

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 2, 1992 to May 13, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
17th Legislative Day
Tuesday, February 16, 1993

116th Maine State Legislature
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

It is with particular pleasure that I accept your invitation to address a joint session of the 116th Maine Legislature, Tuesday, February 16, 1993 at 10:30 a.m.

I consider this a distinct privilege, and I look forward to reporting on the state of the University of Maine System.

Sincerely,

S/Robert L. Woodbury
Chancellor

Was read and ordered placed on file.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

February 11, 1993

The Honorable John L. Martin
Speaker of the House
116th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Judiciary:

Howard H. Dana, Jr. of Cape Elizabeth for appointment as a Justice of the Maine Supreme Judicial Court. Howard H. Dana, Jr. is replacing Daniel Wathen.

Nancy Mills of Cornville for appointment as a Justice of the Maine Superior Court.

Sincerely,

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

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication:

UNIVERSITY OF MAINE SYSTEM
107 Maine Avenue
Bangor, Maine 04401-1805

February 11, 1993

The Honorable Dennis L. Dutremble
President of the Senate

The Honorable John L. Martin
Speaker of the House

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolution were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Agriculture

Bill "An Act to Continue the Maine Dairy Farm Stabilization Act" (H.P. 381) (L.D. 494) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative: LORD of Waterboro, Senators: BRANNIGAN of Cumberland, MARDEN of Kennebec) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Bill "An Act to Clarify the Process of Resolving Nuisance Complaints Involving Agriculture" (H.P. 386) (L.D. 499) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representatives: ALIBERTI of Lewiston, CROSS of Dover-Foxcroft, HUSSEY of Milo, TARDY of Palmyra, Senators: MARDEN of Kennebec, PARADIS of Aroostook) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Establish a Bond Issue for Energy Conservation Measures" (H.P. 390) (L.D. 503) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representatives: KONTOS of Windham, MITCHELL of Vassalboro, MORRISON of Bangor, Senators: HANDY of Androscoggin, McCORMICK of Kennebec)

Bill "An Act to Clarify the Management of Real Estate Leases" (H.P. 396) (L.D. 509) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representatives: JACQUES of Waterville, MICHAUD of

East Millinocket, Senator: BUTLAND of Cumberland)
(Submitted by the Department of Conservation pursuant
to Joint Rule 24.)

Bill "An Act to Make Allocations from the Public
Utilities Commission Regulatory Fund and the Public
Utilities Commission Reimbursement Fund for the
Fiscal Years Ending June 30, 1994 and June 30, 1995"
(EMERGENCY) (H.P. 404) (L.D. 517) (Presented by
Representative DONNELLY of Presque Isle) (Cosponsored
by Representative: CLARK of Millinocket, Senators:
CARPENTER of York, VOSE of Washington) (Governor's
Bill)

Bill "An Act to Make Allocations for the
Operating Expenditures of the Intergovernmental
Telecommunications Fund of the Department of
Administration for the Fiscal Years Ending June 30,
1994 and June 30, 1995" (EMERGENCY) (H.P. 405) (L.D.
518) (Presented by Representative REED of Falmouth)
(Cosponsored by Representatives: CARROLL of Gray,
MacBRIDE of Presque Isle, MICHAUD of East
Millinocket) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Encourage Small Businesses to
Provide Health Insurance to Employees" (H.P. 391)
(L.D. 504) (Presented by Representative BRUNO of
Raymond) (Cosponsored by Representatives: AIKMAN of
Poland, BARTH of Bethel, BENNETT of Norway, CAMERON
of Rumford, CARR of Sanford, LORD of Waterboro,
NORTON of Winthrop, REED of Dexter, VIGUE of Winslow,
YOUNG of Limestone, ZIRNKILTON of Mount Desert,
Senator: SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Provide Additional Exemptions to
the Need for a Cosmetology License" (H.P. 395) (L.D.
508) (Presented by Representative CLOUTIER of South
Portland) (Cosponsored by Representatives: ADAMS of
Portland, BRENNAN of Portland, CARROLL of Gray,
FARNSWORTH of Hallowell, FITZPATRICK of Durham, HATCH
of Skowhegan, HUSSEY of Milo, JACQUES of Waterville,
JOHNSON of South Portland, JOSEPH of Waterville,
KONTOS of Windham, MELENDY of Rockland, MITCHELL of
Vassalboro, PFEIFFER of Brunswick, QUINT of Paris,
RICHARDSON of Portland, STEVENS of Orono, TOWNSEND of
Portland, TOWNSEND of Eastport, TRACY of Rome, TUFTS
of Stockton Springs, Senator: AMERO of Cumberland)

