIN of Eagle Lake. PENDING - Ruling of the Chair.

The SPEAKER: The Chair will rule that the bill is improperly before the body. The Chair will also rule that amendments have been prepared which will bring it into compliance with the rules.

The pending question now before the body is the motion of the Representative from Waterville, Representative Joseph, that the House accept the Minority "Ought Not to Pass" Report.

The Chair recognizes that Representative.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: You will have an opportunity today to vote for the infamous L.D. 66. I believe that before we start our discussion and debate on this issue we need to understand and I do believe that there is not one member in this House that does not believe that the state should fund any directive so-called mandates to the municipalities of this state. All of us understand our responsibility towards our towns and our cities, all of us understand our responsibility to our constituents and all of us, I believe, adhere to this standard with the utmost of our ability. We are here because of those constituents, those individuals whose government this is and all of us I believe here in the Maine House of Representatives want to do the right thing. Sixty-five or seventy members of this body, ten months ago, said to several of us that they were opposed to L.D. 66. I hope you remember who you are because there has been no lobbying effort on this bill as far as I am concerned. However, there has been a special interest group out in the hall and, unfortunately, they have chosen this as their primary issue. They have chosen this over other issues that in fact could reduce the property taxes for the men

and women, the poor, the elderly and those who are property owners in your city but they have chosen this issue as the primary issue.

You ask perhaps why, what issues did they ignore? I didn't see little round, green stickers on any of that sort of thing when we were talking about a risk pool so the schools could purchase insurance from that risk pool. I didn't see any movement when in fact there was a piece of legislation before this body so the cities and towns could borrow money from the Maine Municipal Bond Bank called the Investment Pool so they could get a better return for the dollars and yes, in competition with your local banks. I didn't see the special interest groups that the Waterville pays \$13,000 to for dues annually. I didn't see those people outside when there was a piece of legislation going through this body saying that there would be phase-in or phase-out of county jails and county corrections into the state system with the Department of Corrections.

I believe by selecting an issue to focus on that is truly misrepresentative of what is happening here lends itself to demagoguery and overblown rhetoric. It ignores the significant proposals that we have proposed in this body to reduce property taxes for the taxpayers in our towns.

Those of us who are opposed to L.D. 66 do so, not because we believe that we were willy-nilly passing legislation and passing those costs on to the municipalities and taxpayers of our cities but we do so because we are talking about something that is a very serious issue to me and perhaps to others, the inflexibility of a constitutional amendment. A constitutional amendment is a very serious issue and once you have amended the constitution for all time, you may not have the opportunity to change it again. When you do so, you should do so thoughtfully. Each of us here took an oath of office to swear to uphold the Constitution of the United States and of this state and I don't believe that there is single member of this body or the other body who takes that lightly. When the seriousness of the Constitutional amendment is before us and when in fact there are people in this state who will then decide whether or not it would be a change in our constitution don't have the information that you and I have, then I consider that extremely serious.

This reminds me of a conversation I had with a very learned man, a gentle man, an attorney, a former legislator, a mayor of the city of Waterville and father of the current mayor and he said, the people in this room, and there were 400 or 500, have no idea of the amount of information that each of you have about all of the issues that come before you, maybe over 2,000. Because of that, I have to ask you to adopt the "Ought Not to Pass" Report.

Let's be honest with ourselves, "most mandates" are not passed by the Maine Legislature at all. "Most mandates" are created by a process that other legislators have created and that is the rulemaking process of the departments and agencies of this state. It also comes as a surprise to many of us after we come back from the breaks between legislative sessions and we discover that certain things are being required of the citizens of this state, of the businesses of the state, of the individuals of this state, and that is that a rule has the same force as the law. Mandate, yes it is quite an issue. L.D. 66, we can all talk about it but I believe in the legislative process and I

believe that each of us represents our districts and I believe that each of us communicate with our municipal officials and I believe that this legislature in the past 10 months has responded to the people of Maine in a way that you could not respond if this was written in the Constitution of the State of the Maine. I don't know about a great deal about Energy and Natural Resources so I will select that from what I hear as a lay person, as a citizen of the State of Maine and a person who is concerned about the complaints that I hear about how difficult it is to do business in the State of Maine. I will say, that from where I sit and listen to those issues that that committee through the legislative process has responded to the people of the State of Maine, has responded to the businesses of the State of Maine, has protected the environment for all time for future generations of the State of Maine because the legislative process works. When a person said that we cannot adhere to the rules from the departments and agencies or we cannot adhere to the legislation passed by this legislature or past legislatures, then in fact the process allowed of a weakening, if you will, of those laws or actually delaying the process written in those laws.

Men and women of the House, we cannot fool with the constitution, it is not a responsible act. I will give you two simple little examples of what has occurred in the past few weeks here in the Maine House of Representatives. The Washington County budget was passed and there was a mandate and language had to be written so this body could adopt the Washington County budget.

We have had a long process here and I smile because I think of the people who have learned about this process, about when Long Island in Casco Bay wanted to separate from the city of Portland, there was language that had to be written to allow Long Island to secede from the city of Portland because there was a mandate. There was a motor vehicle law that was passed and language had to be written to allow that law to go forward.

My question to you men and women of the House is, are we wise enough, are we prophets, are we wise enough to anticipate the needs of the future generations of Mainers? I am not sure we are but I am sure that we have a very strong law on the books that is in the process of being amended that deals with mandates that will have the flexibility that this legislature or future legislatures can actually amend and change to the needs of those days and those times. For that reason Mr. Speaker, I move indefinite postponement of L.D. 66 and all its accompanying papers.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would certainly hope that you would oppose the current motion to indefinitely postpone this bill. There are amendments that will be forthcoming and I regret that at this time that it is not proper to discuss those in detail but I think it is very important to defeat this motion and then go on and accept the Majority "Ought to Pass" Report so those amendments can be presented. I think many of the questions raised by the good Representative from Waterville have in fact been answered by the creation of this particular amendment.

When there is discussion about fooling with the

constitution, I do not believe that by supporting L.D. 66 that I am fooling with the constitution. I believe that what we are doing is using the constitution in a very responsible way, to create parameters from which we are to work. When we talk about inflexibility of constitutional amendments — in fact there is some inflexibility but that inflexibility, again, creates the parameters in which we work and that I think is a positive thing.

When we have heard that there have been concerns about bills, whether it is the Long Island bill or the Washington County budget, that it created some level of concern about mandates and the concern about the funding of those mandates. I think one of the most healthy aspects of that is that that information is finally before us and that information had not been before us in the past. If the Long Island bill had been presented five years ago, we would not even had the discussion about the fact that we were in fact imposing a mandate upon the city of Portland. That discussion is a healthy discussion because I believe that the more information that this legislature has on which to base its decisions, the better those decisions are going to be. If we are to sit here with a fiscal note of municipal impact statements and know what it is that we are imposing upon a municipality, we will be making a better decision, whether we make the decision to go along with that, to go ahead and impose on the municipalities or not, the point is that we will have more information with which to work and that is very positive.

I would urge you to vote against indefinitely postponing this bill so that we can go on and look at the further amendments that address many of the issues that have been raised and discuss this issue fully.

Mr. Speaker, I request a roll call.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 66 has been a top priority for the City Council in Presque Isle and for a good portion of its residents. Last year they wrote me a letter expressing their opinion and I carried that letter all session and folded it and unfolded it and finally disposed of it at the end of the session when we did not consider the bill. This year they have written me another letter and they phone me and say, "How are things going with L.D. 66?" So, it is a top priority of theirs.

Today I would like to read into the Record a letter from them that expresses their concerns, their opinions and why they are so strongly supporting L.D. 66. "Dear Representative MacBride: I am writing to convey the strong support of the City Council of Presque Isle for L.D. 66, a Resolution calling for an amendment to the Constitution of Maine to provide funding of future state mandates. Our reasons for supporting the passage of L.D. 66 are as follows: No. 1, unfunded state mandates force increases in municipal property taxes that, in these economic times, are already stretched to the limit. Last year, we identified over \$900,000 in direct costs to the city for mandates. No. 2, unfunded state mandates are an infringement on municipal home rule. It is only fair that those who create and control programs be responsible for funding them. The amendment will not only be an incentive for the

legislature to establish program and spending priorities, it will free us to set our own governmental priorities and allows us to use our local taxes to pay for them. No. 3, while Maine has a statute that prohibits unfunded mandates passed after July 1, 1991, the people of Maine need the protection that the Constitution would provide. Other states which have had only a statutory ban have found it necessary to amend their Constitution to make their laws effective. For these reasons, we urge you to vote for L.D. 66 when it is brought for a vote before you."

I strongly urge you to support L.D. 66.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I hope today that you will vote against the pending motion and I will tell you that over the last 8 to 12 months that we have dealt with this issue. Unbeknownst to Maine Municipal officials or maybe some of the leaders in the Maine Municipal Association, I had some of the concerns with that bill a year ago, I believe that maybe the Speaker also did. Even though I was actively working for the passage of this L.D., there was a concern that I have had for some time dealing with what would happen with emergencies here if we didn't have the flexibility to take care of some of those concerns. I do believe in recent days that there will be an amendment offered later if we can get it to that position that will take care of my concerns and the concerns of a lot of people.

In regard to some of the issues that the good lady from Waterville brought up on why municipal officials or the directors of state and federal regulations haven't been here at times to lobby certain bills, I think I have to say to you that, in the past year, that Maine Municipal has gone through some trying times also. They were faced a year ago with a chance in their director of state and federal regulations. They also were faced with the assistant director of state and federal regulations getting done and there have been some new people come on board who have been outside of these halls working on some of the issues.

I also have to say to you that municipal officials coming down here and lobbying for passage of certain L.D.'s are limited to a time they can spend here. Yes, in fact L.D. 66 is one of their prime issues. Another issue that they were concerned about, and I think they did a pretty good job back in December, was Maine Revenue Sharing and I believe they were here and did their part. I don't think that they have neglected the legislative process in the last year or so but I do believe that we ought to get this bill in a position where the changes can be offered that I believe is best for the municipalities and the state.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I am glad that this legislation is finally before us in the House. Representative Joseph I think in her presentation makes several points which I have to take strong disagreement with. I believe that she ignores the fact that we are putting this question to the people, that is coming through the legislature, will have to get out of here with a two-thirds vote and then it has to go to the people for a final decision. I

think this question, friends and colleagues, is worthy to go to the people in public referendum. This issue will not be finally decided by us here today but rather by those people. I can tell you that when I ran for the Maine House two years ago, property taxation and the cost escalating, ever spring upward costs of property taxation is one of two issues that the people in Oxford County were telling me they wanted me to do something about it. I asked them, "What exactly do you want me to do about property taxation?" Almost unanimously they would say, "Give us no more unfunded mandates."

This sentiment experienced nearly two years ago is still powerful and strong among my constituents.

As a legislature, we have complained about federal mandates and about the problems that the Congress and the President of the United States pass along to us when they pass along federal mandates without any funding and it has caused by many, many problems with our budgeting. Likewise, state mandates have caused the same kind of problems with our municipalities. I guess it just depends sometimes on who was getting the wrong end of the stick.

I tell you that I plan to vote against this pending motion so I can vote for the "Ought to Pass" Report although the Majority Report was watered down some and doesn't meet all of my expectations with this very important bill but I believe that there will be an opportunity to amend on the floor and I will be supporting several of those amendments. But, to suggest that this question is not worthy of full debate on this floor, which includes the amendment process and then to go to the people, I think does a disservice to this very important issue and to the people of Maine.

I encourage you to vote no.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Ladies and Gentlemen of the House: I will be supporting the indefinite postponement of this L.D.. This is an item which has been before our committee and about which I have given a tremendous amount of time and consideration. There probably in this House is no stronger supporter of municipalities and municipal issues than myself having served in local government. One of the reasons that I ran to come up here was because of mandates imposed from the state to the municipalities so I am not insensitive to needs. However, it is not my opinion that a constitutional amendment is the way to fix this problem.

I believe when we talk about a constitutional amendment in the same sentence with the word flexible that we are doing a disservice to the Constitution. If an amendment has to be phrased so that it has significant flexibility in it, then I am not confident that it belongs in the Constitution. I think we should think very carefully about that issue.

Representative MacBride presented a letter which fairly represented the feelings of communities. However, there is nothing in that letter which cannot be done by this body if we have the will to do it and I believe we do. I believe the way that we help towns and communities is in our committee process. Each and every bill that comes before us, it is our responsibility to know what that impact is. We don't need the Attorney General's Office to making rulings about whether it is unconstitutional to pass this law

or that law, it is our responsibility to find out what it is going to cost our towns and vote our consciences based on that. I believe there are ways we can protect our towns, I will continue to do so, I do not support the constitutional amendment and I urge you to vote in support of the current motion.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: During the 114th Legislature, there was a group of us, and it was bipartisan led by Representative Neil Rolde of York, to try to come up with a property tax relief bill. There are so many here who served on that committee. Anyone who wanted to join us was more than welcome. We met several times, we looked into how we could fund education so it would come off property tax and still fund it fairly. We never did come out with anything that helped property tax. Ladies and gentlemen, I firmly believe that L.D. 66 is probably the best property tax relief piece of legislation that we could pass and send out to the voters back home that we have done in this legislature in many years.

L.D. 66 says that the legislature must pay the cost of any mandate that is sent back to the municipalities within reason. Also we have some amendments coming up, which I am sure is going to take care of any problems which we might run into.

Some of the things out there being said about L.D. 66 is that it is unconstitutional — well, if we pass this here today and send it on to the people, there is nothing unconstitutional about their vote.

L.D. 66 is a constitutional amendment — once it is enacted, it cannot be changed. That's not true either. While no one should take amendment to the Constitution lightly, the Maine Constitution can be amended and is readily. If down the road, the legislature thinks provisions should be amended, it can ask the voters to do so.

Another one, L.D. 66 prevents the legislature from defining what a mandate is — if there are questions or disputes, only the courts can decide. The fact is that L.D. 66 defines mandates as it commonly has been in a number of states. It also has a number of exclusions. If there is a dispute over a law, people always have the right to take it to court but, frankly, the legislature will be able to decide whether a proposal constitutes a mandate through the fiscal note process. Further, Maine could do what other states have done, establish a review panel of legislators and others to decide such questions, if any arise. Will L.D. 66 tie the hands of the legislature? Certainly not. L.D. 66 merely says that if the legislature decides to pass a mandate, then the state must provide the money to pay for it, rather than shift the cost onto local property taxpayers.

If L.D. 66 becomes a part of the Maine Constitution, lawmakers will continue to be able to pass as many laws as they feel are necessary, the difference is that they will be paid for with broadbased state taxes rather than local property tax which we have been told here many times is a regressive tax. L.D. 66 will require the legislature to appropriate money, something no other constitutional provision requires — not true. L.D. 66 merely says that if the legislature decides to pass a mandate that requires added expenditures, then they must fund it.

Also other amendments to the Constitution do require the legislature to appropriate money. For instance, the Constitution requires the legislature to reimburse municipalities for 50 percent of any new property tax exemptions such as veterans and so forth.

L.D. 66 will require the legislature to fund mandates if the courts establish new ones through decisions they make that will affect local government — not true. Although court decisions sometimes interpret current law in a way that creates new requirements to be in place on both state and local governments, L.D. 66 has been amended to exempt court decisions.

Another myth, state agencies can promulgate rules that establish new mandates and the legislature will be forced to pay for them — L.D. 66 does cover rules but the law also says that a mandate is not effective until the legislature provides the necessary funding. L.D. 66 will force the state to pay for all mandates, even laws or rules which only incidentally affect local government — not true. L.D. 66 excludes routine obligations from being considered mandates which must be funded by the state.

L.D. 66 would prevent the legislature from ever cutting aid to local units such as aid to Education or revenue sharing. That is not true either. L.D. 66 specifically states that the state can cut any local aid program when the state is making overall cuts to state government.

L.D. 66 will force the legislature to fund mandates and local aid programs as top priorities before it can appropriate funds from any other state program. This is absolutely not true. There is nothing in L.D. 66 that says state mandates are priority items that must be funded before any other state programs are paid for.

L.D. 66 will prevent the legislature from passing laws to protect the environment. L.D. 66 will not prevent the legislature from passing laws to protect the environment. L.D. 66 merely says that if the legislature passes an environmental law that the municipalities are required to implement, the state should pay for its share of the cost, not property tax. This is a basic public policy issue.

L.D. 66 will provide long-term property tax relief. Municipalities rely on property taxes for 99 percent of their revenues as opposed to the national average which is 74 percent. Furthermore, property taxes comprise the biggest piece of Maine's tax pie. Forty-three percent compared to 31 percent for income taxes and 25 percent for the sales tax.

L.D. 66 will provide fiscal accountability by requiring state government to fund the laws it enacts rather than shifting the cost to local property taxpayers. Between 1985 and 1990, property taxes in Maine rose 76 percent, my own tripled in that length of time. Between 1989 and 1990 alone, property taxes rose 13 percent due to cuts to local governments as proposed in the state budget. Property taxes are expected to increase even more dramatically. The property tax is consistently rated as the worst tax by the citizens. When considering people's tax burden, it is important to remember that the property tax is a tax on one of life's essentials, people's shelter. More than 75 percent of county government is paid for with property tax. The cost of county government has risen from \$14.4 million in 1980 to more than \$43 million in 1990. If you remember, it was this legislature who voted to take 85 or 90 percent of our income from the counties and that is

why we had to put it back on the property tax. I remember when we did it, not that it wasn't for a good cause, I believe it was, its target was for housing, but nevertheless, it should not have come out of the county tax.

Despite education reform and the increased share that the state pays for education, the actual state and local share remains at approximately 50/50. One thing that committee found out that we did with property tax — when this formula was set up, by this time, everybody would have received or should have received 65 percent or better and that would have been every municipality in the state. The formula did not work that way. Why? I cannot actually tell you. In 1984, the total cost of education was about \$500 million. In 1990, the state and local districts paid about \$500 million each.

Between 1984 and 1989, the cost of solid waste disposal to Maine communities has more than doubled. Ours went from \$30,000 to \$453,000. Neither the state nor the municipalities pay for government, people do. Therefore, the taxes should be as fair as possible to pay for services the citizens need.

I am asking you not to support the indefinite postponement of L.D. 66 so that we can get this into position to get our amendments on it so that it will be truly fair and that everyone can feel safe. And, that the legislature will have the right to legislate as we always have and that the fear tactics will be taken out of this L.D. and, hopefully, you will not support the indefinite postponement.

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

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

Earlier in the year, we talked about education reform, the formula that we talked about, everybody got up and said that the formula would be most likely changed. Knowing that the budget is pretty tight right now and most likely will be tight next year, if the education formula comes back from the Board of Education and it is changed, some towns get more than they are getting now and some towns will have to get less because there is no money — is that going to be a mandate that we won't be able to deal with? Therefore, what we are hoping will be a change in the education formula and that it just won't happen? I want to know really what was the last time we had a mandate that we can really spell out? When is the last time somebody can remember of a mandate?

The SPEAKER: The Representative from Portland, Representative Manning, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: In my opinion, any time that a municipality must pay for actions of the legislature, that would be a mandate. However, within the last several weeks, I have had a conversation with a very much respect Assistant Attorney General, a long-term person who understands the issues, and he described this piece of legislation as the most litigious legislation that he has ever seen in his career. He describes that because of what you asked, Representative Manning, what is a mandate? He feels that municipalities will say that the state must pay for whatever is being required because it is a mandate. He also feels that the state may say that,

no, we don't consider this a mandate and he feels that every attorney that represents the towns and municipalities of this state will be a full-time person to defend those towns. He also feels that he will be a very busy person because the question does not seem to be able to be defined.

While I am on my feet, I feel it essential that I respond to Representative Bennett from Norway. I don't believe that I am ignoring the facts and I very much understand the process and I alluded to a gentle man that I respected very highly that that person does say that you and I have more information than the average citizen about the complex issues such as this but more than that, my question would be for Representative Bennett of Norway — did he tell his concerned citizens about a bill that exists on the statute today in Title 30-A, subsection 5684, a new piece of legislation whose effective date was July 1, 1991 that forbids this legislature by statute to pass any of those costs on to the municipalities and towns and the people of this state? Did he tell his constituents that currently this legislature is looking at a piece of legislation that I assume will be passed, it was a unanimous committee report, that will enhance that definition with all of the exceptions and I believe that with 151 of us have been elected as leaders to provide information to people in this state when in fact they do not have all of that information.

To Representative Strout of Corinth, a person that I consider a good friend and colleague — please forgive me, if in any way you felt that I was slighting municipal officials. I have the utmost respect for anybody who serves in public office because as we all know, as we spend 12, 14 or more hours a day doing the people's business, as we take money out of our own pocket to be here as we earn \$7,125 this particular legislative session, to provide that public service, that these people are doing the best job they can. But, I do believe that persons who are hired as lobbyists to represent the towns and cities of this state are driving a wedge between the good relations that we have as legislators of representatives of the people and those very same city councilors, mayors, select people. I believe, at least it is so in our city, that we have communications with our city council people, I believe my major is in the building today talking about another issue that concerns very much the city council and other people in the city of Waterville, and I believe that by the city of Waterville paying \$13,000 a year to belong to an organization and yet they have to take time out of their law practices, their teaching assignments, and all of the other occupations that they have in order to come down here because they are not being represented as they see fit, that those lobbyists in fact are driving that wedge. So, I have no complaint about any city officials but I am very concerned when in fact our city officials, municipal officials, are not getting the whole story.