Bill "An Act to Centralize Licensing for Retail
Businesses" (H.P. 399) (L.D. 512) (Presented by
Representative MICHAEL of Auburn) (Cosponsored by
Representative HOGLUND of Portland, Senator TITCOMB
of Cumberland and Representatives: BARTH of Bethel,
CLOUTIER of South Portland, COFFMAN of Old Town, DORE
of Auburn, JOY of Island Falls, LEMONT of Kittery,
LINDAHL of Northport, MARSHALL of Eliot, NORTON of

Winthrop, TUFTS of Stockton Springs, WINN of
Glenburn, Senator: HANDY of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Extend the Probationary Period
for Teachers" (H.P. 384) (L.D. 497) (Presented by
Representative ALIBERTI of Lewiston) (Cosponsored by
Representatives: BEAM of Lewiston, CONSTANTINE of Bar
Harbor, DiPIETRO of South Portland, NORTON of
Winthrop)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Correct Errors and
Inconsistencies in the Growth Management Laws" (H.P.
388) (L.D. 501) (Presented by Representative ANDERSON
of Woodland) (Cosponsored by Representatives: LORD of
Waterboro, MICHAUD of East Millinocket, Senator:
LUDWIG of Aroostook) (Submitted by the Department of
Economic and Community Development pursuant to Joint
Rule 24.)

Bill "An Act to Set a Moratorium on Issuing
Permits for Septic Tanks" (H.P. 392) (L.D. 505)
(Presented by Representative NICKERSON of Turner)
(Cosponsored by Representatives: CLUKEY of Houlton,
LEMONT of Kittery)

Bill "An Act to Exempt Permitted Borrow Pit
Operations from Municipal Shoreland Zoning Review"
(H.P. 393) (L.D. 506) (Presented by Representative
LORD of Waterboro) (Cosponsored by Senator SUMMERS of
Cumberland and Representatives: AHEARNE of Madawaska,
ANDERSON of Woodland, BAILEY of Farmington, BOWERS
of Washington, CARROLL of Gray, CLARK of Millinocket,
DEXTER of Kingfield, DiPIETRO of South Portland,
FARREN of Cherryfield, GOULD of Greenville, HEINO of
Boothbay, HUSSEY of Milo, KNEELAND of Easton, LOOK of
Jonesboro, MORRISON of Bangor, MURPHY of Berwick,
NICKERSON of Turner, REED of Dexter, SPEAR of
Nobleboro, STEVENS of Sabattus, STROUT of Corinth,
TARDY of Palmyra, VIGUE of Winslow)

Bill "An Act to Exempt Gravel Pits with Less
Than 5 Unreclaimed Acres from Regulation by the
Department of Environmental Protection under the Site
Location of Development Act" (H.P. 406) (L.D. 519)
(Presented by Representative LORD of Waterboro)
(Cosponsored by Representatives: AHEARNE of
Madawaska, ANDERSON of Woodland, BAILEY of
Farmington, BOWERS of Washington, CARROLL of Gray,
CLARK of Millinocket, DEXTER of Kingfield, DiPIETRO
of South Portland, FARREN of Cherryfield, GOULD of
Greenville, HEINO of Boothbay, HUSSEY of Milo, KERR
of Old Orchard Beach, KNEELAND of Easton, LOOK of
Jonesboro, MARSH of West Gardiner, MORRISON of
Bangor, MURPHY of Berwick, NICKERSON of Turner, REED
of Dexter, SPEAR of Nobleboro, STEVENS of Sabattus,
STROUT of Corinth, TARDY of Palmyra, VIGUE of