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

Representative GRAY: Mr. Speaker, Men and Women of the House: I heard several things here today that I would like to try to explain. First to Representative Manning, the county budget for Hancock County was the last mandate bill that I saw before my committee. There is a problem with that and I think it will be clearly addressed in House Amendment "B"

when it is presented to the floor, if it is presented.

I support this and I did within the committee because there is a long-standing problem out there with regard to property tax. You still have the ability to tax with income tax, this isn't going to take anything away from you, it is going to stabilize the property tax and I hope you will vote against indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Members of the House: There is no question in my mind that the politically popular and the political easy thing to do would be to support this piece of legislation. I know that my selectmen would be very happy. In my mind also, there is no question that this is the wrong thing to do. No amendment or proposal that I have seen addresses the underlying concerns surrounding the concept of putting this legislation in the Constitution.

We are here representing the citizens of the state, not just as citizens of individual towns, but as citizens of the state. I think when you look at the question of local self-rule, you also have to look at self-responsibility, taking responsibility for one's own actions. I think one thing that supporters of L.D. 66 are doing is ignoring the other half of the equation. I don't know how many of you have seen the video that was prepared by the Maine Municipal Association for the purpose of selling this bill to the public and whoever. I have seen it and I think it emphasizes, it constantly refers to "the state's environment" as if local government had not stake in that environment, as if they have neither benefit nor responsibility to that environment. I think we have to really ask whether that is true. I think what we will with this kind of legislation is a shifting of responsibility and cost from not just towns to the state because remember, the state is everybody so what is going to happen is a shift of responsibility and cost from towns that choose, for whatever reason not to do something that probably they should do by virtue of being responsible citizens within the state, to the rest of the towns who may have already done the right thing.

Last Fall when the proposal to cut revenue sharing came through, the proposal was, well, the supporters of that were trying to sweeten it by saying, we will suspend or eliminate all the mandates that you have to do. The immediate response to that from the municipal side was, well, there was no way that suspending those mandates is going to compensate for the loss of the revenue sharing. Now that tells me a couple of things, one is the dollar amounts we are talking about is relatively small and two, I think that we could be setting ourselves up for a bad trade. I supported revenue sharing at every opportunity last Fall and I will continue to support it but I think that going ahead and trying to tie state support to specific programs will, in time, lead to the possibility of state assumption of the program or the decision that, well, we will only fund things on a specific nature, we will no longer do general unspecified funding. Not only that, I think it may also lead to greater demands for reciprocity on this and just with respect to reciprocity, I think you have to start asking questions about how you factor in state expenditures which benefit towns are in way related to mandates such as the state doing a whole lot of economic development activity, business

promotion, and transportation issues. The state could say, well, we will leave it up to each town to decide if it wants to do this on its own. If it wants to do it, it can do it; if it doesn't, it doesn't have to.

Another question is, what about what someone might construe as a reverse mandate, a situation where a town by its actions or its inaction results in more costs to the state? An example of that is a town that has no zoning or planning could allow uncontrolled growth on a state-funded highway. It could be a brand new highway that the state has just put millions of dollars into and the town continues to allow growth on that highway and eventually will demand the state go in and spend another five or ten million dollars so they could have a four-lane highway and put in lights and so forth.

Also you have a question of when you have pollution. When you have a locality by action or inaction causes pollution costs, who is responsible? According to the MMA video, it is the state because it is the state's environment. I also might mention that they imply that we should pay just about everything in terms of law enforcement because, after all, it is the state's laws that are being enforced so, therefore, we should support that as if the localities do not benefit whatsoever from having local enforcement and having those laws in place.

What are the downstream effects of this kind of thing? How many of these so-called mandates are actually measured which will reduce locality exposure to future risk or liability of cost down the road? I think that is something we have to look at. For instance, the question of pollution — if a town spends money or the state spends money on pollution control now, you will save a bundle on trying to clean that up later. There is no way of accounting for these savings down the road. There is really no way for the state to share in these savings that they may have underwritten. Another example, our energy efficiency standards for buildings or vehicles — are those construed as state mandates? If they are and the state pays for mandated energy efficiency standards in construction, would the state also share in the operating cost savings for the life of that building? We like to think about that.

Getting down a little more practical matter, our committee, as Representative Larrivee noted, spent considerable time on this issue. We researched it, we looked at prior reports — one thing I don't think we have adequately discussed is the information base. We still lack an adequate information base to carry out this legislation. In 1987, the Maine Municipal Association promised that there was going to be a municipal government fiscal data base available within six months or that was what they were projecting in the report at that time but the information is still not available. In testimony that we had from MMA on L.D. 66 last year, they noted that in fact this data base was still five, six or seven years away. The State Planning Office notes that the state does not have a data base that would be required to do the mandate reimbursement analysis. There are steps in the right direction — the University of Southern Maine, I understand, is working on a data base but we don't have it.

No one has brought up the cost, the fiscal note of this yet, there were estimates considering legislation only, not rules, the State Auditor had estimated that it would cost \$200,000 to \$600,000

with a best-guess of around \$400,000 including the salary of 12 or 14 new positions to do this kind of analysis. The Department of Finance estimated \$480,000 start-up and about \$400,000 per year. The Office of Fiscal and Program Review, which at one time was thought as the place to develop this but felt it was prohibited by law from administering this kind of program.

The summary is that there are so many unknowns that we are going to lock in with a constitutional amendment. I think we all try to do the right thing by our towns, by the citizens of the state and I think we should continue to do that. We certainly are aware of the concerns but the underlying problem which spurred these bills isn't going to be addressed by the passage of this legislation. That's our over-reliance on property tax for town and county government. That is not going to be addressed. The problem has been dramatically compounded by withdrawal of federal support for state and local governments over the last 10 or 12 years, this legislation is going to do nothing to solve these real problems. Where I started, it may be politically popular, it may be politically easy, it may be expedient, but it is not appropriate.

I urge you to support the pending motion of indefinite postponement.

On motion of Representative Martin of Eagle Lake, tabled pending the motion of Representative Joseph of Waterville that L.D. 66 and all accompanying papers be indefinitely postponed and later today assigned. (Roll Call requested)

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Charter of the Rangeley Water District (S.P. 964) (L.D. 2437) (S. "A" S-678)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Reform Unemployment Compensation Guidelines in Maine (H.P. 1486) (L.D. 2098) (H. "A" H-1199 to C. "A" H-1189)

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

On motion of Representative McHenry of Madawaska, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection's Bureau of Hazardous Materials and Solid Waste Control (H.P. 1502) (L.D. 2114) (C. "A" H-1191)

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. 102 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.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning the Bureau of Intergovernmental Drug Enforcement (H.P. 1629) (L.D. 2292) (H. "A" H-1186 to C. "A" H-1106)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 12 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Abolish the Second Injury Fund and Repeal the Employment Rehabilitation Fund Assessment (H.P. 1648) (L.D. 2310) (C. "A" H-1171)

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. 106 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Repeal a State Mandate Requiring a National Plumbing Code (H.P. 1681) (L.D. 2361) (C. "A" H-1105 and H. "A" H-1188)

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 items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Clarify the Funding of State Mandates (H.P. 1684) (L.D. 2364) (C. "A" H-1172)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

ENACTOR

Emergency Measure

Later Today Assigned

An Act Concerning Technical Changes to the Tax Laws (H.P. 1716) (L.D. 2401) (C. "A" H-1184)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Assist the State's Shellfish Industry (H.P. 1719) (L.D. 2404) (C. "A" H-1193)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 17 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1992 (H.P. 1751) (L.D. 2439)

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. 116 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Election Laws (S.P. 820) (L.D. 2019) (H. "C" H-1187 to C. "A" S-617)

An Act to Require Insurance Companies to Honor Assignment of Medical Benefits for Clients of the Department of Human Services (S.P. 889) (L.D. 2282) (C. "A" S-653)

An Act to Provide for Periodic Review and Modification of Child Support Orders (S.P. 893) (L.D. 2293) (C. "A" S-654)

An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights (S.P. 899) (L.D. 2318) (C. "A" S-651)

Were reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (EMERGENCY) (H.P. 1503) (L.D. 2116) on which the Unanimous **"Ought to Pass"** as amended Report of the Committee on **State and Local Government** was read and accepted and the Bill passed to be be engrossed as amended by Committee Amendment "A" (H-1194) in the House on March 23, 1992.

Came from the Senate with the Unanimous **"Ought to Pass"** as amended Report of the Committee on **State and Local Government** read and failing of acceptance in non-concurrence.

Representative Hichens of Eliot moved that the House recede and concur.

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Hichens of Eliot that the House recede and concur and later today assigned.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Taxation** reporting **"Ought Not to Pass"** on Bill "An Act to Tighten Eligibility for the Maine Residents Property Tax Program" (H.P. 1710) (L.D. 2394)

Signed:

Senators: BOST of Penobscot
ESTY of Cumberland

Representatives: DiPIETRO of South Portland
NADEAU of Saco
DUFFY of Bangor
MURPHY of Berwick
DORE of Auburn
TARDY of Palmyra
MAHANY of Easton
CASHMAN of Old Town

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-1259) on same Bill.

Signed:

Senator: COLLINS of Aroostook

Representatives: BUTLAND of Cumberland
HEPBURN of Skowhegan

Reports were read.

On motion of Representative Cashman of Old Town, the Majority **"Ought Not to Pass"** Report was accepted. Sent up for concurrence.

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

ENACTOR

Later Today Assigned

An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children Ages 0 to School-age 5 (S.P. 921) (L.D. 2360) (C. "A" S-679)

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

On motion of Representative Crowley of Stockton Springs, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Improve the Efficiency and Effectiveness of the State's Natural Resources Protection Programs (H.P. 950) (L.D. 1372) (C. "A"

H-1190)

An Act to Provide a Private Remedy for Violation of the Lead Poisoning Control Act (H.P. 1515) (L.D. 2127) (S. "A" S-646 to C. "A" H-1066)

An Act Relating to Unredeemed Deposits (H.P. 1519) (L.D. 2131) (H. "C" H-1197 to C. "A" H-1034)

An Act Concerning the Early Establishment of Counseling for Children in Foster Care (H.P. 1543) (L.D. 2176) (C. "A" H-1179)

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

ENACTOR

Later Today Assigned

An Act to Prevent Procurement of Controlled Substances through Fraud (H.P. 1582) (L.D. 2232) (C. "A" H-1170)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Require Group Insurance Companies to Notify Covered Employees of Nonpayment of Premiums by Employers (H.P. 1617) (L.D. 2278) (H. "A" H-1185 to C. "A" H-1155)

An Act to Ensure the Safe Collection and Management of Certain Household Hazardous Wastes (H.P. 1632) (L.D. 2296) (C. "A" H-1176)

An Act to Enact Article 4-A of the Uniform Commercial Code (H.P. 1654) (L.D. 2321) (C. "A" H-1201)

An Act to Establish the Nontraditional Occupation Act (H.P. 1701) (L.D. 2381) (C. "A" H-1178)

An Act Concerning Site Protection at Former Mining Operations (H.P. 1715) (L.D. 2400) (C. "A" H-1177)

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

ENACTOR

Later Today Assigned

An Act to Amend the Date for Compliance with the State's River Color Standards (H.P. 1721) (L.D. 2407)

(C. "A" H-1162)

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

On motion of Representative Pineau of Jay, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Implement the Recommendations of the Advisory Committee on Medical Education (H.P. 1722) (L.D. 2408) (C. "A" H-1167)

An Act to Authorize the Town of Medway to Sell Certain Land (H.P. 1725) (L.D. 2416)

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

The Chair laid before the House the following matter: Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (EMERGENCY) (H.P. 1503) (L.D. 2116) on which the Unanimous "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-1194) in the House on March 23, 1992; Came from the Senate with the Unanimous "Ought to Pass" as amended Report of the Committee on State and Local Government read and failing of acceptance in non-concurrence which was tabled earlier in the day and later today assigned pending the motion of Representative Hichens of Eliot that the House recede and concur.

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

Representative KERR: Mr. Speaker, Men and Women of the House: We have talked a lot the past year and a half since I have been here about downsizing state government and finding ways to cut costs. This bill that came out of State and Local Government was unanimous "Ought to Pass" for, I believe, two reasons. Number one, it restructured a department which reduced the number of employees. By doing that, we saved money.

I would like to explain exactly what this bill does. Within the Department of Alcoholic Beverages, there were six store supervisors, we reduced it to three. We took two of the three store supervisors, decreased their R-rating from R-23 to R-16 and put two back onto licensing. We cut the Director of Stores but kept the Deputy Director. We also eliminated one carpenter. By doing this, we also eliminated two vehicles. So, what we have been talking about doing, I believe the State and Local Government succeeded in doing this. I would only urge you to vote against the pending motion.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I would like to pose a question

through the Chair.

As I understand the vote, it is to recede and concur to a unanimous "Ought to Pass" from the Senate? If that is so, then aren't we receding and concurring to passage?

The SPEAKER: The Chair would advise the Representative that we had passed and accepted the unanimous committee report from the Committee on State Government, the other body killed the bill.

The pending motion is that of Representative Hichens of Eliot to recede and concur with the Senate.

The Chair will order a vote. The pending question before the House is the motion of Representative Hichens of Eliot that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

12 having voted in the affirmative and 65 in the negative, the motion to recede and concur did not prevail.

Subsequently, the House voted to Insist.

(At Ease to Gong)

The House was called to order by the Speaker.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (EMERGENCY) (H.P. 1748) (L.D. 2436) which was read twice under suspension of the rules without reference to a committee and passed to be engrossed in the House on March 23, 1992.

Came from the Senate referred to the Committee on Audit and Program Review in non-concurrence.

On motion of Representative Erwin of Rumford, the House voted to recede.

The same Representative offered House Amendment "A" (H-1255) and moved its adoption.

House Amendment "A" (H-1235) was read by the Clerk and adopted.

Representative Erwin of Rumford offered House Amendment "B" (H-1256) and moved its adoption.

House Amendment "B" (H-1256) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-1255) and House Amendment "B" (H-1256) in non-concurrence and sent up for concurrence.

ORDERS

On motion of Representative CLARK of Millinocket, the following Joint Resolution: (H.P. 1764)

(Cosponsors: Representative GOULD of Greenville, Representative HUSSEY of Milo and President PRAY of Penobscot)

JOINT RESOLUTION REQUESTING BAXTER STATE PARK AUTHORITY TO ALLOW RECOGNITION OF DAICEY POND CAMPS AND KIDNEY POND CAMPS AS HISTORIC SITES

WHEREAS, at the turn of the century, within the splendor of the beautiful backwoods regions of Maine, numerous sporting camps catering to those who enjoyed the recreational opportunities presented by those regions flourished; and

WHEREAS, there is a deep and meaningful pride in the heritage belonging to Maine's sporting camps; and

WHEREAS, our state has been truly enriched by 2 such sporting camps, the Kidney Pond and Daicey Pond Camps, that date back to the early part of this century and are now under the jurisdiction of the Baxter State Park Authority; and

WHEREAS, it would be a fitting tribute to preserve the rich heritage of Maine's sporting camps by having the Kidney Pond and Daicey Pond Camps recognized as historic sites; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine now assembled in the Second Regular Session, express the desire of the citizens of Maine that the Baxter State Park Authority in cooperation with the Maine Historic Preservation Commission take necessary steps to ensure that Kidney Pond and Daicey Pond Camps be considered for recognition in the National Register of Historic Places; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the members of the Baxter State Park Authority and the Maine Historic Preservation Commission.

Was read and adopted and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

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

ORDERS

On motion of Representative KERR of Old Orchard Beach, the following Joint Resolution: (H.P. 1763) (Cosponsors: Representative DiPIETRO of South Portland, Representative ADAMS of Portland and Representative RICHARDSON of Portland)

JOINT RESOLUTION REGARDING RECENT DECISIONS OF THE PUBLIC UTILITIES COMMISSION AS THEY AFFECT ELECTRICITY COSTS FOR RESIDENTIAL CUSTOMERS

WHEREAS, rates charged by the State's largest

electric utility have increased by more than \$170,000,000 since January 1990 as a result of final orders in proceedings involving fuel costs and base rates at the Public Utilities Commission; and

WHEREAS, this major increase in total costs has put pressure on all customer groups during a time of economic recession, employee layoffs and high unemployment; and

WHEREAS, the Public Utilities Commission placed into effect on December 1, 1991 a complete redesign of rates charged to each customer class of Central Maine Power Company and changed substantially the share of total utility cost that each customer class must pay; and

WHEREAS, the Public Utilities Commission adopted in that decision a new methodology for determining the share of total cost that each class must pay based on projections of future costs of power; and

WHEREAS, the Public Utilities Commission in that decision permitted increases or decreases to each customer class to be as much as 8% annually, engendering month-to-month increases during the heating season of as much as 100% for certain residential customers; and

WHEREAS, the effects of this recent decision have caused distress and outrage throughout southern and central Maine on the part of many residential consumers of electricity; now, therefore, be it

RESOLVED: That we, the members of the One Hundred and Fifteenth Legislature now assembled in the Second Regular Session, take this occasion to notify the Public Utilities Commission of our deep concern with the magnitude of recent increases in the cost of electricity for residential customers in southern and central Maine; and be it further

RESOLVED: That in the case of Central Maine Power Company at present, and for the State's other electric utilities in the implementation of future rate designs cases, the Public Utilities Commission refrain from imposing an annual increase on any class of customers that exceeds 4%; and be it further

RESOLVED: That the Public Utilities Commission identify mechanisms for the conversion of electric heat customers to alternative fuels in a manner consistent with the requirements of Public Law 1991, chapter 253, enacted in the First Regular Session, and do so with all possible speed in order to make such a conversion program available prior to the next heating season; and be it further

RESOLVED: That the Public Utilities Commission give close consideration to the need for affordable, predictable and stable electric rates for all customers of Maine's electric utilities and particularly their residential customers; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each commissioner of the Public Utilities Commission.

Was read.

Representative Coles of Harpswell offered House Amendment "A" (H-1265) and moved its adoption.

House Amendment "A" (H-1265) was read by the Clerk and adopted.

The Joint Resolution was adopted as amended by House Amendment "A" (H-1265) and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Regarding Advisory Boards and Occupational and Professional Licensing Boards" (EMERGENCY) (H.P. 1664) (L.D. 2341) (C. "A" H-1180) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Coles of Harpswell, under suspension of the rules, the House reconsidered its action whereby the Committee Amendment "A" (H-1180) was adopted.

The same Representative offered House Amendment "A" (H-1264) to Committee Amendment "A" (H-1180) and moved its adoption.

House Amendment "A" (H-1264) to Committee Amendment "A" (H-1180) was read by the Clerk and adopted.

Committee Amendment "A" (H-1180) as amended by House Amendment "A" (H-1264) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1180) as amended by House Amendment "A" (H-1264) thereto and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

On motion of Representative Gwadosky of Fairfield, having voted on the prevailing side, the House reconsidered its action whereby Bill "An Act to Allow Municipalities to Appeal the New State Valuation" (EMERGENCY) (H.P. 1692) (L.D. 2372) (H. "A" H-1168 and S. "A" S-661 to C. "A" (H-1136) was passed to be engrossed.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby Committee Amendment "A" (H-1136) as amended by Senate Amendment "A" (S-661) and House Amendment "A" (H-1168) was adopted.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "A" (H-1168) to Committee Amendment "A" (H-1136) was adopted.

The same Representative moved that House Amendment "A" (H-1168) to Committee Amendment "A" (H-1136) be indefinitely postponed.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: Making this motion — House Amendment "A" is in conflict with the Senate

Amendment that is currently on the bill and House Amendment "A" is no longer necessary at this point in time.

Subsequently, House Amendment "A" (H-1158) to Committee Amendment "A" (H-1136) was indefinitely postponed.

Committee Amendment "A" (H-1136) as amended by Senate Amendment "A" (S-661) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1136) as amended by Senate Amendment "A" (S-661) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-1192).

Representative Jacques of Waterville offered House Amendment "T" (H-1228) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "T" (H-1228) was read by the Clerk and adopted.

Representative Macomber of South Portland offered House Amendment "N" (H-1219) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "N" (H-1219) to Committee Amendment "A" (H-1192) was read by the Clerk and adopted.

Representative Mitchell of Vassalboro offered House Amendment "Q" (H-1222) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "Q" (H-1222) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: It is very important that this budget go forward in a very balanced way and a way that encourages economic growth and development. We have found an opportunity here to make sure that the Workers' Compensation rate for the Maine Mariners can be more in line with what they deserve by requiring the Bureau of Insurance to adopt a rule to classify them properly. I hope you will adopt this amendment so that we can encourage their stay in Maine to help us prosper in the next year.

Subsequently, House Amendment "Q" (H-1222) to Committee Amendment "A" (H-1192) was adopted.

Representative Rotondi of Athens offered House Amendment "FF" (H-1252) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "FF" (H-1252) to Committee Amendment "A" (H-1192) was read by the Clerk and adopted.

Representative Graham of Houlton offered House

Amendment "A" (H-1203) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "A" (H-1203) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: Saves state \$100,000. Prevents creation of new state bureaucracy. Thank you.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" (H-1203) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 66 in the negative, House Amendment "A" (H-1203) to Committee Amendment "A" (H-1192) failed of adoption.

Representative Nadeau of Saco offered House Amendment "B" (H-1204) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "B" (H-1204) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: If you flip to the back side of this and read the Statement of Fact it says it all. This amendment removes the Board of Education wherever that board is referenced, we now say the Commissioner. It saves approximately \$100,000.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "B" (H-1204) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 109 in the negative, House Amendment "B" (H-1204) to Committee Amendment "A" (H-1192) failed of adoption.

Representative Nadeau of Saco offered House Amendment "C" (H-1205) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "C" (H-1205) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: Very simply, this amendment eliminates the State Planning Office completely, nobody picks this up. Total savings is about \$1 million. It has been my personal mission for about a year to figure out what they do and I haven't figured it out yet. I think in the spirit of trying to cut things, this is on target.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "C" (H-1205) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 73 in the negative, House Amendment "C" (H-1205) to Committee Amendment "A" (H-1192) failed of adoption.

Representative Anthony of South Portland offered House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the

Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I don't think I can be quite as brief as the previous speakers. The administration proposes privatizing the Maine Youth Center, that is to say turning either all or parts of it over into private hands and have it exist as a private entity.

The Maine Youth Center is the place where virtually most or at least certainly all of the most serious juveniles are sent if they are found to have committed a juvenile offense. It is a discreet entity has a campus-type setting as all of you have seen, I am sure, near the airport if you pass by on Interstate 295 and it has been functioning relatively successfully.

This proposal would disseminate that (disseminate is probably the wrong word) but it would create a variety of private providers running discreet cottages on the Youth Center grounds, thus dividing up what is one entity into a series of private entities that would all be right there, supposedly trying to get along together in dealing with issues such as security.

We had a long hearing last Friday on the Youth Center grounds to hear what the administration plans to do. The plans are rather nebulous. The idea is to save \$2 million by getting Medicaid funding. You can support Medicaid funding for a lot of these kids and you could support placement for a lot of these kids in residential treatment centers but to do it by dividing up the Youth Center into little fiefdoms on that one campus is not the way to do it. It makes it a very disorganized project and one that will be very difficult to accomplish. Thus, this amendment proposes taking out the \$2 million dollar savings that is proposed.

The administration says that they can save \$2 million in the 1992-93 fiscal year. We believe that that is unlikely to take place even if the privatization goes forward. The whole budget of the Youth Center is around \$10 million dollars and last year they only spent \$8.6 million, so you see they are talking about substantial savings that they believe can happen. But, the RFP's haven't been prepared, they were not at all clear as to what the RFP's would be, they don't even know what the RFP's would be.

We believe that the only sensible thing would be to have the development of RFP's go forward and then have legislative approval. So, this proposal calls for legislative approval prior to any privatization of all or part of the Youth Center.

I didn't want to actually try to fill a \$2 million dollar hole. I thought that, if they think they can do it, let's just put the legislative approval on and have them come to us with proposals and leave the \$2 million savings in the budget. I was told by the Office of Fiscal and Program Review that that couldn't be done. If you are requiring prior legislative approval, you have to take out the \$2 million savings. Therefore, the \$2 million comes out and I then propose covering that by an across-the-board cut. Across-the-board as defined in prior legislation is across-the-board except for General Fund, AFDC, Entitlement programs and the like. The total cut across-the-board is three-tenths of one percent or, in other words, \$3 out of every \$1,000 and that is the way I balanced the budget through this. In other words, there is no additional

expenditure, what there is is a three-tenths of one percent cut across-the-board in order to save the Maine Youth Center in its current form and allow any privatization proposals to be carefully thought out in advance and come for legislative approval as to how they propose doing it.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: The American Correctional Association came to the Maine Youth Center, looked at the proposal and I will quote directly from their letter to the Commissioner. "It is doubtful that a fiscally sound and professional, competent private, non-profit organization could be found to operate Maine Youth Center under present conditions at the savings of \$2 million by July 1st, 1992." It is not just our opinion that this can't be done, it is the opinion of this organization as well. I urge your support for this amendment.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: The goals of this amendment are clearly laudable. We discussed it at great length in the committee. Currently, the law that is on the books dealing with the powers and duties of the commissioners pretty much entitle the commissioners to move forward with plans that are now being proposed. Although we understand what the Representative from South Portland would like to do, we understand what the Committee on Corrections went through, this amendment would put a stop to all those plans, it would infringe upon the commissioners duties.

In order to really do and accomplish what the Representative from South Portland would like to do, the entire statute should be looked at, not just in the single confines here.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to reply briefly. This would not stop the planning process. The planning process would go forward. In fact, it would only require that the RFP's be approved prior to being put out to bid. As to whether or not it ought to happen system-wide, there is another amendment that will be offered later which has no fiscal impact which deals with the other facilities. I dealt with this one specifically in this amendment because there is the \$2 million hole that has to be filled to the fiscal note.

I cannot express to you how deeply I feel about the craziness of trying to set up a series of fiefdoms on the Youth Center grounds, it just doesn't make sense. I am not opposed to having a variety of the kids there placed in residential treatment centers and having Medicaid eligibility created to support those kids and have some federal funding coming into this state to help, but the way to do it as proposed here, it just doesn't make sense.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As you heard the other day, we had a hearing at the Youth Center. By the time we got finished at that hearing, we had 19 unanswered questions. I don't want to go through it but I will

read the first four so it will just give you some idea.

"What written approval from the federal office do we have that we can in fact receive Title 19 Medicaid reimbursement if we privatize the Maine Youth Center?"

If the state were to undertake the privatization, then subsequently federal rules would change on Title 19 — how would the state deal with it?

Who will have the liability for the crimes committed by the youths in a privatized program either against the staff members, state employees, or against private citizens on any escape?

Finally, how would escape prevention and recapture programs be undertaken if portions of all the Youth Center were privatized? Would there be increased responsibility for the local law enforcement agencies under the privatization facilities, who would be deputized to arrest the escapees?"

Maybe you don't know but the employees of the Maine Youth Center are deputized under the state law to arrest any escapee. We don't allow that for any private residential program.

If this program goes completely private, any of those people working on the Maine Youth Center grounds, will have no power to arrest anybody. We had grave concern from both the South Portland Police Department and the Portland Police Department. I am sure if Westbrook realized they had a hearing, they would have been there because I know youths have gone into Westbrook and also surrounding areas of Scarborough and Gorham.

There are 19 unanswered questions that they cannot answer. Within 100 days, this administration wants to privatize or start to privatize the Maine Youth Center. The RFP hasn't even been written. I think we should really take a hard look at this amendment because it is going to be very difficult to answer all these questions before we leave here whenever we do in the next few days.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 61 in the negative, House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) was adopted.

Representative Bennett of Norway offered House Amendment "I" (H-1211) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "I" (H-1211) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: This amendment accomplishes two objectives, first it will restore more tree growth reimbursement money to those towns in our state to take advantage of that and that has already been accomplished by "FF" to some extent.

Secondly, it eliminates the Maine Health Care Finance Commission and it accomplishes these goals with no net effect on the General Fund and perhaps now a net surplus.

With the passage of "FF", we have already taken care of the 116 late filing towns to some extent. This amendment would provide yet more funds for the tree growth program for all filers in 1991 and for

the municipalities who filed this year. Most of these communities are small municipalities with a largely volunteer town government. Their assessors and selectmen serve as the Town Manager in many cases, some have filed late in previous years and they experienced no penalty. Being small communities, this reimbursement money is vital to their operation.

You may ask, how can you justify even this one year paying for more tree growth money or any property tax relief measure with the hospital assessment that was earmarked for the administrative costs of the Maine Health Care Finance Commission. Well, I called the hospital administrator of the hospital in my town of Norway, Stevens Memorial Hospital, and they are one of those small hospitals that the Maine Health Care Finance Commission is supposed to protect, he was 100 percent supportive of this plan. Why? Because of two reasons. One is that MHCFC doesn't work anyway. It doesn't help his hospital.

Secondly, he has to pay "a conservative estimate" \$50,000 per year and maybe as much as \$100,000 per year in lawyers fees, accounting and paperwork costs, plus the drain of time and energy from some of his most talented administrators on top of the assessment that Stevens Memorial would be burdened with. You will find hospitals, large and small across the state, that will support this use of their assessment money. The reason is that on top of the assessment, MHCFC's morass of bureaucratic red tape cost Maine hospitals an estimated \$3 million in in-house expenses. By passing this amendment, we will be fighting higher health care costs, eliminating useless and counterproductive red tape and bureaucracy and providing real property tax relief for communities across Maine right now. That benefit may provide a net gain for the General Fund. I urge your vote for the pending motion.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I hope you will vote against this amendment and very briefly I will tell you a couple of the reasons why.

We have to remember that between 1985 and 1990, the cost of hospital services per capita increased by 53.2 percent nationwide and 74 percent in our neighboring state of New Hampshire which is not regulated. During the same period, the rate of increase in Maine was 47.2 percent. In 1990 alone, the decrease, the diminished cost of those hospital increases saved Maine payers roughly \$16 million dollars in the cost of their hospital care. We have to remember that in Maine, we require our hospitals to provide services to everyone without regard to a patient's ability to pay. There is an unequal burden of that charity and bad debt care across the state. The commission assures that the burden of bad debt and charity care is fairly distributed among all those who can afford to pay. This guarantee eases the impact of these uncompensated care on all hospitals, especially the small rural hospitals who may be serving an increasing number of patients for whom hospitals are no longer affordable.

Lastly, I would like to tell you that the dissolution of the Maine Health Care Finance Commission on July 1, 1992 would have a very deleterious impact on two groups in our state. The first group is those who are on Medicare and purchase

Medicare supplement policies and secondly to those persons who are purchasing individual health insurance policies, it would mean an immediate increase for those persons purchasing Medicare supplement policies equal to approximately 1 1/2 percent of their monthly premium, that is 85,000 people in our state. It is a \$10 million direct loss of subsidies that Blue Cross, who is insuring most of the people with Medicare supplements, they would not be able to negotiate terms with each individual hospital across the state and to all the elderly citizens and our citizens with disabilities who are on Medicare, it would mean an immediate increase starting July 1 and the Bureau of Insurance would have no choice but to grant that increase in premiums, a \$10 million direct loss. I ask you to vote against this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "I" (H-1211) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 93 in the negative, the motion did not prevail.

Representative Marsano of Belfast offered House Amendment "K" (H-1215) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "K" (H-1215) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: This amendment relates to something which is before us every day and that is the statutory adjournment deadline which always appears on our calendar. If you look at Page 4 of your calendar today, you will see that this session is supposed to adjourn on April 15, 1992. That is provided for as a result of Title 3, Section II and in a sense that entire section is before you in the proposed amendment but it proposes really (with the exception of changes that meet the Revisor's drafting manual) it does nothing except change the month from June to May.

That statute is one which I learned about in a very difficult way. It was only after I had been here a term that I realized what the significance of the statute was. Because the circumstances with respect to the existence of the statute have changed so dramatically as a result of the deappropriation which shows up on Page 52 of the budget which takes about \$1,400,000 out of our budget by deappropriating it, I wanted to offer this amendment so that the next legislature will have some idea about what is going on with respect to the fiscal position of this legislature. That probably is confusing, I know I have done more than my ten seconds but this is very important to me and it should be important to you and let me explain.

We are motivated to have a statute by an expressed requirement to the Constitution and that appears in Article IV, Part Third, Legislative Powers, Section I, "The Legislature shall enact appropriate statutory limits on the length of the First Regular Session and of the Second Regular Session." Each legislature is required to adopt a statute which fixes the time by which it will adjourn. Historically, we have not concerned ourselves with that in any of the sessions. What we

have always done is to adopt implicitly the statute which is in effect, which is Title 3, Section 2. That has never been a problem realistically because the money has always been there. The circumstances now are dramatically different, the money is not there. If we come in with a statutory adjournment date by having implicitly adopted it when we get here next year, those who will be the legislature, we will have a statutory adjournment date which we cannot meet. I say that because the money is simply not there.

When we proposed the original legislative budget, there was a significant amount of discussion about the fact that it was appropriated only through June 4th of 1993. That was, I hope, the date that would be included in the language in the budget to reduce that to that point because the legislature, during its final days, cost about \$72,500 a week to run, somewhere between \$67,000 and \$72,000 depending on the kind of week it is.

What we need to do is focus on the fact that we have reduced the monies by even more than that which would have allowed us to have a statutory adjournment date on June 4th. In fact, I took out less by reducing it only one week than I think it should be. I feel as though that gives the legislature, the 116th, an opportunity to focus on the fiscal requirements that it will be confronted by. If it elects to have a longer session, and it may by adopting a different version of Title 3, Section 2, then it would have to have a companion fiscal note appropriating that money.

We are in desperate straights in this legislature in my view. I think we have cut too much money out. I realize that is not popular with my party but I say that because this legislature has a responsibility to act for the people of Maine. I feel that one of the actions which we need to do is be fair with ourselves and let us know what money is available to do what we can do and to force ourselves, as we have this session, to work. The difference is that this session the money was appropriated. In fact, usually there is a little bit extra money appropriated to cover any overruns that we might have. We are running too tightly now on a fiscal basis. We need this in order to have the legislature effectively managed and I suggest to you that this amendment should be adopted. It has no effect on money, it is simply good business practice and I urge its adoption.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I understand and appreciate the efforts of the Representative from Belfast, Representative Marsano. I understand what he is trying to accomplish but this amendment won't really accomplish anything. We have worked effectively here together since the first part of January to go through this legislative process in an expedited manner. We have done so because we have been able to utilize some management techniques, both in the committee, Legislative Council, staff, everybody pulling together to accomplish what many thought was an impossible task. We are poised to adjourn three weeks early. It wasn't a statute that told us to do that, we did it because we knew we had to.

I don't think it is appropriate for this legislature to tell the next legislature what the time frame should be for their operation. There may be some new innovative way to save even more money

and to adjourn some time later than the date prescribed. It may save money because there may be a whole gap in the middle that maybe people would like to shut the legislature down. That is one way it could be accomplished. This amendment really would not allow the legislature to be flexible, to do what is necessary to meet its deficit reduction target. We have done a very good job of that in the last three years. We have met our targets, we have cut the money we needed to cut and I am pretty proud of that.

I am not attempting to criticize my good friend and colleague, Representative Marsano, I wouldn't do that now since he is taking leave of this chamber. I am going to miss these little debates with him, I truly am. I would ask this House to reject this amendment, it really does not accomplish anything in a positive vein. In fact, it might be in a negative vein because it may tie the hands of those that will be here in the next legislature, whoever they may be.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: Because this is my last session here and because this matter is so important to me, for personal reasons that I have experienced since I worked in this legislature, I want to take one final stab at convincing you that you should do it.

My good friend from Thomaston, Representative Mayo said, and he and I have agreed on so much this session that it is surprising that we disagree on this, one legislature should not bind another. Let me tell you ladies and gentlemen that, unless you act responsibly by adopting this amendment, you will leave on the books a distortion and that distortion will be reflected in what is in Title 2. The only thing that is going to happen is you are going to change the word from "June" to "May" if you adopt my amendment and that will be consistent with the money that is there. If you don't, you are propagating a fiction in this. The fiction is as a result of the money that we no longer have to cover that amount of time. We ought to be honest with those who will succeed us.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: The statutes of the State of Maine indicates that we have a mid-April adjournment date. If that is the case, we are propagating a fiction right now. I am not concerned about that at all. The next legislature will deal with its budget as this one has and will work cooperatively, I am sure, to end its session in an expedited manner as we have this one. This does not produce anything and I don't think it is necessary.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: I have to admit that there is a great deal that the good Representative Marsano said that lost me somewhere. One thing that I understand is there is a call here for shortening the First Regular Session of the Legislature. My gut feeling is, here we go again trying to reduce the impact of the legislature in state government. So, I urge you to vote against this amendment.

I might add, yes, we have done a good job this session but I, for one, would liked to have had a little more time for communication among the various

legislators and I think really we have had to move too fast. I understand the dire consequences of the situation we find ourselves in but I also hope that we will not be in that situation permanently and certainly we do not want to undermine the legislative bodies. I urge you to vote against this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "K" (H-1215) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 70 in the negative, the motion did not prevail.

Representative Kilkelly of Wiscasset offered House Amendment "L" (H-1216) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "L" (H-1216) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: This amendment allows the Lincoln County Law Library to remain open. It does that by an agreement between the County Commissioners and members of the Bar Association and other folks that are very concerned. What we have done is that this is a continuation of what happened in 1992 and that is that the Sheriff's Department provide security for the Lincoln County Court House, we would defer \$5,000 of the reimbursement for the security and transfer that money to the Law Library. That would resolve our problem through this year so the Law Library would be able to remain open and the complex would remain intact. There is no impact on the budget, it is a revenue-neutral bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "L" (H-1216) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 35 in the negative, House Amendment "L" (H-1216) to Committee Amendment "A" (H-1192) was adopted.

Representative Richards of Hampden offered House Amendment "M" (H-1217) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "M" (H-1217) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative RICHARDS: Mr. Speaker, Men and Women of the House: This amendment does not have any net General Fund impact one way or the other. What I tried to do and I have been trying to collect data over the last two months extracting information from various agencies, Corrections, local P and P districts with how the \$1 million we have for community correctional services is disbursed throughout the state. The state has six P and P districts (probation and parole) and in that you have community-based programs, you have out-patient treatment, residential treatment, residential placement and monies are divided throughout those various agencies, private contracts for instance.

What has happened over the last year and a half in cuts is that we have cut a lot of these private contracts that provide services to a broader range of

people at about a third of the cost. The problem is that a lot of those dollars went to group placement, residential treatment agencies throughout the state that some P and P workers believe are inefficient, ineffective or don't service their particular area. The fact of it is that by the apparent nature of that institution, they readily drain the money because of survival. Unfortunately, the private contracts are cut. What I tried to do was come up with some kind of a formula that would take the million dollars or whatever money is in that pot and distribute it equitably throughout all 16 P and P districts. To give you an example, the current distribution of dollars in District 1, which is Cumberland County, is about \$157,000. Right now, Cumberland County is holding about 17.6 percent of the caseload throughout the state. That is adult and juvenile P and P clients. District 3, which has 25 percent of the caseload, currently is receiving about 11 percent as opposed to 12 percent for Cumberland County of those dollars and they have the highest caseload. I think I have practiced in this area dealing with juveniles and adults over a period of time that shows that community correctional based services has a big impact and recidivism if you can get that person early. I think District 3, with the highest case load in the state getting 25 percent of that caseload and having one of the smallest amount of community correctional dollars, speaks for itself.

The other great disparity that we have in here is that we have District 5 (which is Aroostook and Washington Counties) which has 9.1 percent of the caseload through out the state. They receive approximately 30 percent of the correctional dollars — actually it is more than 30 percent, I think it is close to 35 percent of the correctional dollars.

The problem is not for any rhyme or reason, the problem is that we have group placements, we have residential treatment which is a short-term placement, group placement sometimes is long-term and the long-term placement agencies we have is based on the family teaching model and they contract out to services which require additional money. It is a very expensive program, it is a vanguard and has been here for a number of years. Over the last couple of years, it has drained and competed with those people that need services more so than those put in placement homes. They, throughout the whole state, service 50 juveniles, but the trade-off is that you have hundreds of juveniles that need the services more that don't have those community-based corrections dollars for their particular district.

What I am attempting to do in spreading the dollars through each district equitably is to allow the P and P district, the supervisor, to identify a needs efficiency model and a geographic where necessary model to be able to deliver these services. Cumberland County, Aroostook County, Washington County, Penobscot County all have similar services, they all have similar problems but they don't have dissimilar problems and they need different services. It ties or frees their hands at this point to be able to contract out for those services. It also allows these particular districts to identify omnibus programs like "Project Rebound" which they could be docked on their amount of money that they are getting and based on population and whether they under-use it or over-use it, is fine, but it is treated equally.

What I based distribution on is population. I

tried to do it by caseload but that is a variable factor and wouldn't work so I did it on population alone. To give you an example, every single district with the exception of one, District 5, will have an increase in dollars for community correction dollars. What that means is that perhaps the group homes in Aroostook County would be hurt the most. The ones in the other parts of the state would not be. Despite that fact, as I understand it, they would also be eligible at that point for a draw down on federal dollars, federal dollars that would take care of or making up a balance of funds.

I guess I have said enough about this amendment. The bottom line is, I have tried to develop a formula, I spent a lot of time on it, I think it equitably distributes the monies throughout the districts and allows more efficient services for those particular people on probation and parole, juveniles and adults. I hope you support this amendment.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this amendment. I didn't plan to speak in regard to any of these amendments but I don't think this is, with all due respect to the good Representative, the proper vehicle to start redoing probation and parole. There should be a hearing, there should be due consideration given and I urge you to vote against the amendment.

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

Representative RICHARDS: Mr. Speaker, Men and Women of the House: I am actually surprised to hear my colleague oppose this bill. I fully respect his position in why perhaps you should vote against this but the fact of it is that District 3, which is currently receiving 11 percent of those dollars with the highest caseload in the state, would actually triple the amount of money they receive.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "M" (H-1217) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 84 in the negative, the motion did not prevail.

Representative Manning of Portland offered House Amendment "O" (H-1220) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "O" (H-1220) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: This was a recommendation that was given to the Committee on Appropriations. From what I understand, Appropriations thought that the Committee on State and Local Government was going to do this. We have talked to the State and Local Government staff person and this mirrors what they did in their bill but he said they needed to go a little further and this bill did exactly what they did, it took the appropriations, this saves \$115,000.

The bill basically does away with the Division of Community Services, moves some of their functions over to the Department of Human Services, sets up a new way of distributing funds for the Children's

check-off, it goes now to the Child Abuse and Neglect Councils. We talked about this in our committee quite a bit and it was a committee recommendation to the Appropriations Committee. I hope you go along with it.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "O" (H-1220) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 57 in the negative, the motion did not prevail.