Winslow, Senator: SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Regarding Bow Hunting" (H.P. 382) (L.D. 495) (Presented by Representative LEMONT of Kittery) (Cosponsored by Senator GOULD of Waldo and Representatives: AULT of Wayne, DEXTER of Kingfield, DONNELLY of Presque Isle, FARNUM of South Berwick, JONES of Pittsfield, KILKELLY of Wiscasset, MARSHALL of Eliot, MURPHY of Berwick, NICKERSON of Turner, QUINT of Paris, STEVENS of Sabattus, TUFTS of Stockton Springs, Senator: HALL of Piscataquis)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Amend the Maine Housing Authorities Act" (H.P. 407) (L.D. 520) (Presented by Representative KONTOS of Windham) (Cosponsored by Representatives: BRENNAN of Portland, DEXTER of Kingfield, MELENDY of Rockland, Senator: BRANNIGAN of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Clarify the Disbursement of Maine Children's Trust Fund Income" (H.P. 380) (L.D. 493) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Representative: CATHCART of Orono, Senators: BEGLEY of Lincoln, PARADIS of Aroostook) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Require Judges to Consider the Desirability of Financial Forfeitures" (H.P. 379) (L.D. 492) (Presented by Representative KETTERER of Madison) (Cosponsored by Senator CONLEY of Cumberland and Representative: LIPMAN of Augusta, Senator: HANLEY of Oxford)

Bill "An Act to Prohibit the Stalking of an Individual" (H.P. 387) (L.D. 500) (Presented by Representative BRUNO of Raymond) (Cosponsored by Representatives: AHEARNE of Madawaska, AIKMAN of Poland, ANDERSON of Woodland, AULT of Wayne, BAILEY of Township 27, BAILEY of Farmington, BARTH of Bethel, BENNETT of Norway, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CARR of

Sanford, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DEXTER of Kingfield, DONNELLY of Presque Isle, FARNUM of South Berwick, FARREN of Cherryfield, FITZPATRICK of Durham, FOSS of Yarmouth, GREENLAW of Standish, HEINO of Boothbay, HILLOCK of Gorham, JONES of Pittsfield, JOY of Island Falls, KNEELAND of Easton, KUTASI of Bridgton, LIBBY of Buxton, LINDAHL of Northport, LOOK of Jonesboro, LORD of Waterboro, MacBRIDE of Presque Isle, MARSH of West Gardiner, MARSHALL of Eliot, MICHAEL of Auburn, MURPHY of Berwick, NASH of Camden, NICKERSON of Turner, NORTON of Winthrop, PENDEXTER of Scarborough, PENDLETON of Scarborough, PLOURDE of Biddeford, QUINT of Paris, REED of Falmouth, REED of Dexter, ROBICHAUD of Caribou, SIMONEAU of Thomaston, SPEAR of Nobleboro, STEVENS of Sabattus, STROUT of Corinth, TAYLOR of Cumberland, THOMPSON of Lincoln, TRUE of Fryeburg, TUFTS of Stockton Springs, YOUNG of Limestone, ZIRNKILTON of Mount Desert, Senators: AMERO of Cumberland, BEGLEY of Lincoln, BUTLAND of Cumberland, CAHILL of Sagadahoc, CARPENTER of York, HARRIMAN of Cumberland, KIEFFER of Aroostook, LAWRENCE of York, LUDWIG of Aroostook, LUTHER of Oxford, MARDEN of Kennebec, SUMMERS of Cumberland, VOSE of Washington, WEBSTER of Franklin)

Bill "An Act to Strengthen the State's Support Laws" (H.P. 401) (L.D. 514) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Representative KUTASI of Bridgton and Representatives: BARTH of Bethel, CAMERON of Rumford, COFFMAN of Old