Representative Anthony of South Portland offered House Amendment "P" (H-1221) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "P" (H-1221) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: House Amendment "P" deals with the whole issue of private providers throughout the Department of Corrections other than the Youth Center. The Department of Corrections has developed a proposal and consulted with us about privatization of the health services at the Maine Correctional Center. We really did not take a position against that. During the course of that discussion, it also was brought out that there is some thought of spreading that system wide and have private providers meet the health needs of all the Corrections Department clients. That may be a good idea but from my point of view, we have to try it at Windham first and really see if it works, see how it works, give it six months or a year in practice and find out, does this thing work or not? Then if it does, go system wide with it.

There was also some discussion about other — or at least I have heard rumors of privatization of food services at the state prison at the other correctional facilities. They may be very good ideas, I am not opposed to them, but I do think that they are major policy changes and they should be subject to legislative review and approval. This amendment would put into statute that privatization of existing facilities or services that are now provided through state employees would have to come to the legislature for approval before they are undertaken. I urge your support.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "P" (H-1221) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 57 in the negative, the motion did not prevail.

Representative Daggett of Augusta offered House Amendment "U" (H-1230) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "U" (H-1230) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: We have already listened to a fair amount of discussion regarding the proposed privatization of some of our state institutions. I

am somewhat embarrassed to even have to offer this as an amendment because I think it is part of what would be considered appropriate management practice. The amendment would require that the closure or privatization of any of our state institutions, any plan would call for the continued delivery of equivalent services, demonstrated cost savings, and it lists the costs that must be compared, those would be the additional costs of providing the same service. That is, if the service would require the state to still provide certain kinds of equipment or personnel in order for the service to be provided.

The next cost would be the pro-rated share of existing administrative salaries, benefits, rent, equipment costs, etcetera. So that you can understand this particular piece of it, to explain that, if there is a function that is being contracted out, it does not always mean that you can reduce all of your administrative costs. Those administrative costs that could not be reduced would have to be considered as a part of the cost of privatizing that institution.

The third thing that would have to be considered is the cost for continuing the inspection, supervision and monitoring of any contract. I hope that you will be supporting this.

Unfortunately, when we are talking about privatizing our state institutions, we are talking about privatizing something which is not available in the private sector. We had a communication here earlier from the National Federation of Independent Business and I would like to read to you what it says. It suggests privatizing government services, it suggests that "opportunities be identified and unacceptable ways of government unfairly or unnecessarily competing with private enterprise be identified." I would suggest to you that our state institutions are not an appropriate place because it is not a way that state government competes with private enterprise, so in the very least, these standards should be held before considering contracting out or closing any of our institutions. I hope that it will have your support.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Because of my interest in similar legislation and support of legislation introduced in this session in privatizing the private sector, this one is even more devastating in its content simply because there are hidden costs here. They are not simple costs that you can identify and say so many pieces of furniture, so much for labor. The subjective costs are the devastation to the services that we are providing in these special areas. I am not saying this without having some input — I attended two of the conferences on privatization of Pineland and I cannot convey to you the experience that one has in visiting, when I visited, those areas when they were faced with this issue of privatization. This is not a business privatization that can be identified, it involves the body, the soul, the family unit, it involves so much that you cannot put in dollars and cents. Enough is enough, I urge you to support this amendment.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Hichens.

Representative HICHENS: Mr. Speaker, Members of the House: I urge you to support House Amendment

"U." Personally, I am against privatization in any manner but I am especially against privatization where it deals with lives, lives of people who cannot deal with their own life because of their mental problems, mental retardation and so forth and the lives of families who are concerned. I have had a great many people contact me regarding privatization, especially of Pineland and I hope that you will consider these people, their concerns, their frustrations and vote in favor of this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "U" (H-1230) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 22 in the negative, House Amendment "U" (H-1230) to Committee Amendment "A" (H-1192) was adopted.

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

Representative Boutilier of Lewiston offered House Amendment "W" (H-1236) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "W" (H-1236) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I tried to keep it to ten words but I couldn't seem to do it on this serious issue. I want to speak very briefly to this.

As most of you are aware, there is a case currently pending in Cumberland County dealing with Warren Cole and there are serious allegations of child molestation as well as allegations of manipulation, coercion and other things dealing with various law enforcement agencies including the Sheriff's Department, local law enforcement and the State Police. I feel strongly that these allegations have got to be dealt with quickly, if they are proved false, then they need to be dealt with and removed from the public arena. If they are true, the problems have to be rooted out and dealt with just as quickly.

I am concerned that the AG's office, which is our top law enforcement in terms of investigating this case, does not have sufficient resources or personnel to deal with this case effectively. In fact, an investigation had already been conducted which said there was not sufficient evidence to show coercion, manipulation and other kinds of wrong doings which have subsequently been reopened because further evidence, witnesses, etcetera, have come forward. In my opinion, the reason they came forward after the fact is that there was not sufficient resources and staff within the AG's office to find these people and to uncover this evidence. I think it is incumbent upon that department and upon our Attorney General to find that material. I asked him if he had sufficient resources and staff assigned to do this effectively and completely and he told me he did not. I then

asked him, what would he need to do it thoroughly and completely? He asked me to allow him to look at that. He came back at a further date and said, "What I need" (and what I have requested in this bill) "is a temporary position dedicated to the Cole case which would be an investigator/researcher from July 1 to December of this year."

The cost of that is \$27,720. It is not a lot of money compared to the other amendments we are looking at on this budget but it is significant and it is important. Those dollars would terminate in December of this year and go back to DHS. It does not eliminate any positions, it takes salary savings from a vacant administrative position.

I would hope you would take this motion seriously and I urge you to support this amendment.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I have worked with Representative Boutilier on the need for this investigation and totally concur with his comments.

However, the funding of that in a limited period position in the Fraud Unit is something I don't believe we ought to be doing now because it is a time limited position and we are risking the access to some federal funds in that area. I would hope that we could vote to kill this amendment but I would suggest that the Representative work with the Department of Human Services and perhaps we could find some funding in another area.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would urge you to kill this amendment. I think it is unnecessary. The reason that I say it is unnecessary is because every time we have a controversial case, are we going to be able to have to hire special people to do this? I know this is a very serious problem because the Lally's are my constituents. No one is closer to that case than I am because I talk to them on a weekly basis and have had the AG at their home. I have asked for investigations into the Sheriff's and the State Police Department to find out where all the problems lie. I think that is being done and, truthfully, I think DHS has had many, many problems and if there is a vacant position in DHS, God knows they need it. They should probably fill that position at DHS for something they need, not that I don't think the Lally case is not important, I do. I think it is a horror story that has been going on for many, many years. I would urge you not to support this even though I know how serious this problem is and we have many cases like this that are happening weekly.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I would urge your support for this issue, the cloud around this investigation needs to be cleared. This is a very serious matter, it has implications statewide. It is very intense in my particular area living nearby and I would like to see that cloud cleared up. I think this is an appropriate way to do it.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "W" (H-1236) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those

opposed will vote no.

LORD of Waterboro
ANDERSON of Woodland
MARSH of West Gardiner

A vote of the House was taken.

48 having voted in the affirmative and 73 in the negative, the motion did not prevail.

On motion of Representative Mayo of Thomaston, tabled pending adoption of Committee Amendment "A" (H-1192) as amended by House Amendments "T" (H-1228), "N" (H-1219), "Q" (H-1222), "FF" (H-1252), "D" (H-1206), "L" (H-1216), and "U" (H-1230) thereto and later today assigned.

Minority Report of the same Committee reporting **"Ought Not to Pass"** - pursuant to Public Law 1991, chapter 415, section 4 on same Bill.

Signed:

Representatives: SIMPSON of Casco
POWERS of Coplin Plantation
MITCHELL of Freeport

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

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on **Banking and Insurance** reporting **"Ought to Pass"** as Amended by Committee Amendment "A" (S-649) on Bill "An Act to Ensure Financial Solvency of Insurers through Accreditation" (S.P. 957) (L.D. 2425)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-649) as amended by Senate Amendments "A" (S-660) and "B" (S-670) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-649) was read by the Clerk.

Senate Amendment "A" (S-660) to Committee Amendment "A" (S-649) was read by the Clerk and adopted.

Senate Amendment "B" (S-670) to Committee Amendment "A" (S-649) was read by the Clerk and adopted.

Committee Amendment "A" (S-649) as amended by Senate Amendments "A" (S-660) and "B" (S-670) thereto were adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-649) as amended by Senate Amendments "A" (S-660) and "B" (S-670) thereto in concurrence.

Divided Report

Majority Report of the Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** - pursuant to Public Law 1991, chapter 415, section 4 on Bill "An Act Regarding Plastic Rings and Other Plastic Holding Devices" (S.P. 967) (L.D. 2446)

Signed:

Senators: BALDACCI of Penobscot
TITCOMB of Cumberland
LUDWIG of Aroostook

Representatives: JACQUES of Waterville
COLES of Harpswell
HOGLUND of Portland
GOULD of Greenville

Came from the Senate with the Majority **"Ought to Pass"** Report read and accepted the Bill passed to be engrossed.

Reports were read.

On motion of Representative Jacques of Waterville, the Majority "Ought to Pass" Report was accepted, the bill read once.

Under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Certify Nonprofessionals Working in Chiropractic Offices" (S.P. 959) (L.D. 2428)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-699).

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

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

Senate Amendment "A" (S-699) was read by the Clerk and adopted.

Under further suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Senate Amendment "A" (S-699) in concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First

Day:

(H.P. 1652) (L.D. 2315) Bill "An Act to Ensure Continuing Knowledge of the Identity and Whereabouts of Convicted Sex Offenders" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1271)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended by Committee Amendment "A" (H-1271) and sent up for concurrence.

The following items appearing on Supplement No. 13 were taken out of order by unanimous consent:

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-694) on Bill "An Act Concerning Anatomical Gifts Under the Motor Vehicle Laws" (S.P. 900) (L.D. 2319)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-694).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-694) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-694) in concurrence.

Ought to Pass as Amended

Report of the Committee on Agriculture reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-639) on Bill "An Act to Expand the Membership of the Animal Welfare Board" (S.P. 696) (L.D. 1861)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-639) as amended by Senate Amendments "A" (S-647), "D" (S-681), "E" (S-685) and "F" (S-689) thereto.

Report was read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of the Committee Report.

Non-Concurrent Matter

An Act to Authorize the Town of Medway to Sell Certain Land (H.P. 1725) (L.D. 2416) which was Passed to be Enacted in the House on March 25, 1992.

Came from the Senate passed to be engrossed as

amended by Senate Amendment "B" (S-631) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State" (H.P. 1669) (L.D. 2345) which was passed to be engrossed as amended by Committee Amendment "A" (H-1174) in the House on March 23, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1174) as amended by Senate Amendment "A" (S-688) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Concerning the Bureau of Intergovernmental Drug Enforcement (EMERGENCY) (H.P. 1629) (L.D. 2292) (H. "A" H-1186 to C. "A" H-1106) which was passed to be enacted in the House on March 25, 1992.

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

Representative Gwadosky of Fairfield moved that L.D. 2292 be tabled until later in today's session pending further consideration.

Representative Marsano of Belfast requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Gwadosky of Fairfield that L.D. 2292 be tabled until later in today's session pending further consideration. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 384

YEA - Adams, Aliberti, Anderson, Anthony, Bailey, R.; Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, DiPietro, Dore, Dutremble, L.; Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Heino, Hichborn, Hoglund, Holt, Hussey, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Lawrence, Lebowitz, Lemke, Lord, MacBride, Macomber, Manning, Martin, H.; Mayo, Melendy, Michaud, Mitchell, E.; Morrison, Murphy, Norton, Nutting, Oliver, Paradis, J.; Paradis, P.; Paul, Pendleton, Plourde, Pouliot, Powers, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Strout,

Tardy, Tracy, Vigue, Waterman, The Speaker.

NAY - Aikman, Ault, Barth, Butland, Carroll, J.; Duplessis, Foss, Garland, Hanley, Kutasi, Lipman, Look, Marsano, Marsh, Merrill, Ott, Pines, Reed, G.; Reed, W.; Richards, Savage, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Bailey, H.; Bennett, Bowers, Carleton, Crowley, Daggett, Donnelly, Duffy, Erwin, Gurney, Handy, Hastings, Heesch, Hepburn, Hichens, Jacques, Ketterer, Kontos, Larrivee, Libby, Luther, Mahany, McHenry, McKeen, Michael, Mitchell, J.; Nadeau, Nash, O'Dea, O'Gara, Parent, Pendexter, Pfeiffer, Pineau, Poulin, Rand, Ruhl, Salisbury, Skoglund, Small, Swazey, Tammaro, Townsend, Treat, Wentworth.

Yes, 80; No, 26; Absent, 45; Paired, 0; Excused, 0.

80 having voted in the affirmative and 26 in the negative with 45 being absent, the motion to table until later in today's session pending further consideration did prevail.

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative NADEAU from the Committee on Taxation on Bill "An Act to Protect Taxpayer Rights by Amending the Taxpayer Bill of Rights and Making More Equitable Tax Penalty and Appeal Provisions" (H.P. 1583) (L.D. 2233) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1260)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-1260) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-1260) and sent up for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1663) (L.D. 2340) Bill "An Act to Restructure the Department of Administrative and Financial Services" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1267)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended by Committee Amendment "A" (H-1267) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1762)

Bill "An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens" (H.P. 1707) (L.D. 2388)

Was read.

Representative Melendy of Rockland offered House Amendment "E" (H-1262) and moved its adoption.

House Amendment "E" (H-1262) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by House Amendment "E" (H-1262) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-1192) as amended by House Amendments "T" (H-1228), "N" (H-1219), "Q" (H-1222), "FF" (H-1252), "D" (H-1206), "L" (H-1216), and "U" (H-1230) thereto.

Representative Farnsworth of Hallowell offered House Amendment "Y" (H-1239) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "Y" (H-1239) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: This is House Amendment "Y" but it is really about "WW" and "WW" has got to go. "WW" is conveniently lettered with letters that represent what it is about, which is about the work week. "WW" has to go because I don't believe that this House is ready to repeal collective bargaining but we might as well if we are going to let "WW" become law.

As you know, the function of this legislature is to receive and consider collective bargaining agreements and fund them when we consider it is appropriate. We have decided in the past not to fund certain parts of collective bargaining agreements and that sends people back to the table. That is what they did a year ago with the 7 percent increase and that is how we got the furlough days. "WW" is a part of the budget that has got to go. "WW", not only repeals that provision of the collective bargaining agreement, it also, in effect, repeals the subsequent

negotiations that they went through to deal with the fact that we didn't fund it. On top of that, I don't believe that it is clearly understood by everybody that it repeals a number of other things that were bargained. I don't know if people realized that it repeals, in effect, the differential pay for direct care mental health workers. Is that what we intend to do, get that specific about what we are going to undo about what has been bargained? I don't believe we want to do that.

I also do not believe that we want to move to the work week proposed in this amendment. I understand the concerns that people have that suggested that this was better than what we have but I think the principles involved are entirely too important. What the consequence is has been expressed in the handouts that you received yesterday, several pages with some charts in them, that show the number of hours and work days not worked that are given up by employees across state government if we go to a three hour reduction in the work week. As some of you may know, the three hours is normally from a 40 hour week but for many workers, it is from 37 hours, for example in the court system and some of the institutions, so we are talking about very few hours per week in some cases. Are we ready to cut out more than 50,000 days of employee work days in the Department of Human Services at a time when everybody knows that we have a tremendous crises in child protective workers? Are we ready to cut back a significant number of hours and days for the employees in law enforcement? I really don't believe that we are.

I think government is a joint venture that involves the taxpayers as well as the government in the form of the Executive Branch working with its employees to come to an agreement funded by us. We have broken our agreement and I think the principle is extremely important. This particular amendment, Amendment "Y" proposes a way of at least going back to the last negotiated agreement based on what we refused to fund a year ago. It does so by considering repealing tax exemptions. There has been a lot of talk about tax exemptions and I would just like to briefly state that yes, these are taxes that some people are not paying now but the question is also one of fairness. There is a sales tax in effect now but some people are not paying it. Is that so bad that we should consider whether those people should be given a break at this time in our economic situation? I don't think it is so bad to say that some of the non-profit organizations and churches, that we understand it is difficult times, but we think maybe we can no longer afford to give you in effect \$8 million dollars that I know the Appropriations Committee would not appropriate right now. If we were to say to the Appropriations Committee, you decide, would you give out these breaks if you were spending our money? We would not be doing that.

I also don't know that we would vote to give some millions of dollars to people who have retail vending machines, simply because we want to give them a tax break. For awhile, it was considered too difficult for them to administer. It is not too difficult now. Would we give a break to newspapers and short-term publications? Would we authorize the expenditure of millions of dollars? I don't believe so.

Amusements and recreations is the other item in here that I propose removing the exemption on. It is

discretionary spending. People don't have to do those things, those people that do those things do them in proportion to their income. I think with respect to amusements and recreations and newspapers and magazines, these things are discretionary forms of spending. The other two kinds of things — the vending machines is a break and I don't believe we would support that if it were passed today and non-profits is something that I simply don't believe we would be willing to spend money on if it were approached that way. So, I would seriously ask this group, this legislature, to consider the principles involved here with all due respect for all the work that went into this budget, I think that Section "WW" is seriously flawed, it has terrible ramifications for the future, it will destroy state morale in a way that we cannot bring it back, we simply cannot. It will also result in the deterioration of the quality of state government in a way that I don't believe we can repair.

I would ask you, please, to vote yes for "Y."

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: This is a tax increase, plain and simple, of approximately \$20 million dollars. Maine citizens will be paying \$20 million dollars more in taxes if this amendment is passed.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: At this time, at the 11th hour, I think if we turn around and impose a tax on people who have not had a public hearing, who have not had the opportunity to come down here and tell us why they should not pay this tax, I think it is a little unfair. I think if we are going to go through the process and give them a public hearing, I think they should be entitled to that, but for us to do this at this late hour, I think it is a little unfair.

I like the concept, I think it is a good idea, but I think what we should do is have some public hearings on it.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I think what we have done to the state employees is a little unfair and they didn't have a public hearing. They weren't present in the workshops of the Appropriations Committee when the "WW" was proposed and put into the budget. It seems to me that the fair thing is for all the citizens of the State of Maine, not just one segment of the citizens, namely the state workers, but all the citizens of the State of Maine, should be asked to bear the burden of the financial crisis we are in. That is what I see this as doing and it does it in a way that is really as much as anything dealing with discretionary spending, we all have to pull in our belts a little bit and that is why I will support this amendment.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I just had 600 people laid off at the navy yard down in Kittery which affects

three of my areas. No one has proposed taxes to get them back on the job or anything.

Representative Clark of Millinocket requested a roll call.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "Y" (H-1239) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 385

YEA - Adams, Aliberti, Anthony, Cahill, M.; Cathcart, Clark, M.; Constantine, Crowley, Daggett, Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Handy, Heeschen, Høglund, Holt, Hussey, Joseph, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Luther, Mahany, Manning, Martin, H.; McHenry, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paul, Pfeiffer, Powers, Rand, Richardson, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Strout, Tamaro, Tardy, Townsend, Treat, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Butland, Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Coles, Cote, DiPietro, Donnelly, Dore, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hanley, Hastings, Heino, Hepburn, Hichborn, Hichens, Jacques, Jalbert, Kerr, Kutasi, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Mayo, Merrill, Michaud, Morrison, Murphy, Nadeau, Nash, Ott, Paradis, J.; Paradis, P.; Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Rydell, Savage, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Swazey, Tracy, Tupper, Vigue, Waterman, Whitcomb, The Speaker.

ABSENT - Bowers, Duffy, Gurney, Marsh, Michael, Parent, Ruhlin.

Yes, 57; No, 87; Absent, 7; Paired, 0; Excused, 0.

57 having voted in the affirmative and 87 in the negative with 7 being absent, the motion did not prevail.

Representative Richards of Hampden offered House Amendment "AA" (H-1241) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "AA" (H-1241) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative RICHARDS: Mr. Speaker, Men and Women of the House: First Mr. Speaker, I want to thank you for imbuing the powers to be higher than us in giving this bill a rating of double A and hope that it is worthy of its mark.

I fully agree with Representative Farnsworth with respect to "WW." In this particular amendment to the budget, it also strikes part "W." However, we disagree on the method of getting there.

This bill does not impose a tax increase but it brings a series of cuts to the budget and, in coming up with a list of cuts to this budget, I went through a number of items that have been kicked around this House for the last year and most of the language was there, the numbers changed. What I tried to do is devise a series of cuts that would essentially affect us all, including myself. There are some items in here that everybody will dislike a little bit, probably some may like it more or they may like it less.

One of the items that is in here and it is something that I can tell you when I go back home, I am going to take a lot of heat for, and that is the closing of seven district courts. Those seven district courts that I will take the most heat for will be Bar Harbor, Lincoln and Newport. I will also take additional heat from the closing of the court up in Madawaska in that the person who owns both of those courts and leases them to the state is the same person. The other courts that this amendment proposes to close is Van Buren, Livermore Falls and Bridgton.

This bill also does some additional things. The additional things are is that it cuts Tree Growth to \$1.3 million. That is not quite flat funding, in fact, it gives an increase of \$200,000 more than with flat funding last year and that generates \$1.3 million. It also deals with the circuit breaker. It raises the threshold from 4.5 percent to 5 percent. In 1993, there will be a 15 percent increase over the previous year. Being fair, I think that this is also that should be flat funded so it is flat funded. That would generate \$2.5 million dollars.

There is a small item — the Maine Advocacy Services that generates by cutting a position of around \$45,000.

I will leave the most contentious for last, there is a cut in parks generating around \$283,063. The next one is the Maine State Retirement System — that is a 1 percent cut for non-invested employees with less than 7 years. There is also a dedicated fund with the Maine Jobs-Start Program that is a dedicated fund and that takes the money from that dedicated fund in the amounts of \$128,733 and puts it back into the General Fund.

Now, to list off things that are contentious, I have already mentioned one, the courts closings. The first one is the AFDC gap, that would generate \$3.2 million. Let me just give you a few facts with respect to the gap. I think we all realize that AFDC's inception was a temporary program, it was not supposed to be a long-term program. It was supposed to be a temporary program that gives single-parent families temporary relief and, hopefully, a message to get off the welfare rolls and to take part in some opportunities in life, to be able to bring back an income independently of the state into the home. By cutting the gap, you still have food assistance, heat assistance, Medicaid, General Assistance, WIC, and other programs in various communities that give other additional monies on top of these.

A few facts — we are one of only nine states nationally that has a gap. Our AFDC benefits are the 17th most generous in the United States, we are ranked about 29th per capita income before the recession began this year. With respect to the monies, with respect to this cut and what that means to the average family of three gets an average total of around \$13,000 per year from AFDC, Medicaid, gap,

food stamps and other assistance. By eliminating the gap, you are going to reduce that approximately by \$1200. Some of the statistics as to who benefits from the gap, you have about 9,200 adults out of around 23,000 adults — that's about 40 percent that currently benefit from the gap. By eliminating the gap, you reduce those people that are receiving the 40 percent down to the other 60 percent who are receiving the same amount, so it is basically an equity argument.

The definition of the gap — the gap is the difference you get between what has been determined to be the standard of need that is set by the state for a family and the actual AFDC check. Remember, by eliminating the gap, you are not getting rid of other assistance such as Medicaid and the other items that I mentioned.

The other item that is also contentious on here is AFDC for single parents that have additional children. They would not get an additional stipend if that single parent had additional children. Again, Medicaid is not cut, Medicaid takes care of the pregnancy. Food stamps and all the other assistance is still available.

The other contentious item that I have proposed in here is to cut from the legislature \$600,000.

The other major contentious item in here is the Maine Health Care Program and that would generate \$4.6 million dollars, a program that I don't feel, in my personal opinion, we can afford at this time.

The other contentious item is Growth Management. Growth Management would generate roughly \$930,000. As I understand it, in the process of making this cut, \$900,000 was put back in the budget at the cost of eliminating some child protective workers. If we are going to prioritize things that are more important, I can tell you that putting several planners back into Growth Management has less importance to me than having child protective workers out there protecting children.

The other contentious item we have already debated here in a single bill is MHCFC, that would generate \$1.7 million dollars. I want to remind you, and I think it made news last year some time about the increases in salaries with MHCFC. MHCFC had approximately a 119 percent increase from 1986 to 1991. That was the time when we had people making roughly \$30,000, that elevated their own salaries up to \$50,000, while everybody else was tightening their belts. To me, that is contempt for the system. With respect to MHCFC, I think the problems that MHCFC has is that it does not know its constituency, has not been responsive to its constituency and has been an impediment in the regulatory process.

The other contentious item, maybe, is the fact that the legislators coming back to the 116th session would take a 7 1/2 percent pay cut as well as a 7 1/2 percent in constituent allowance. In all these cuts that generate well over \$20 million dollars, I believe there is a savings of roughly \$73,000 after all these cuts.

In closing ladies and gentlemen, I want to share with you something that happened to me this weekend, I have several state workers in my district who work with DHS and other parts of state government such as BMHI. I met a friend of mine at the mall this weekend, he was there with his family and three children and he said, "What else do you want?" His wife came up behind him and said, "I've got a bone to pick with you." They have always been very friendly,

I have always tried to explain what is going on down here but it really hit me because here they are and I knew they were there just to blow off steam because that would amount to a 14 1/2 percent cut by the reduction down to 37 hours from 40. I said to him in response, "You know, we have been kicking around things to cut down in state government that are very contentious, we can't do it, but you are an easy target, you are an easy hit, and that is why we did it." In my estimation, that is why we did it because it is easy, because we have contentious things here that we cannot cut and have not been able to cut and I ask tonight, ladies and gentlemen, to look hard and fast at these things and to do the right thing. To reduce state workers down to 37 hours, I don't know what we are accomplishing, you want to demoralize the state force that runs this machine that we rely on to give services to our constituents and the state, don't take it off on their backs, take it off on the backs of the institution itself by restructuring.

In committee, I realize that we debated restructuring over and over again this year. It came at the last part of the session, it surprises me that it came at the last part of the session, I wish it had come up at the beginning part of the session, it would have taken a lot of these microscopic type bills, including some of mine, and held them off until the latter part of the session.

I am also disturbed on a lot of the restructuring bills that they never really considered the physical plant in which to do that. I think if we had dealt with these things earlier on in restructuring state government, we would have taken the physical plant and we could have accommodated, we could have changed things and we would have had time to do that. Time is short and the reality is, we don't have time to do that and, hopefully, the 116th can.

Ladies and gentlemen, I would ask that you support this amendment. I think this is doing the right thing. I know that it is a hard decision, I know the courts is a very parochial issue and it is very difficult for people to do. I can tell you that this hurts everybody a little bit. I ask your support on this amendment.

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

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

I would like to ask the sponsor of the amendment if he would please elaborate a little bit more on the 1 percent contribution of non-vested employees to the retirement system?

The SPEAKER: The Representative from Lisbon, Representative Jalbert, has posed a question through the Chair to Representative Richards of Hampden who may respond if he so desires.

The Chair recognizes that Representative.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is on Page 11, that's where the language begins, it is part BBB of this particular amendment. It deals with contributions of non-vested members on July, 1992. There is a series of sections and those state employees in various sections of statutes that it would affect including the State Police, the Inland Fisheries and Wildlife officers, members not vested after July 1, 1992, Marine Resources officers, forest rangers and Maine State Prison employees. What the 1 percent actually does is it is an offset to the amount of money that the state contributes.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I learned a long time ago to never ask a question unless you know the answer. I knew the answer to begin with.

That 1 percent was first proposed and was not to make up the difference with what the state would have to pay as an employer. Under the old proposal, I don't know if it is still in existence, 80 percent of that 1 percent would go into the retirement system which is badly in need of funds. Twenty percent of that 1 percent would go into the General Fund — if that isn't asking state employees a tax to help the General Fund — but there is one thing it says here on non-vested employees. Just a few short years ago, the federal government came out and said that any state employee who came in after a certain date, and I think there are quite a few members of the House under that category, you must now pay Medicare tax. What you are doing to the non-vested employees, which are the fairly new employees, is that you are asking them, not only to pay the Medicare tax which older employees don't, but you are also asking them to pay an extra percent which will not go into the retirement fund. If it was to go into the retirement fund and alleviate the part the state has to pay as an employer, I could see it but that is not what they want to do.

We have been talking about not cutting the hourly pay for the state employees but let's hit them some other way with some extra money out of their pockets for the retirement system. That's exactly what is being done. Remember one thing, don't talk one way and say, I am trying to save the state employees from losing money in their paycheck, but I will take it from you some other way. Be careful when you start taking more money out of new employees, they already pay Medicare tax. To anybody that is new in the House, look at your W2 forms and you will find that there is a Medicare tax which was paid for by the new employees. Now, which ones are they talking about? We have two categories of non-vested employees, we've got the old ten year rule and the new 7 1/2 year rule — is that fair to a new employee as opposed to someone who is vested after 7 or 10 years? We are trying to recruit employees to come into the state, to come to work for Maine, but we are saying there are two categories here. We have hit the non-vested employees hard enough as it is, they must now go to 62 years old before they can retire. If there is an early retirement, they take a higher penalty so I don't think that this is proper amendment and I would ask that you turn it down.

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

Representative RICHARDS: Mr. Speaker, Men and Women of the House: I don't if I mentioned that the 1 percent would generate \$3.2 million. You can take \$20 million versus \$3.2 million and share the rest with everybody else, I think the \$3.2 is certainly better than \$20 million.

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

Representative AULT: Mr. Speaker, Ladies and Gentlemen of the House: I do not support a tax increase and I do not support the way this budget document handles state employees. I am supporting Representative Richards amendment to cut programs and to use the money from those cuts to return state

employees to a 40 hour work week and to return them to their expected base pay for next year.

I recognize that some of these cuts are drastic but what has been proposed for state employees in this budget is drastic and not acceptable to me. I ask you to support this amendment.

Mr. Speaker, I request a roll call.

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: I appreciate what the Representative from Hampden is proposing here but I can assure him we had all these items before us through our negotiations of putting this budget together. We compromised, some were majority votes, some were bipartisan votes and some were partisan votes but the fact of it is that we did take them into consideration and what we have in the budget today is what the decision of the committee was. I hope you will defeat House Amendment "AA."

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "AA" (H-1241) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 386

YEA - Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Donnelly, Duplessis, Farren, Garland, Greenlaw, Hanley, Heino, Hepburn, Lebowitz, Lipman, Look, Marsano, Marsh, Merrill, Murphy, Ott, Pendexter, Pendleton, Reed, W.; Richards, Spear, Stevens, A.; Tupper.

NAY - Adams, Aliberti, Anderson, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Foss, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Hastings, Heesch, Hichborn, Hichens, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Libby, Lord, Luther, MacBride, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Richardson, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

ABSENT - Bowers, Gurney, Parent, Ruhlin, Small.

Yes, 31; No, 115; Absent, 5; Paired, 0; Excused, 0.

31 having voted in the affirmative and 115 in the negative with 5 being absent, the motion did not prevail.

The SPEAKER: The Chair recognizes the

Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, because of a computation error, House Amendment "BB" is withdrawn and I will be presenting "GG" in its proper order.

The SPEAKER: House Amendment "BB" is withdrawn.

Representative Duplessis of Old Town offered House Amendment "CC" (H-1245) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "CC" (H-1245) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative DUPLESSIS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply restores the requested allocation to the Child Protective Services under DHS by removing it from the Growth Management Services under the Office of Community Development.

I am sure that there are towns and cities who will be using the \$900,000 or part of that money to offset their comprehensive planning bills and they probably would not want to think that they are using that money when it could better serve children of the State of Maine by keeping these children safe.

Just a brief history on what has been going under this area in Child Protective Services — back in the Fall, DHS came to the Human Resources Committee and asked for \$3 million dollars for a supplemental to finish out the year in order to service the needed children that they already have on their list. They had, I think, approximately a thousand children that needed to have some intervention and the \$3 million would help them in doing that.

The Human Resources Majority Committee voted not to accept the \$3 million that went to Appropriations. Out of the \$3 million, the Child Protective Services got \$700,000. I think that that was a very low amount considering their needs. So, here we are cutting down \$900,000 more and I think it is a unconscionable move.

I understand that there are some people in this body who do not agree with the way that things are handled under that Child Protective Services Division and I can understand that maybe you don't think they are doing things totally right but I can remember back in the early '80's, I think it was, this body agreed that we weren't educating our children very well and that we were going to reform education so we asked the public school system to be more innovative and creative. We did that by giving them some money. I think if we take money away from this area, just because we don't like what they do, is a punitive measure and I believe it will jeopardize the rights of children in the State of Maine.

I hope that you will accept the adoption of this amendment.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to make it very clear that the money involved here did not come from DHS's Child Protective Services. This money was in the budget as a match for federal coastal zone management money. If this amendment passes, we will not only have to return the unspent coastal zone management money, we will have to use this money to repay the coastal zone management money that has already been spent.

Second, this money that is now in the budget

would enable the state to fulfill its commitment that has been made to the towns and for the comprehensive planning projects. There were only 200 hundred towns in that process, 200 towns that were relying on the state to keep its word. The budget, as approved by the Appropriations Committee, with the unanimous report from the Energy and Natural Resources Committee, would enable the state to fulfill its commitment to those towns already in the process. It would not bring any new towns into the process or require any new study in the future. It would simply finish existing commitments.

Third, sound local planning is a prerequisite to good development. Sound local planning provides a consistency and predictability for local residents and developers. If we do not finish this commitment to the towns, if we do not encourage these towns to do this as our economy begins to recover, as we all hope it will, in fact we hope it has started by now, our towns will have to spend local funds to make up this loss.

I am going to go back to my first point before I close. This money did not come out of any other agency in the state, this money was in the budget for coastal zone management matching purposes and may be used only for planning type purposes. Before December, this money was supporting the Growth Management Program and when we passed the December budget, the money remained in the budget undesignated for any other purpose. If we put it to any purpose other than planning, we are going to lose it.

The SPEAKER: The Chair will order a vote. The pending question before the House is the adoption of House Amendment "CC" (H-1245) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

21 having voted in the affirmative and 105 in the negative, the motion did not prevail.

Representative Nutting of Leeds offered House Amendment "DD" (H-1250) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "DD" (H-1250) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: This budget that I am holding up now that came out of Appropriations Committee — I have always felt that the budget should reflect this body's priorities and I feel strongly, as I suspect most of you do here tonight, that this budget does not reflect my priorities and I don't think yours either.

The budget that was passed out of committee, in my opinion, and as has been said earlier, hurts the working poor and many single parents trying to stay off welfare, while at the same time in my opinion, it doesn't cut the subsidies, the wealthy or people who are in educational programs in order to help them earn a very high income. In my opinion, our state government is still too top heavy. As one constituent of mine said to me last week, "We have cut some Indians" but there is still, in their opinion, too many chiefs.

I think the Lewiston Daily Sun last Fall when they published a list of all the people in state government that earn over \$50,000, some up to over a \$110,000 — people in my district and I suspect in yours were outraged at this list. I firmly refuse to

buy into the idea that we can't trim back the salary or the hours or the cost of administrating our state's upper level bureaucracy. The unanimous Appropriations Committee Report does not trim back these areas.

This proposed amendment cuts approximately \$15 million in order to reduce the work week to 39 hours, not 37. I am hopeful that other amendments can be adopted to cut the necessary money to remove the last hour of the work week reduction.

I want to briefly outline what this amendment proposes to cut, cuts that can be handled better than cutting single parents, state workers. First, it proposes to have a 10 percent pay cut for those earning over \$50,000.

Second, it suspends, temporarily for one year, the Maine Assessment Test. I support these tests but I believe we can forego these for one year. In fact, our local school district, as reported in today's paper, has developed their own tests for now, which incidentally they feel are better than the MEA's.

Third, this amendment proposes to cut \$400,000 from Tree Growth. I know that sounds controversial but it would still leave a \$1.2 million increase from last year in the amount of money spent on Tree Growth. In fact, this makes that area one of the biggest percentage increases still in the budget. It clearly defines and banks savings from an administrative cut, a bill we all voted for earlier, but to date, nothing has been done about it. It calls for a 1 percent overall cut in non-corp departments, school funding, revenue sharing, etcetera is left out. It makes the Maine Law School become self-supporting, something I have been told that the Appropriations Committee has requested be done and I feel that it is time to do it now. That may be drastic but the cuts proposed in the work week to me are even more drastic.

This amendment proposes to cut some of Maine Maritime Academy's funding but still would leave them with a \$5 million dollar per year subsidy.

This amendment would also extend the state's sales tax to large boats' docking fees. I want to take just a minute to explain this. Last summer, my family and I went to Boothbay Harbor for a few days and Jimmy Dean had his \$6 million dollar yacht tied up in Boothbay Harbor and I am glad he did. He comes most summers, I am told by the harbor master, but that yacht has a crane on the top of it that lowers another boat into the water, I guess for day trips to pick up sausage, I don't know, but that boat that they use for day trips is bigger than any boat that I've been in. In talking to the harbor master there, Jimmy Dean and the thousands of other large boats that come to Maine in the summer, a lot of them tourists, are exempt from paying a state sales tax on that docking fee. They pay a state sales tax if they dock anywhere else. I cannot see while we are proposing to cut state workers' hours back to 37 hours and we are the only state giving some of the richest millionaires in the world a tax break. It just doesn't make sense to me.

Also this amendment proposes to not fund a brand new set of computers for DHS plus it proposes not to fund a matching science grant to study whether or not we can build bridges with wooden trusses. I firmly believe that those two projects can wait and looked at to be possibly funded in the supplemental budget in January.

In summary, we cannot continue to subsidize

segments of our economy and segments of our upper level state bureaucracy while cutting the hours of state workers who, in my opinion, try to survive from paycheck to paycheck. The state workers are providing services, they are attempting to buy groceries and make house payments. The priorities in this budget, in my opinion, are not correct.

Please support this amendment to try to bring them into line.

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

Representative COLES: Mr. Speaker, Men and Women of the House: I would like to speak only to some parts of this. The first and most important part is the proposal to cut \$900,000 out of the Maine Times Technology Commission, this is the money which is a state match for the federal grant that you all read about in the paper last week. That grant would support, basically, Search and Development in Maine. The most promising fact was mentioned by Representative Nutting regarding research into the development of a Timber Trust Bridge Structure. This structure has tremendous potential for future job development in this state, absolute tremendous potential. If you think of economic development as a four-legged stool, three legs are education, infrastructure and high quality natural resources and the fourth leg is research and development. Research creates new knowledge, development turns new knowledge into new jobs. If we rescind this matching money, this commitment that we have already made to the feds, we will not only lose the grant that was awarded to us about two weeks ago, we will also lose our standing in the UPSCORE program under which that grant was made. That program is intended to stimulate research in states that have done a poor job of it so far. Maine ranks 50th out of 50 states in public support of research and development. Yet, research and development is an absolutely essential ingredient of any long-term economic development program. The whole point of this federal program, under which we have gotten this grant and for which we have to supply this match, is to bring Maine out of that position of being last in the country and a key element of economic development to develop within Maine the high quality of researchers and personnel who will transform inventions and new knowledge into new jobs. That will bring us out of the 19th Century, out of the 18th Century and into the 21st Century. If we hope to compete in a world economy in the future, we must do this.

I would also like to speak briefly about the Maine Maritime Academy. Maine Maritime Academy, along with the University of Maine and the Vocational/Technical Systems, have already experienced large cuts. Maine Maritime Academy is an extremely valuable educational institution in this state, not only for our maritime industry, but for our pulp and paper industry. We cannot expect them, while continuing to take cuts, to also continue to produce the high quality technically educated graduates that the State of Maine is going to need. It is, again, extremely shortsighted in my view to cut the Maine Maritime Academy any further.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to speak specifically about the across-the-board cut on this bill but I do want to reenforce the position of the

prior speaker on the National Science Foundation Grant. We all have specific feelings about the Maine Educational Assessment Test, I personally feel that is for strong support of our general non-college bound students, it has done an enormous amount for girls in school, the identification of the gender gap, and other things. I know there is serious disagreement on that issue but I don't understand how anyone can disagree on the National Science Foundation Grant of \$10 million dollars for science and math in our schools. The United States and the state itself does not do anywhere near enough for our children in that area and, to me, for us to be in a position as finalists, to be even considering not funding that grant, would be a tragedy for this state.

I do want to speak though on the across-the-board cuts. I failed to get up earlier and I hope that we have a chance to reconsider the position we took on privatizing the Youth Center because, after sitting on my committee for five years, it is very appealing to talk about across-the-board cuts because it seems simple but it isn't. When you look at the language and the accounts that are off the table and will not be counted or taking across-the-board cuts, you look at General Purpose Aid, that is \$515 million out of the budget and Retirement Debt Service, etcetera, there are hundreds of millions of dollars that will be off the table when you take that cut. That is very few programs in small departments that will be taking disproportionate cuts. It will be in the mental health area, it will be in the corrections area and it is the worst form of public policy I think this legislature could endorse. I hope that you will reject this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House amendment "DD" (H-1250) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

13 having voted in the affirmative and 94 in the negative, the motion did not prevail.

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

Representative MAHANY: Mr. Speaker, there is a mistake in House Amendment "EE" and it will come out under "NN."

The SPEAKER: House Amendment "EE" is withdrawn.

Representative Luther of Mexico offered House Amendment "GG" (H-1253) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "GG" (H-1253) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative LUTHER: Mr. Speaker, Men and Women of the House: This amendment proposes a one year sales tax at the rate of 3 percent on most goods and services that are currently exempt under the Sales Tax laws. The tax applies to sales occurring between July 1, 1992 and June 30, 1993. The only remaining exemptions are sales of groceries, staples, sales of prescription medicines and sales that the state cannot tax under the Constitution of Maine, the United State Constitution or federal law, including federal food stamp purchases. The revenue generated is used to offset the removal of part "WW" which required a reduced state employee work week.

In a real break for the House, I will be brief because my throat hurts and I can't talk long.

Most of all, a tax should fall evenly on all citizens so I cannot buy the argument that to look at the tax exemptions is a new tax. People who are not now paying tax should be paying tax. We should all either pay this tax or if it is dreadfully unfair, repeal the tax so that none of us pay it. We should go only to a state income tax, the people who make the most money will pay the most money. The people who don't make very much money won't pay very much money. That would be much more fair than exempting certain people in certain businesses in certain places from paying a tax that everybody else has to pay.

To take the whole \$20 million dollars from 13,000 state workers is just simply and completely unfair. It is like shooting ducks in a barrel, they have no place else to go.

I want to tell you that this will not be the easy way out that you think it is. I am from a town that suffered a terrible strike, we are blood brothers to a town that suffered an even worse strike, you will get the demoralization from this and you will pay dearly for that. The least of that cost will be the fallout next November.

I urge you to pass this amendment, although I don't have any illusions about it, but I do urge you to pass it because it is fair.

Mr. Speaker, I request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

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

I am not sure I heard the Representative from Mexico correct. I thought she said a 3 percent sales tax. In the bill, it says .3 or 3/10ths of a percent as I read it and I just wanted clarification.

The SPEAKER: The Representative from Bethel, Representative Barth, has posed a question through the Chair to the Representative from Mexico, Representative Luther, who may respond if she so desires.

The Chair recognizes that Representative.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Kevin Madigan of the Taxation Department did the figuring on this for me and as I understand it, there is a 3 percent sales tax which makes up completely the \$20 million plus the cost of administering the tax. If there is a misprint in it, then as I understand it from Mr. Madigan, it is a 3 percent sales tax.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "GG" (H-1253) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 77 in the negative, the motion did not prevail.

Representative Plourde of Biddeford offered House Amendment "HH" (H-1254) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "HH" (H-1254) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative PLOURDE: Mr. Speaker, Ladies and Gentlemen of the House: The reason I put this in is that we seem to be in conflict. This body has overwhelmingly supported the Bureau of Alcohol operations as far as the state operating it and it would seem only appropriate to restore the Director's position in that bureau.

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 against this amendment. This was an effort to consolidate and save one of those infamous administrative positions and I hope we won't be restoring administrative positions through the amendment process.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I hope you will support this amendment. Over the last several months, we have been in the process of undoing what is 50 years of liquor policy in this state. In this time of crisis in liquor policy in this state, to go without a Director exclusively for alcoholic beverages, is extremely dangerous to the public out there when we are going through such catastrophic changes in our liquor policy in this state. I hope you will support this amendment.

Representative Whitcomb of Waldo requested a roll call.

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

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

The SPEAKER: The pending question before the House is adoption of Houses Amendment "HH" (H-1254) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 387

YEA - Aliberti, Clark, H.; Daggett, DiPietro, Dutremble, L.; Farnsworth, Farnum, Goodridge, Gould, R. A.; Hoglund, Hussey, Kerr, Kilkelly, Lawrence, Macomber, McHenry, Murphy, O'Gara, Paradis, P.; Pineau, Plourde, Poulin, Powers, Reed, W.; Ricker, Sheltra, Simonds, Stevens, A.; Strout, Tammaro, Tardy, Tupper, Vigue.

NAY - Adams, Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutillier, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Donnelly, Dore, Duffy, Duplessis, Erwin, Farren, Foss, Garland, Gean, Graham, Gray, Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hichens, Holt, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kutasi, Larrivee, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McKeen,

Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nash, Norton, Nutting, O'Dea, Oliver, Ott, Paradis, J.; Paul, Pendexter, Pendleton, Pfeiffer, Pines, Pouliot, Rand, Reed, G.; Richards, Richardson, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Skoglund, Small, Spear, Stevens, P.; Stevenson, Swazey, Townsend, Tracy, Treat, Waterman, Wentworth, Whitcomb, The Speaker.

ABSENT - Bowers, Gurney, Kontos, Melendy, Nadeau, Parent, Ruhlin, Simpson.

Yes, 33; No, 110; Absent, 8; Paired, 0; Excused, 0.

33 having voted in the affirmative and 110 in the negative with 8 being absent, the motion did not prevail.

Representative Kilkelly of Wiscasset offered House Amendment "II" (H-1256) to Committee "A" (H-1192) and moved its adoption.

House Amendment "II" (H-1256) to Committee "A" (H-1192) was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is an attempt to restore minimal fire tower service to coastal areas in the southern part of the state. I recently attended the Knox and Lincoln County Fire Warden and Fire Chiefs meeting that was sponsored by the Department of Conservation and met with some very angry people, people that are very frustrated about protection in their areas, people that are very concerned about the service that they consider vital not being there when the fire season comes around.

In order to maintain revenue neutral in this amendment, we have eliminated three administrative positions. The three administrative positions are the Forest Fire Planning and Training Coordinator, a staff Forest Ranger and a Forest Ranger III, who has been serving as the Fire Prevention Specialist. I have talked to a lot of rangers and folks are feeling that training needs can be met at least for a year by the folks that are already in the field. The concern of the fire fighters that I have met with is that, as the folks on the ground have been reduced, as a number of direct service people have been reduced, the number of administrative people have been increased. We have seen that happen over and over again.

I believe that this amendment is an opportunity for people to make a cut at the top. They could cut at the top and restore services where people say they need them. There were at least a hundred people that were at those two meetings and I know there were meetings down in Representative Lord's area and what we have tried to do is to restore towers in parts of the state where people have said the need was most important. Those towers include Mountain Hill, Mt. Hope, Mt. Ararat, Harris Mountain, Streaked Mountain and Blue Hill and the amount of time would be for 15 weeks so we are looking at a significant reduction of over 32 weeks, which was done in the past.

I would urge you to support this amendment.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I listened very closely to the firemen and fire chiefs in the Knox/Lincoln and local areas. I have also talked with the Department and the forest rangers.

What this bill does is it will eliminate those three positions, as the Representative from Wiscasset, Representative Kilkelly, has stated. It would restore a \$121,000 to transfer over to keep these six fire towers open and that is what the fire chiefs and all the people involved in the areas would like to see during this transition period where they institute these surveillance flights. It is only going to keep them open part-time and when I say part-time, I mean 15 weeks per year during the worst of the fire season. These are mostly along the coast where it is kind of unique with its long peninsulas and other irregularities.

The towns that are involved are Blue Hill, Jefferson, Topsham, Buckfield, Sanford and Dixmont. These are real strategic locations for fire towers and they believe it is really worth the while. They believe that these positions aren't that critical, they have just been created lately, and it is a lot more important to have the people go out there in the field protecting the fire hazards in these densely populated and high valued areas.

It is true, if you look at the graphs, fire towers do not detect that many major fires but as I was talking with a ranger he said, "No, you don't see the number of major fires that have been detected but they do put out a lot that just gets started." A lot of smoke is reported to these people, they go to the rangers, they go to the spots and they find out that a lot of people have started fires illegally that could turn into major fires. So, there is a lot of prevention in this program that really doesn't get reported as major fires so there is a lot of good to what they are trying to do. The main thing is that the state is saving a lot of money by instituting these surveillance flights but, during this period, if they could just use some of that money to continue the fire towers for a period of time and see how that transition goes.

I urge you to adopt this amendment.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I would be remiss if I didn't get up and speak on this. We have had two fire towers down in York County, one on Ossipee Mountain in Waterboro and the other one up in Mt. Hope in Sanford. I am not working for the Waterboro Ossipee Mountain tower because they figure there is a transmission interference because of the State Police radio tower up there but I am saying this, "An ounce of prevention is worth a pound of cure." For those of us who have lived through the '47 fire down there can't understand for the life of us why you want to shut down that tower. I have had many, many older people say, "What are you trying to do to us down there?" When we went through that, a lot of them had to build new homes. A lot of these places where these homes are, where you had one farm house, now you have 50 smaller homes. If you have a catastrophe — you know, last summer was pretty dry for awhile until it started to rain, we could have been in a real situation. Anybody who says that this can't happen again, they don't know what they are talking about. Look at what happened out in California — conditions are right, the same thing could happen here in the State of Maine again. I say, "An ounce of prevention is worth a pound of cure."

The firemen down my way were at a meeting of the York County Fireman's Association and the firemen

down there unanimously said, "We would rather have the towers in the summertime than some of the forest rangers." If you don't want to take the position up here, go down in the areas where the forest rangers are and eliminate them, but let's have these tower, please.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: Rising to oppose the twin towers of Kilkelly and Lord may call my judgment into question. However, I want to do it only briefly.

I have the greatest respect for the proponents of fire towers and my time on the Appropriations Committee I have learned more than I thought I could or wanted to about fire towers. Their support is unbelievable.

However, I must respectfully disagree with the characterization of these positions as administrative and I want to tell you briefly what they are, those that would be proposed to be eliminated.

The fire training officer runs a training program that has trained over 7,000 fire fighters in the last two years so I think that is a bit more than administrative and I think we ought to know that. It also provides continuous training for the ranger force and other field forestry personnel. The Fire Prevention Specialist makes sure that the bills get paid when your fire fighters in your towns fight state fires so I think that is an important function as well. The staff forest ranger is the safety officer for the Fire Control Division and handles all the financial grants for towns so I think we ought to be really careful about this and I hope that you will oppose this amendment.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: There is saying, "Where there's smoke, there's fire" but as a matter of fact, if you are in the air looking for the fires, it is harder to see. For that reason, the Department of Conservation, starting on April 1st I believe, is going to be restricting burning permits. They can now burn during the daytime on weekends but starting in April, they are only going to be able to burn after five seven days a week.

People in my district that have to deal with fires and are supportive of the towers are very concerned that we are going to lose control because people honor that and they are willing to wait for the weekends to burn. They are not necessarily going to do that if they can only burn after five. They can only do that because we don't have the towers up. I think, although that regulation may not be affected by this bill, the consequence of not having the towers there is very great.

This bill is about fire control and I urge your adoption of this amendment.

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 up on this issue, but after hearing Representative Reed talk about the critical nature of these administrative positions, I had to stand up. I thought for sure that I had heard it all.

In talking to the fire chief for the town of Leeds — last summer, a train went through during

August when it was really dry, the train started three small fires next to the track. They were extinguished, the fire chief from Leeds filed the fire report to the Fire Prevention Specialist and he had the report returned to him. The Fire Chief in Leeds called up the Fire Prevention Specialist, supposedly a key position, and was told that he had to file a separate fire report for each one of these three fires that were set on the same day by the same train on the same track. He asked why and he said it helped the way things looked because it ended up being three fires rather than one.

I support this amendment. These administrative positions — we can do without them.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I just want to point out the fact that the Energy and Natural Resources Committee has gone over this quite extensively for two years in a row and we have voted, I believe, 11 to 2, to support the cut of the fire towers. It has been done up in the northern section and it has worked very nicely. They are finding the fires just as nicely and these three people do more than just sit behind a desk, they train volunteer groups to go out and fight forest fires. In Greenville, we have a group known as the "Hot Shots." These are high school kids that are well trained by these people and they go out and put out fires.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: There is a fire tower within two miles of my home. That was closed just a few years ago and the people in that area were seriously disturbed for a short time but since then we have had, in my immediate neighborhood, three small fires, all of which were detected very quickly by overflight surveillance and they were put out quickly and we are very satisfied. I don't think you have anybody over there now who would even want to have that fire tower replaced.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: One of the things that I think has frustrated the fire chiefs that I have talked to the most is the fact that we probably cannot have one fire detection fire prevention and fire suppression system in this state because the state is very diverse. In the northern part of the state, there is very little urban forest interface. That means that there are very few people that are actually living within the wooded areas. Down in this part of the state, it is much more common. There are many reasons to have fires, there are reasons to have fires because folks are camping, picnicking, people are burning out in their backyard or whatever.

It is interesting to me that closing the fire towers one of the things that has happened is the 9 to 5 burning ban and that is something that really has concerned the local folks. The reason they are concerned about that is that your fire chief and your fire warden is going to have to meet with the citizens in your town and say, "I'm sorry, the state says you can't burn right now." The reason in the report that was filed with Appropriations indicated the reason for doing that ban was because of concern

at the beginning of this process as to whether or not they would be able to differentiate easily between what would be considered friendly smoke and what would be considered a problem. So, I would say that it must not be an equal service or they would not have needed to make that change.

I would urge you to support this amendment.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get up but after thirty years in the service and now seeing anyone in a fire tower do much of anything other than talk over the radio about chocolate chip cookies and never having seen one put out a fire, I support the position of not adopting this amendment.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: One point that hasn't been brought up here tonight (or if it has, I missed it) was stress by the fire chief in St. George. The fire tower in Jefferson serves as a coordination unit for all the units in Knox and Lincoln County. When there is a fire, mutual aid has to communicate through the fire tower. This is my understanding of how it works.

The new high tech system just is not suitable, they are are not hooked up for it to communicate effectively. If the new system worked well, I am sure the fire departments in Knox and Lincoln Counties would be all for it. It does not work well, it will not work well, and my fire chief pleaded with me, "Do what you can to keep the fire tower in Jefferson." If it were not necessary, I don't think he would have told me so.

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

Representative PAUL: Mr. Speaker, Men and Women of the House: I didn't plan on getting up tonight to talk about this but where there aren't many days left in this session and I am not running again, Mt. Hope happens to be in my district and the tower sets on a mountain west of Sanford and the fire tower person can see for a distance of about 20 to 25 miles, all the way to the Atlantic Ocean.

In 1947, I had a brother that had nine small children and lost his home because we didn't have fire towers and the fires got out of hand. We didn't have the up-to-date equipment. In 1950, I happened to be in Sanford and I helped fight forest fires all the way from Sanford to the Kennebunks and I would hate to see these fire towers be eliminated and unmanned by men and women during the 15 weeks just because we don't want to spend that kind of money and have somebody lose their home. The conditions and the economy is bad enough today without taking a chance on somebody losing their homes.

I hope you will vote in favor of this amendment.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I fully intended to stand up. So far I have voted against the elimination of the State Board of Education, I have voted against the elimination of the State Planning Office, I have voted against the transfer of some funds that I have never heard of, I have voted for a set of amendments which were designed to offset the disproportionate impact that state employees are receiving and I am

rising on this particular amendment to say that cannibalism has returned. I support fire towers. I don't know about these state positions, I really don't know what they do but when I don't know, I tend to vote no and I am voting no on it for that reason.

We recently restored \$10 million dollars to the State Subsidy Fund and I was glad about that but that money has to come from somewhere and it can't come from singular sources. I was going to save this little discourse until another tax was proposed and I was going to say that the value in that tax was that it defined the scope of the problem. I will tell you where the scope of the problem is taking me at this moment and I think we in this House and this state are taking ourselves away from any kind of tangible state tax policy and we are substituting for that tangible, reliable, consistent state tax policy off into a series of unrelated amendments. I will be picking and choosing but I had to stand up, both to stretch and to vent my frustrations.

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I, too, intend to vote against this amendment. To help clarify Representative Norton on what some of these positions do, the staff ranger forester is a safety officer for the Fire Control Division which handles financial grants to the towns and is a liaison person with the Federal and State Emergency Management Agencies.

The other couple of positions I have not had time to fully find out what their responsibilities are but I do agree with the Representative, I do not think that we ought start finding positions within departments and eliminating them to fund these fire towers. It has been an issue ongoing for the Energy and Natural Resources Committee, we dealt with it long before this administration had taken over, we put language in the budget that required them to make a report back to the Energy and Natural Resources Committee.

It is my understanding, Representative Gould, that the Energy and Natural Resources Committee did deal with this issue this afternoon. They voted with three members opposing not to accept this amendment and I would hope that you would go along and defeat this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is the adoption of House Amendment "II" (H-1256) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 78 in the negative, the motion did not prevail.

Representative Mahany of Easton offered House Amendment "KK" (H-1258) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "KK" (H-1258) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: As some have already indicated here this evening, the state employees have been hit rather hard. While I commend the Appropriations Committee for its work, it has been a really tough job for them and I know they have worked hard and that their intentions are the best, yet I

think it is appropriate for us to explore ways to soften the blows to the state employees, thus this amendment. Briefly, (I promised myself I would never use that word so I will take it back) this raises \$15.7 million dollars against the \$20 million and it would limit the time that state workers would lose in a week to one hour and would leave us with a surplus over and above that of \$2.3 million. I am not going to explain that particular item to you as to why we have the surplus because it involves too much time.

What does it do? First of all, this amendment would repeal the sales tax exemption for short-term publications, I believe that is publications that come out in the time less than three months, so to put it in language that you understand, that's a lot of magazine and newspapers. It would repeal the sales tax exemption on water purchased for residential use, that is to say some of us go out and buy bottles of water at Shaw's or Hannaford Brothers or wherever and we drink that instead of tap water or whatever. It also extends the definition of taxable services to include amusements or recreation services.

As to the amount left over from the \$20 million after you subtract \$15.7, this amendment also provides that the state workers' MSEA can negotiate about that.

Having said that, I would like to first turn my attention to the extension of the definition of taxable services to include amusements or recreational services. I want to read to you (it isn't very long) from the final report of the Select Committee on Comprehensive Tax Reform that was brought out January 30, 1991. Some very eminent people served on that, Representative Walter Whitcomb, Representative Guy Nadeau, Senator Steve Estes, Senator John Baldacci, Sawin Millett, Rod Scribner, Bonnie Post, etcetera.

Let me read what it says with respect to entertainment and recreation. It says that there is some inconsistency in this area. "Currently, the main inconsistency with respect to services is in the entertainment and recreation area. The Maine Sales Tax presently applies to the rental of video tapes and extended cable television. These entertainment modes defined as taxable services compete with other types of entertainment such as sporting events, plays, etcetera, which are not taxed. In a more general sense, they compete against the broad range of recreational activities such as golf, bowling and so on, also not taxed." Given this existing inconsistency and the fact that entertainment and recreation are discretionary, the subcommittee recommends that strong consideration be given to the extension of the sales tax to entertainment and recreation. Due to the the extenuating circumstances with which we are faced in these times, I think personally now is a good time to do this, to extend this tax and I think that is the only fair thing to do in view of the fact that other entertainment modes are already taxed. That is the biggest item in the raising of this \$15.7 million. It raises close to \$9 million.

With respect to newspapers and similar publications, we all know if we have been reading the newspapers that the newspapers themselves have recommended that we look at tax exemptions and so I assume newspapers will embrace this as a good move. It really doesn't involve that much money if you are buying a paper, you can spend a little extra to prevent one class or one group of people from getting

hurt so badly.

With respect to the bottled water, given the nature of the State of Maine, there is water all around us and most of it you can drink except that on the coast, I don't see any reason in the world why bottled water shouldn't be taxed, no reason in the world. I don't have anything against yuppies but yuppies and people like me are the ones that mostly buy that I think and I don't think we need to be worried. I am not terribly affluent but I can certainly afford the few cents tax. If I can go out and buy the water when I have so many other options, I can certainly afford a couple of extra cents. Other states tax these items, ladies and gentlemen, it is not, you know, some really criminal thing we would be doing here. It makes sense, these taxes, that is to say, I am going to watch my terminology because I don't think the tax exemptions I am addressing here are really taxes and I have a word to say about that, but extension of taxable services to recreation and entertainment is only expanding it, I should say, and it is only fair because we already have some entertainment that is taxed. As to the other items, I don't really think taxing those items, bottled water, short-term publications, is going to break anyone.

So, as far as tax exemptions are concerned, if you take the tax exemptions off, then to say that you are raising a tax — well, I may be nitpicking but you can see it two ways, I prefer to see it this way — we have to see a tax exemption as something that has been appropriated by this legislature and then expended. It took a special move to put a tax exemption without our taking a special step to put a tax exemption in statute, the paying of all of these would be automatic. I think a tax exemption is really an expenditure. I don't think we should nitpick too much around it because the state employees right now might say, "Well, in effect you are taking money out of our pocket and that adds up to the same thing as a tax increase." It seems to me the difference is, are we spreading the revenue around a little, that which we are taking in, or are we targeting certain groups to get our revenues? It seems a lot more just to me to spread it around a little.

I would call your attention to the fact that some very renowned and much beloved people, I think, in this state have asked us to take a look at tax exemptions and one of them is former Governor Kenneth Curtis whom I highly respect and I am sure that all of you do too.

As to the fact that I am taking this step and we haven't had a public hearing, I think I recall a bill or two in the past being passed by this legislature that didn't have a public hearing, I don't really think that it is a situation where there is no precedent for what we are doing, so I guess in view of the extenuating circumstances, my conscience isn't terribly disturbed by that fact. I have said all I have to say, ladies and gentlemen, and I hope you will give this your consideration and give the people that this is going to help your consideration and let's go for a more progressive tax policy here.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "KK" (H-1258) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 48 in the negative, the motion did not prevail.

Representative Gean of Alfred offered House Amendment "MM" (H-1268) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "MM" (H-1268) to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Representative GEAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does two things. Simply put, it increases the state sales tax on cigarettes by 20 cents per package, one cent per cigarette. It takes that 20 cents, converts it into \$20 million dollars and removes part "WW" of the budget package, thus restoring the \$20 million that was cut from the decreased work week of the state workers.

Some may view this as a very regressive tax bill. As a matter of fact, I have heard that repeatedly. Others may view it as our final attempt to be fair and just with the workers of this state. For a moment, I would like for you to review it as a critical health care issue. At present, we tax cigarettes at the rate of 37 cents per package for a package of 20, 43 cents per package for a package of 25. At the end of fiscal year, 1990, the state collected a little over \$43 million at that rate, although it was increasing during this time. At the end of fiscal year, 1991, the state collected \$46 million dollars. This year the state budgeted at this present rate \$56 million and, as of February, were 2 percent above the projection for collections this year. A 20 cent tax increase will do several things besides keeping the tobacco industry lobbyists busy, the first thing it will do is generate a minimum of \$20 million to go in to remove the part "WW" and provide the workers with the salary we had contracted with them. That amount, I feel, is fairly certain. Kevin Madigan had worked this up a couple of different ways and it will actually, if there were no decrease in sales, generate in the neighborhood of \$30 million dollars. What they have done is applied some retortype formulae to this number and conservatively estimate that \$20 million dollars will be generated by this tax.

Secondly, it will wipe out part "WW" of this budget and it will save lives. According to the national cancer institute of the U.S. Department of Health and Human Services, a 10 percent increase in the price of a tobacco product results in a 5 percent decrease in the quantity demanded or in the State of Maine about 12,500 Mainers who might quit smoking and live an average of 13 years longer and cost us millions less.

Now, the Maine Grocers Association has provided us with additional information today you will note and I am grateful for that. What they point out in their letter is that with this 20 cent increase on taxes, Maine will be the highest taxed state in the country as far as cigarettes are concerned. On the other hand, the U.S. Center for Disease Control reports that Maine has the third highest rate of smoking among the 18 to 34 year olds. In other words, we are going to be the highest cigarette taxed state in the nation, the other side of that being we have the third highest rate of smoking in that 18 to 34 year old group of people, which I think leads us to the real benefit of this amendment. Again, the Department of Health and Human Services report, and

this has to do with children, when you look at what I have just said and convert that to the 12 to 17 year old group, we find that a 10 percent increase in the price of the tobacco product results in a 14 percent decrease in smoking in the 12 to 17 year old group. The significance of that comes when you understand that of all the adult smokers in the world, 95 percent of them become addicted to nicotine before they are of an age when they can legally buy cigarettes. The impact here then being that that 10 percent increase will result in a 14 percent decrease in people beginning to smoke.

Nearly 250,000 adults in this state smoke, 2,000 of them die each year from smoking related illnesses. Smoking shortens the lives of smokers an average of 13 years and 6,000 children under the age of 18 begin to smoke each year. Smoking accounts for about 21 percent of all deaths in Maine, 90 percent of chronic obstructive pulmonary disease, 25 percent of the deaths from coronary artery disease and 83 percent of lung cancer cases.

On the fiscal side of this, it is estimated in direct and indirect health care costs that smoking costs the State of Maine \$270 million dollars per year, \$150 million dollars in direct health care costs. The worst case scenario that I can imagine from this regressive, nasty little tax in attempt to do justice with the state workers is that every smoker in the State of Maine would quit smoking and we would lose \$56 million dollars. That is the worst most awful case anybody could imagine, I guess. The problem with that is that it would be wonderful because the State of Maine would save \$214 million dollars in health care costs.

I would like for you to support this amendment. It may not be the most popular with those people who really do understand taxes but I think it has something in it that spells fairness and justice for all.

I would also like to request a roll call, Mr. Speaker.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: Gee, after listening to that great speech, I think I am going to give up smoking my cigars.

The only thing I would like to say is that the presentation just made is going to save lives and by all means everybody in this room wants to do that. My only concern is that if they don't buy their cigarettes here in Maine, they are going to go to New Hampshire if we keep taxing them to death. Just the same as they buy their booze in New Hampshire, they will go to New Hampshire to buy their cigarettes. You may not think that is possible but stop at any gas station on the way back from watching the Celtics play and you will see that they get their gas there and then they buy their carton of cigarettes. Yes, they are stopping smoking in the State of Maine but what they are doing is buying them in New Hampshire so I ask you to think very seriously and hard about this bill because 20 cents a pack is a lot of money to put on the people who do have a problem and they can't give up smoking.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote

yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is adoption of House Amendment "MM" (H-1268) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 388

YEA - Adams, Anthony, Cahill, M.; Carroll, J.; Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, Duffy, Duplessis, Dutremble, L.; Farnsworth, Gean, Graham, Gray, Heeschen, Hichens, Hoglund, Holt, Joseph, Kerr, Ketover, Ketterer, KilKelly, Larrivee, Lemke, Mahany, Manning, Marsh, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pfeiffer, Rand, Richardson, Saint Onge, Savage, Simonds, Simpson, Skoglund, Stevens, A.; Stevens, P.; Stevenson, Tamaro, Tardy, Townsend, Treat, Tupper, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutillier, Butland, Carleton, Carroll, D.; Cashman, Chonko, Cote, DiPietro, Donnelly, Dore, Erwin, Farnum, Farren, Foss, Garland, Goodridge, Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Heino, Hepburn, Hichborn, Hussey, Jacques, Jalbert, Kutasi, Lawrence, Lebowitz, Libby, Lipman, Look, Luther, MacBride, Macomber, Marsano, Martin, H.; Mayo, McHenry, Merrill, Michael, Michaud, Murphy, Nash, Ott, Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Salisbury, Small, Spear, Strout, Swazey, Tracy, Vigue, Waterman, Whitcomb, The Speaker.

ABSENT - Bowers, Gurney, Kontos, Lord, Parent, Pineau, Powers, Sheltra.

Yes, 62; No, 81; Absent, 8; Paired, 0; Excused, 0.

62 having voted in the affirmative and 81 in the negative with 8 being absent, the motion did not prevail.

Representative Tardy of Palmyra offered House Amendment "00" (H-1275) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "00" (H-1275) to Committee Amendment "A" (H-1192) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: I would like to point out that this started out as House Amendment "H" that was almost agreed to and then we went back and changed it so it would be agreed to.

What it does is it restores approximately \$100,000 to the Harness Racing Commission for drug testing which is dearly needed in the industry to maintain its credibility and, indeed, its economic viability. It is an industry that returns approximately a half million dollars to the General Fund, about \$350,000 goes to keep the agricultural fairs running. Eighty some odd percent goes back to the bettor so you have a lot better odds of getting some money back than you have playing the lottery.

It funds this by increased enforcement of sales tax at flea markets. It is not a new tax, people

that are at the flea markets who should be charging sales tax and are not or who are charging sales tax and putting it in their pocket and not remitting it to the state are the ones that would be picked up in this enforcement provision. It does leave a provision in for the one person in the Taxation Department which I understand that they can live without. This is why we let the amendment die earlier between the bodies because we didn't want to create the position but, at the same time, we didn't want to lose the fiscal note.

Subsequently, House Amendment "00" (H-1275) to Committee Amendment "A" (H-1192) was adopted.

Representative Pendleton of Scarborough moved that the House reconsider its action whereby House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) was adopted.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against reconsideration as I feel we have had ample debate about it. If people have questions, I certainly am available and will continue to be available to answer questions about the privatization of the Youth Center. Simply, it does not make sense the way it is being proposed. There are 19 unanswered questions that we still don't have answers to about how this could possibly work in a way that is fair and decent to the juveniles in the system and thus to the law enforcement agencies, to all of our citizens. If we are not going to do a decent job with the juveniles in our care on account of law enforcement violations, then we are really buying troubles down the road. We have too many graduates of the juvenile system already going on into the adult system and committing crimes in our neighborhoods and we have got to do as good as possible job as we can. The way that this is being proposed — to take the Youth Center, which is the one program that we have that works and divide it up into little parcels at the Youth Center grounds and lose all the advantages of having one coherent program in one place, it just simply doesn't make sense.

I would urge you to vote against reconsideration of this.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: This is a proposal to get \$2 million of federal money that we are not currently getting. I just don't feel that we are in a budget position where we can be turning down \$2 million dollars of federal money. That is really all this proposal does. It enables us to get our Medicaid funds for certain kids at the Maine Youth Center. Two million dollars in federal money, folks — look real hard before you say no to this in this kind of a budget situation.

I hope you will support reconsideration.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I understand the intent of this amendment and I sympathize with the concerns that Representative Anthony has. We have those same concerns in the Appropriations Committee and we asked many of those same questions. We understand that

there are some unanswered questions. We also understand that the RFP for this has to go out, there has to be a response to it and there has to be an opportunity to see whether or not it will work.

I am most concerned about the funding for this. There is an across-the-board cut in here. It is a small across-the-board cut but I would remind everyone that there is already an across-the-board cut in the budget. An additional across-the-board cut with the elimination of many programs like General Purpose Aid, Retirement and all of our entitlement programs mean that the across-the-board cuts come from the remaining accounts. Those remaining accounts are not that many and, within those accounts, are some very small programs. Those very small programs, some of which we can't even identify, may in fact be eliminated. We don't know exactly what would happen with any further across-the-board cuts. We tried to keep it at the point where there wouldn't be any elimination, there is an across-the-board cut, anything further could be very, very damaging to our state services. I am not just talking about Human Services, I am talking about each and every department and agency in state government. Some of them, remember, are very, very small. I am very concerned about it. It does not mean that I don't have sympathy and concern for questions regarding the intent of this amendment. I really do hope, and I asked these questions in our committee, that the Department of Corrections, the Department of Human Services and other members of the administration are going to think long and hard about how they implement any change at the Maine Youth Center but I am very concerned about this across-the-board cut. I hope you will be too as you consider this on top of what is already in the budget.

The SPEAKER: The Chair recognizes the Representative from Gorham Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I did not, when I stood before, give you some additional information which I would now like to have you understand about this process. There are more than simply unanswered questions about this. Perhaps others will be a little gentler on the floor but this proposal was pulled out of the air, there is no substantiation for \$2 million dollars to be made here.

I will read to you again from the report of the American Correctional Association. These are the experts that were brought here by the state to look at the Maine Youth Center to see whether or not it was appropriate for privatization. Besides their statement which I read to you before regarding that it was doubtful that a fiscally sound organization could be found, they also indicated and I quote directly, "Medicaid eligibility should be obtained in writing before any contract is signed." The question of Medicaid eligibility is very shaky, it is very much up in the air. The questions have not been answered about whether or not Medicaid is going to pay anything at that facility. The reasons for that are enumerated here, I won't read them all but the ones that are very important — "secure facilities such as training schools and detention centers are never Medicaid eligible. Facilities which otherwise meet the requirements for Medicaid eligibility lose that eligibility if the facility is located on the grounds or immediately adjacent to a large institution or multiple purpose complex. The facility would be required to demonstrate that it is

independent and discreet in regard to budget, management, administration, intake and discharge, program development and purpose." Again, that last sentence means that it must be independent and discreet in regard to budget, management, administration, intake and discharge, program development and purpose. That means that we do not have control over what goes on in that facility at all.

It is my firm belief that there are serious questions about the Medicaid eligibility and to book that \$2 million at this point in time is perpetrating a fallacy as well as poor policy. I would appreciate your rejecting the reconsideration at this point.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to address that yes, there is an across-the-board cut. Three-tenths of one percent, that is \$3.00 that comes out of every \$1,000 that is appropriated to an account. That is the magnitude of the cuts that we are talking about, \$3.00 out of every \$1,000.

I would also point out to you among the various questions we asked was a question about education. Every single one of you in this House that has somebody in your district going to the Youth Center will end up paying more in part, because as it is now educational expenses at the Youth Center are totally absorbed by the Youth Center budget. Any residential treatment center, however, you pay for it out of district placement for that person. This proposal calls for creating residential centers, basically small ones, as I call them, little fiefdoms, on the Youth Center grounds. Each one of those fiefdoms will have some of your constituents and when they are there, you will pay out of your local property tax, out of your local school budget for the education of those kids. That is one of the concerns that we expressed.

So, this is not exactly free money. To say that there will be \$2 million generated from the federal government, we don't know what will be generated by the federal government. And, as the previous speaker just said, we even doubt that any money can be. If it can, fine, I support it but not placing it at the Youth Center and doing it in a way that tears down what we already have.

I want to tell you about the Cottage 9 program. The Cottage 9 program is for the violent sex offenders. It has national recognition, national. That is one that is targeted to be turned over to a private provider, what will happen to it? I don't have any idea but I am real worried and I hope you are too.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I am a little concerned about some of the comments that have been made on the floor tonight about this proposal being pulled out of the air and that somehow we are going to be throwing kids out on the street. I don't think we can forget the point that it will bring down \$2 million in Medicaid money, but I think there is a greater issue here about what we are trying to do at the Youth Center.

I want to commend Representative Anthony for his commitment to those children and I would like to

personalize a little bit also. I volunteered at the Maine Youth Center for several years in the 1970's. I had a group counseling session with A. L. Carlisle and some of the girls there and did some psychological testing. I would never support a plan that would leave those kids without the proper care.

I also think it is an act of faith and commitment to Commissioner Allen and Deputy Commissioner A. L. Carlisle who are very committed to the kids at the Youth Center. I am convinced that their plan will be thoughtful and caring. I am concerned about the rather cavalier attitude about, it is only a little across-the-board cut. I have concerns about many other programs, about Child Protective Services and the Mental Health Institutions and a little cut there is a big cut in some cases. I don't think we should forget how damaging a little cut across-the-board could be to some other programs. I hope you will support the motion to reconsider.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Last Spring when my committee took it upon themselves to look at the budget, the Commissioner of Mental Health came to me and the committee and said, "I have a \$10 million hole in this budget." I went down to you, Representative Foss, and I told your committee we had a \$10 million hole in the budget and your committee did nothing about it.

The SPEAKER: The Chair would advise the Representative that the Appropriations Committee is the legislature's committee.

Representative MANNING: Sorry, Mr. Speaker.

We have 19 unanswered questions here. We are going to go home in a few days. I want to know, because this legislature and a few of you are over there smiling because you don't represent the City of Portland but your own kids go to that Youth Center and end up in my city when they escape. They end up breaking into my city's homes. I want to know tonight, who is going to chase and re-arrest those children? Because if this is turned over to a private organization under the current statutes right now, admitted by A. L. Carlisle, admitted by Donald Allen, they cannot re-arrest those individuals.

You have already cut a number of dollars out of revenue sharing in the City of Portland and the school budget. We are probably going to be laying off police officers. The City of South Portland is having a tough time. Where are these children going to go? The first two places they go is Portland and South Portland.

We don't know who is going to educate these kids. As Representative Anthony said, our own communities are probably going to have to pay now (for the first time) to educate these kids. Nobody understands that, I don't think. Nobody understands these 19 questions because, quite frankly, the Department of Corrections can't answer these questions.

In 90 days, roughly, they are going to start to privatize the Maine Youth Center. Nineteen questions — we are so anxious to get out of here so we can go home and tell everybody we did a great job. I can't imagine that our own city councils and our own town selectmen would ever buy something without having these questions at least answered ahead of time. That is what you are asking us to do.

If you think the Point 3 is a bad position, then

let's have a hole in the budget because last year we had a \$10 million hole in the budget and it was admitted by the Department of Mental Health, \$5 million overtime and \$5 million for Workers' Comp and the Appropriations Committee left a hole in the budget. Now, if this is such a great program that you are proposing, then I suggest putting a \$2 million hole in the budget and coming back in the Fall or next January and take a look at that. But, let's have some of these answers first, whether or not it is capable of going under a Medicaid program, whether or not we are going to be educating those kids or whether or not each and every single community that sends a kid there is now going to educate those kids. Who is going to arrest those kids?

I would like to hand this out because I think most of you would be shocked to see that these questions are not answered. The Department of Corrections, as of Friday afternoon, could not answer these questions.

I have heard us talk about kids around here the last couple of days — well, these are the most serious, disturbed children in the state and I think we ought to wait to have these questions answered before these most serious kids in the state are running all over the state. They said at the Maine Youth Center the other day, for the first time in their lives, because they have been to these residential places, they have been to the Homestead's of the world, they have been to the Spurwink's of the world, they have been to the Sweetser's of the world, they have been out-of-state, but for the first time in their lives, these kids have heard the word "no, you can't do this." If we are going to ruin that — we are already overcrowded at Thomaston, we are already overcrowded at the correctional center, and if you want to pump more of these individuals into these systems, then go ahead and vote for this stuff. If you are so concerned about the Point 3, then maybe we ought to be concerned. Let's have a \$2 million hole in this budget and let's come back in January and try to find out how to solve that problem because we had a \$10 million hole in the biennial budget and the Appropriations Committee knew it. But, this is a proposal that I can't believe any one of your school boards or your town selectmen would ever vote on without knowing what they are going to be voting on. I hope you take a hard look at this.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion to reconsider House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 71 in the negative, the motion to reconsider did not prevail.

Subsequently, Committee Amendment "A" (H-1192) as amended by House Amendments "D" (H-1206), "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "FF" (H-1252), "U" (H-1230) and "00" (H-1275) thereto was adopted.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be engrossed as amended by House Amendments "D" (H-1206), "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "FF" (H-1252), "U" (H-1230) and "00" (H-1275) thereto. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken .

20 having voted in the affirmative and 107 in the negative, the motion did not prevail.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 2185 failed of passage to be engrossed as amended.

On further motion of the same Representative, tabled pending passage to be engrossed as amended and later today assigned.

The Chair laid before the House the following matter: SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "B" (S-527) - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities (S.P. 42) (L.D. 66) - In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Resolution passed to be engrossed as amended by Committee Amendment "B" (S-527) as amended by Senate Amendment "A" (S-535) thereto and Senate Amendment "B" (S-555) which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that L.D. 66 and all accompanying papers be indefinitely postponed. (Roll Call requested)

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

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

The SPEAKER: The pending question before the House is the motion of Representative Joseph of Waterville that L.D. 66 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 389

YEA - Adams, Cahill, M.; Cashman, Farnsworth, Goodridge, Handy, Heeschen, Hoglund, Holt, Jacques, Joseph, Ketover, Larrivee, Michaud, Oliver, Pineau, Rand, Richardson, Skoglund, Stevens, P.; Treat, Wentworth.

NAY - Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Butland, Carleton, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gean, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Heino, Hepburn, Hichborn, Hussey, Kerr, Ketterer, Kilkelly, Kontos, Kutasi, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Ott, Paradis, J.; Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell,

Saint Onge, Salisbury, Savage, Simonds, Simpson, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Whitcomb, The Speaker.

ABSENT - Aikman, Bowers, Gurney, Hichens, Jalbert, Parent, Paul, Powers, Sheltra.

Yes, 22; No, 120; Absent, 9; Paired, 0; Excused, 0.

22 having voted in the affirmative and 120 in the negative with 9 absent, the motion to indefinitely postpone did not prevail.

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that the House accept the Minority "Ought Not to Pass" Report, a roll call having been requested.

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 Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Members of the House: When I started to talk to people about this bill last year, a curious fact came to mind and that was many people said to me, you know this is a terrible bill, you have got to make sure it fails, but I have got to vote for it. I hadn't even been trying to sell any position on this bill when I would ask people what they thought about it.

A while back, I came across something in the Legislative Record from January 12, 1955. The Speaker was Representative Clifford McLaughlin of Portland and among the comments that he made at that time were, "Have the courage to vote according to your convictions. Believe it or not, I have had several men, in my experience, tell me that they thought I was exactly right but they did not dare to vote with me. I say that a man or woman that doesn't have the courage to vote according to his or her convictions is weak indeed and has no place in this legislature." Then he went on to say, "Make your own decisions, don't try to pass the buck back to the people who sent you here and don't let politicians or lobbyists tell you what to do, you be the master of your own decisions."

I would ask you all to think very carefully about your vote here and the implications of putting a constitutional amendment in place and what it would do this state and the people in this state.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: Thank you for your indulgence. If we sent this question out to the citizenry, it would be like asking them if they love their country. Of course the majority will say, "vote yes." I would have voted yes too before I became a member of this Legislature where I am learning more and more each session about the complexities of state government. It is those complexities, I believe, that have led to the flurry of amendments which we have seen to this bill and about which we have heard hints. If these many amendments have been spawned as afterthoughts, perhaps this is not a bill solid enough to penetrate

the rock of our constitution. Will future state legislatures have to open up the Constitution to insert more amendments as it is discovered we have found another important piece that doesn't fit?

This past year, I asked the local officials in the district I represent to tell me which mandates are most burdensome for them. They had no answers for me except for one official, the cemetery superintendent in Bath who said he agreed with me, we should place a moratorium on mandates while we look at the issue more closely and intelligently than we had done. That was the conclusion I arrived at after reading "Mandates", cases in state and local relations put out in September, 1990 by the Advisory Commission on Intergovernmental Relations which has been lying in our Law Library waiting for us to come educate ourselves on this subject. It concludes by saying this, "Mandates themselves are not the issue and a new level of leadership and commitment is needed to address the bigger problem, the bigger problem of properly sorting out state and local service responsibility. The twin irritants of less federal aid and intense mandate friction has stimulated a major examination of programs, funding and service delivery that, if done correctly, will result in more cost-effective government. The result is too important to be obscured by the non-issue of mandates."

I believe we can explain this to sensible people. I cannot vote for L.D. 66. I spent a lot of time last summer reading this as I knew we were going to be facing this again. I voted for it and against it when we started the debate on the law we have already on the books but my opponent used it against me anyway just before the election last time. I am not going to be pushed around that way.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: It is always very difficult to be on the opposite side of issues with people you care about and respect a great deal. I am finding it very difficult in this situation. However, I must take exception with — well, maybe actually what I am doing is agreeing with Representative Heesch. I do think that it is very important that everyone in this body vote their conscience, vote what they believe in, and vote what they think is proper for this state.

I happen to be supporting L.D. 66. I am doing that because I happen to believe in that. I am not doing it because I am concerned about what somebody is going to say or concerned about the letters I have gotten from the town managers or the selectmen in my district. I am doing it because I believe it is the responsible thing to do. I believe that each level of government must take responsibility, not only for making decisions, but actually for looking at how those decisions are going to be funded. We have been very critical in this body of county government, even to the point of saying that we need to review county budgets because we are concerned about the impact on local property taxes. We are concerned about what is going to be happening because the counties don't have to take responsibility for raising the property taxes so the counties don't understand what the problem is. What is the difference between that and imposing upon a community a mandate that we are not funding? There is no difference.

I see this bill as an opportunity to have the

information before us that we need to make decisions. If we can get to the point of having put in amendments that I think are very important in clarifying this issue, there will be more that can be said about what the opportunities are. I would urge, please, that we do not accept the "Ought Not to Pass" Report and get on with this bill.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I have here a 1987 state mandate report done by the Maine State Legislature which was one of the guides that I used in committee. I would like to tell you a couple of pieces of information that were in there.

One of the processes that they used was to look at other states which had both mandate bills and had some type of constitutional amendment. This comes from review of cost estimating of reimbursement programs from the General Accounting Office. A witness with the Office of Municipal Affairs in Rhode Island estimated that only two states have a true reimbursement program. The reason offered for the discrepancy between the number of states which have programs of this sort and actual functioning are these things — it had been their finding that the legislature waive the requirement when it sees fit, that the legislature doesn't fund the reimbursement, that funds for reimbursement come from monies which would have gone to local governments under a different guise. There is no net increase. Local governments fail to submit requests for reimbursement and the reimbursement is filled through indirect reimbursement. They go on to say that many states, which have chosen to restrict mandating through Constitutional Amendment, report routine circumvention of the intent of the amendment. There are other pieces of information but I think that that just lets you know that there are still problems with this. Our best bet is still for us to have the will not to pass these mandates along and to do the work piece by piece in our committees. A Constitutional Amendment is not the right direction. I urge you to accept the "Ought Not to Pass" Report.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: When I hear that each level of government should be responsible for funding all of the activities and functions of that government, I wonder if we are suggesting that the legislature has or is acting irresponsibly. I said this morning and I am saying this evening that I believe that there is no member in this House that does not believe that every piece of legislation that leaves this body should have a fiscal note and that we should have actually looked at how that would be funded. I do not believe that we should put this measure into the Constitution of the State of Maine. That is the issue here before us, not whether or not funding of mandates is right or funding of mandates is wrong. In fact, we have a statute on the books, effective July 1, 1991 — this government has so little money that that particular law requires two positions in the Office of Fiscal and Program Review, those positions have not been filled. In fact, that office has lost one additional position. We are interested in finding out what the fiscal impact is to any community, to any group and to any individual in this state. We are a very conscientious body and I don't

believe that we are acting irresponsibly.

I need to say to you all tonight that, when we had the public hearing last year on this piece of legislation, at least (and I am being conservative) 80 municipalities appeared before our committee, one by one by one. In each case, the questions that the committee asked and that I asked as Chair of that committee is, in your opinion, what is a mandate? In no cases did we hear the same definition of mandate. It is a matter of interpretation by those communities who are experiencing the same hardships that this state government is experiencing. But more than that, it is groups of municipal officials up against the same kinds of problems — can we cut state government? We have tried. Can we save money? Can we restructure? We are trying. Can we say no to those people who need the services that state government delivers to them, the needy, the poor, the children, the poor children? Our municipal officials are up against the same kind of battle we are and they are having a difficult time saying no as well. They are also looking very hard to find answers. But, amending the Constitution isn't the answer.

Representative Holt said it right, do you love your country? Of course I love my country. We know that if we send this out, the people of the State of Maine will vote for it. This will paralyze state government. This will bankrupt state government, if it isn't already.

I urge you to not frivolously tamper with the document that is the Constitution of the State of Maine that you have sworn to uphold, that future legislators will swear to uphold because the Constitution is not a flexible document.

I urge you to vote for the "Ought Not to Pass" Report.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 390

YEA - Adams, Cahill, M.; Clark, M.; Coles, Dore, Erwin, Farnsworth, Gean, Goodridge, Handy, Heeschen, Hoglund, Holt, Joseph, Ketover, Larrivee, Michaud, Oliver, Pfeiffer, Pineau, Rand, Richardson, Rydell, Saint Onge, Skoglund, Stevens, P.; Treat, Wentworth.

NAY - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Butland, Carleton, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Duffy, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Gray, Greenlaw, Gwadnosky, Hale, Hanley, Hastings, Heino, Hepburn, Hichborn, Hussey, Jacques, Kerr, Ketterer, Kilkelly, Kontos, Kutasi, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Ott, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Salisbury, Savage, Simonds, Simpson, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend,

Tracy, Tupper, Vigue, Whitcomb, The Speaker.
 ABSENT - Bowers, Cashman, Gurney, Hichens,
 Jalbert, Parent, Powers, Sheltra, Waterman.
 Yes, 28; No, 114; Absent, 9; Paired, 0;
 Excused, 0.

28 having voted in the affirmative and 114 in the negative with 9 absent, the motion did not prevail.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "B" (S-527) was read by the Clerk.

Senate Amendment "A" (S-535) to Committee Amendment "B" (S-527) was read by the Clerk.

On motion of Representative Gray of Sedgwick, Senate Amendment "A" (S-535) to Committee Amendment "B" (S-527) was indefinitely postponed.

Senate Amendment "B" (S-555) was read by the Clerk.

On motion of Representative Gray of Sedgwick, Senate Amendment "B" (S-555) was indefinitely postponed.

Representative Gray of Sedgwick offered House Amendment "D" (H-1237) to Committee Amendment "B" (S-527) and moved its adoption.

House Amendment "D" (H-1237) to Committee Amendment "B" (H-527) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I have supported L.D. 66 since it was introduced last year in the form that it was at that time and in the form that it was before us a while ago, with one exception — I had offered an amendment to correct that exception.

While I am reluctant to accept the amendment that has just been offered, I also have a concern that the municipalities across the state deserve something. I don't happen to believe that the amendment that we are addressing here at the moment will give them what they deserve. There is no stability that I can see in that and they are still subjected to actions that future legislatures might take.

The decision that I have to make at this point is whether or not I will support the current amendment. I do feel an obligation to have it on the Record that I have made an effort to try to get some relief for the municipalities that we might pass along to them.

Subsequently, House Amendment "D" (H-1237) to Committee Amendment "B" (S-527) was adopted.

Committee Amendment "B" (S-527) as amended by House Amendment "D" (H-1237) thereto was adopted.

Subsequently, the bill was read a second time.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I apologize for getting up so many times on this bill, but as you can tell, it is important to me.

Let me clarify what House Amendment "D" does in my opinion, and that is, placed in the Constitution, a payment to communities for state mandates to 90 percent unless we vote by two-thirds to override it. It seems illogical to me to put something into the Constitution for which we have already set up the process by which to go around it and, therefore, I would ask you to vote against the passage to be engrossed.

Mr. Speaker, I request a roll call.

The SPEAKER: A roll call has been requested.

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

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

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

Representative DORE: Mr. Speaker, I would like to pose a question through the Chair. With this amendment in the current state that it is in — it has been hard to follow it through this process — I would like to know if the mammogram legislation that was passed by the House and Senate last year mandating coverage from mammographies, if we would not be able to pass that if L.D. 66 with this amendment were enforced? Because, of course, municipalities carry health insurance and, therefore, they might have an increase in their health insurance due to the mandated requirements to cover mammography? I would like to know if I were going to be voting for L.D. 66 under its current amended version, would we then have to fund the additional health insurance cost, however tiny, for the coverage for mammographies by municipal employees? I don't think that is what you all intend to do but maybe it is.

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

The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: My answer to that would be no because we do not mandate that the towns carry health insurance.

On motion of Representative Hanley of Paris, the House reconsidered its action whereby Committee Amendment "B" (S-527) as amended by House Amendment "D" (H-1237) thereto was adopted.

The same Representative offered House Amendment "F" (H-1273) and moved its adoption.

The SPEAKER: The Chair would advise the Representative that House Amendment "F" is in violation and conflicts with House Amendment "D" which has been adopted. House Amendment "D" would have to be indefinitely postponed in order for the Representative to add House Amendment "F."

The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, I move that the House reconsider its action whereby House Amendment "D" (H-1237) to Committee Amendment "B" (S-527) was adopted.

I move the indefinite postponement of House Amendment "D" (H-1237).

The SPEAKER: The motion is out of order.

Representative HANLEY: Parliamentary inquiry?

The position that the bill is in currently is to reconsider the action whereby we adopted Committee Amendment "B?"

The SPEAKER: The Chair would advise the Representative he has just moved to reconsider adoption of House Amendment "D" and may not move to indefinitely postpone a motion to reconsider.

Representative HANLEY: Mr. Speaker, I thought the motion to reconsider was granted?

The SPEAKER: The Chair would answer in the

negative.

The Representative may speak to that motion if he so desires.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I would ask that we reconsider House Amendment "D" in order to go on and adopt an additional amendment that would make the change where House Amendment "D" would refund or would require the state to reimburse at 90 percent only. I would like to propose an amendment that would change that percentage from 90 percent. I would hope you reconsider adoption of House Amendment "D."

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would urge you not to reconsider our action whereby House Amendment "D" was adopted to this bill. The reason is this bill has been with us for a long, long time and it is a bill that makes a great deal of sense.

I would like to read to you right now the first sentence of the amendment that we are talking about. "For the purpose of more fairly apportioning the cost of government and providing local property tax relief, the state may not require a local unit of government to expend or modify that unit's activities so as to necessitate additional expenditures from local revenues unless the state provides annually 90 percent of the funding for these expenditures from state funds not previously appropriated to that local unit of government." It says it all. Ninety percent makes sense and it makes sense because we are talking about a partnership, a partnership between local units of government and state government.

We talked a lot about co-payments and how co-payments make people more responsible because it puts them in some kind of control of what is going on. Well, a ten percent co-payment, if you will, makes a great deal of sense. To reconsider our action and possibly lose this amendment and go on to a 100 percent amendment, I don't believe makes sense because we need to all work together. I believe that the 90 percent that is outlined in this particular amendment makes a great deal of sense to create that partnership. We all need to work together especially in these very, very difficult times.

I urge you to defeat the pending motion and go on and allow this bill to be engrossed and go on and have it passed.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Members of the House: Actually, I would urge you to reconsider adoption of House Amendment "D", but not for the same reasons the good Representative from Paris is asking but simply because if the bill before with the amendment it had before was bad, frankly House Amendment "D" will make somewhat of a mockery of the Constitution which is supposed to be somewhat of a fairly fixed document. So, I would urge reconsideration of this so that we can postpone it.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Hanley of Paris that the House reconsider its action whereby House Amendment "D" was adopted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

36 having voted in the affirmative and 70 in the

negative, the motion to reconsider did not prevail.

Subsequently, Committee Amendment "B" (S-527) as amended by House Amendment "D" (H-1237) thereto was adopted.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be engrossed as amended by Committee Amendment "B" (S-527) as amended by House Amendment "D" (H-1237) thereto. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 391

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Duffy, Duplessis, Farnum, Farren, Foss, Garland, Gean, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Heino, Hichborn, Hussey, Kerr, Ketterer, Kilkelly, Kontos, Kutasi, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Ott, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Salisbury, Savage, Simonds, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Whitcomb, The Speaker.

NAY - Adams, Clark, M.; Coles, Dore, Erwin, Farnsworth, Goodridge, Handy, Heesch, Heglund, Holt, Joseph, Ketover, Larrivee, McKeen, Michaud, Oliver, Pfeiffer, Pineau, Rand, Richardson, Rydell, Saint Onge, Skoglund, Stevens, P.; Wentworth.

ABSENT - Bowers, Cashman, Dutremble, L.; Gurney, Hepburn, Hichens, Jacques, Jalbert, Parent, Powers, Sheltra, Simpson.

Yes, 113; No, 26; Absent, 12; Paired, 0; Excused, 0.

113 having voted in the affirmative, 26 in the negative, with 12 absent, L.D. 66 was passed to be engrossed as amended by Committee Amendment "B" (S-527) as amended by House Amendment "D" (H-1237) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Facilitate Self-insurance and Group Self-insurance under the Maine Workers' Compensation Act" (S.P. 877) (L.D. 2238) which was passed to be engrossed as amended by Committee

Amendment "A" (S-633) as amended by Senate Amendment "A" (S-638) and House Amendment "A" (H-1214) thereto in the House on March 24, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-633) as amended by Senate Amendments "A" (S-638) and "B" (S-701) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 25, 1992

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

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its previous action whereby it failed to accept the Ought to Pass as Amended Report from the Committee on State and Local Government on Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (EMERGENCY) (H.P. 1503) (L.D. 2116).

Sincerely,

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

Was read and ordered placed on file.

Non-Concurrent Matter

An Act Requiring the Provision of Information to Victims of Gross Sexual Assault (H.P. 359) (L.D. 513) (C. "A" H-963) which was passed to be enacted in the House on March 16, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-963) as amended by Senate Amendment "A" (S-692) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 18 was taken up out of order by unanimous consent:

ORDER

On motion of Representative MELENDY of Rockland,

the following Joint Order: (H.P. 1766)

Ordered, the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out legislation to promote economic growth and to provide assistance to businesses.

Was read and passed and sent up for concurrence.

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

JOINT RESOLUTION (H.P. 1757) RELATIVE TO REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO PROSECUTE CERTAIN CASES IN PENOBSCOT COUNTY which was read and adopted in the House on March 24, 1992.

Came from the Senate read and adopted as amended by Senate Amendment "A" (S-700) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative KUTASI of Bridgton, the following Joint Order: (H.P. 1767)

Ordered, the Senate concurring, that Bill, "An Act to Extend the Appraisal License Effective Date," H.P. 1734, L.D. 2422, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 680) (L.D. 1802) Bill "An Act to Adopt a New Article for the Uniform Commercial Code" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-695)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children Ages 0 to School-age 5 (S.P. 921) (L.D. 2360) (C. "A" S-679) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Crowley of Stockton Springs, under suspension of the rules, the House reconsidered its action whereby L.D. 2360 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-679) was adopted.

The same Representative offered House Amendment "A" (H-1274) to Committee Amendment "A" (S-679) and moved its adoption.

House Amendment "A" (H-1274) to Committee Amendment "A" (S-679) was read by the Clerk.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will speak briefly to this amendment. What it does is it strikes a provision in the Committee Amendment that erroneously identified employees of the State Intermediate Education Unit in child development services. The amendment adjusts the method of allocating funds to the regional sites for fiscal year 1992-93 by directing the Department of Education and the board of directors of those 16 regional sites to jointly develop, by April 30, 1992, a method of allocating funds to those 16 sites. The method of allocation must include a base allocation for the operation of each regional site.

The amendment also strikes a provision that would have limited the number of regional sites and leaves it now at 16.

Subsequently, House Amendment "A" (H-1274) to Committee amendment "A" (S-679) was adopted.

Committee Amendment "A" (S-679) as amended by House Amendment "A" (H-1274) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-679) as amended by House Amendment "A" (H-1274) thereto in non-concurrence and sent up for concurrence.

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

The Chair laid before the House the following matter: An Act to Prevent Procurement of Controlled Substances through Fraud (H.P. 1582) (L.D. 2232) (C. "A" H-1170) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 2232 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-1170) was adopted.

The same Representative offered House Amendment "A" (H-1270) to Committee Amendment "A" (H-1170) and moved its adoption.

House Amendment "A" (H-1270) to Committee Amendment "A" (H-1170) was read by the Clerk and adopted.

Committee Amendment "A" (H-1170) as amended by House Amendment "A" (H-1270) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1170) as amended by House Amendment "A" (H-1270) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Ought to Pass as Amended Report of the Committee on Agriculture reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-639) on Bill "An Act to Expand the Membership of the Animal Welfare Board" (S.P. 696) (L.D. 1861); Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-639) as amended by Senate Amendments "A" (S-647), "D" (S-681), "E" (S-685) and "F" (S-689) thereto which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

Report was read and accepted, the bill read once.

Committee Amendment "A" (S-639) was read by the Clerk.

Senate Amendment "A" (S-647) to Committee Amendment "A" (S-639) was read by the Clerk and adopted.

Senate Amendment "D" (S-681) to Committee Amendment "A" (S-639) was read by the Clerk and adopted.

Senate Amendment "E" (S-685) to Committee Amendment "A" (S-639) was read by the Clerk and adopted.

Senate Amendment "F" (S-689) to Committee Amendment "A" (S-639) was read by the Clerk.

Representative Tardy of Palmyra moved that Senate Amendment "F" (S-689) to Committee Amendment "A" (S-639) be indefinitely postponed.

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

Representative TARDY: Mr. Speaker, Men and Women of the House: The last time I spoke on a dog bill 14 months ago, I vowed I would never do it again. I am wrong and will stand corrected.

I would ask you to vote against this motion. What Senate Amendment "F" does is lengthen the amount of time that a dog can spend in an animal shelter before it is euthanized. What has been proposed is to reduce this back down to six days. I don't think there are any of us who would argue that it is unreasonable for an animal to be in a shelter, up for adoption, for eleven days before it is euthanized. I would ask you to vote against this motion.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: Senate Amendment "F" does propose that we keep animals for eleven days before they be

euthanized. It is done with all good intentions but it has a negative impact on the ability of shelters to accept animals that are strays or abandoned.

What we are proposing with a House Amendment would be that we would roll it back to the current law which is eight days, that the ownership of the animal be vested in the shelter at the end of six days so they can adopt it out. But, in no case may they euthanize before they have had it for eight days. It is a question of dollars and cents and responsible pet owners. I would urge you to support the motion to indefinitely postpone.

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

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

I am hearing the numbers of days that dogs may be kept in an animal shelter before they are euthanized and could someone tell me how long this bill would allow a cat to be kept in an animal shelter before it is euthanized?

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

The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: Under current statute, dogs have to be kept a minimum of eight days. There is no statute regarding how long cats need to be kept. I think a rule of thumb for most shelters is that they keep them as long as they can afford to and as long as they are adoptable and that they have the capacity and the funds to do that.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: I would just like to disagree with the assertion of the Representative from Palmyra, Representative Tardy, that this bill is a matter of dollars and cents for these shelters. The reality is, if you dig out Senate Amendment "F", you will see that the cost of keeping these animals in the shelters are borne by people who come to claim their dogs. That is to say that if you come to pick up your dog, the fee you pay will cover the cost of keeping your dog and any other dogs in there. There is no fiscal note on this, it doesn't cost the shelters anything and the reality is that it allows the dogs a couple of more days before they will be killed. I urge you to please vote against it.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: The last gentleman just stated that if you keep that dog beyond the six days, up to eleven, there is not going to be any cost, only to the dog owner. Let me tell you from our experience, if that stray dog is kept beyond the six days and they can't find the previous owner, the towns are going to bearing this cost. We worked out in committee a bill this session that would go down to six days and we also gave up \$1 to the towns to help bear this cost. That is what we worked out in committee over the past two months.

The Senator from my district is the one that put the amendment on in the other body. He is the one that is causing all the problems here. The reason is he wants to go from six days to eleven days to make the municipality pay more money to take care of these

dogs that are strays. What you need to do tonight is to listen to the Chairman of the Committee, kill this amendment and support the amendment that is going to be offered later to go back to the eight days and we can live with that.

When you stand up here and tell me that there is not going to be any cost, only to the dog owners if you keep this beyond six days, that is false because anybody knows that if you have got a dog out there that you keep beyond the six days and you can't find the owner, the cost is going to come back to the municipality. If that is what you want, vote to keep this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Tardy of Palmyra that Senate Amendment "F" (S-689) to Committee Amendment "A" (S-639) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 28 in the negative, the motion to indefinitely postpone did prevail.

Representative Tardy of Palmyra offered House Amendment "A" (H-1247) to Committee Amendment "A" (S-639) and moved its adoption.

House Amendment "A" (H-1247) to Committee Amendment "A" (S-639) was read by the Clerk and adopted.

Representative Tardy of Palmyra offered House Amendment "B" (H-1278) to Committee Amendment "A" (S-639) and moved its adoption.

House Amendment "B" (H-1278) to Committee Amendment "A" (S-639) was read by the Clerk and adopted.

Committee Amendment "A" (S-639) as amended by Senate Amendments "A" (S-647), "D" (S-681), "E" (S-685) and House Amendments "A" (H-1247) and House Amendment "B" (H-1278) thereto was adopted.

The bill was read the second time and passed to be engrossed as amended by Committee Amendment "A" (S-639) as amended by Senate Amendments "A" (S-647), "D" (S-681), "E" (S-685) and House Amendments "A" (H-1247) and House Amendment "B" (H-1278) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Chonko of Topsham, the House reconsidered its action whereby Committee Amendment "A" (H-1192) as amended was adopted.

The same Representative offered House Amendment "PP" (H-1279) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "PP" (H-1279) to Committee Amendment "A" (H-1192) was read by the Clerk and adopted.

Committee Amendment "A" (H-1192) as amended by House Amendments "D" (H-1206), "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "FF" (H-1252), "U" (H-1230), "OO" (H-1275), "PP" (H-1279) thereto was adopted.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be engrossed as amended by Committee Amendment "A" (H-1192) as amended by House Amendments "D" (H-1206), "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "FF" (H-1252), "U" (H-1230), "00" (H-1275), "PP" (H-1279) thereto. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 87 in the negative, the bill failed of passage to be engrossed. Sent up for concurrence.

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (H.P. 1660) (L.D. 2337) which was passed to be engrossed as amended by Committee Amendment "A" (H-1173) and House Amendment "B" (H-1175) in the House on March 25, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1173) and Senate Amendment "A" (S-702) in non-concurrence.

The House voted to Insist.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Gean of Alfred,
Adjourned at 11:32 p.m. to Thursday, March 26,
1992, at eleven o'clock in the morning.
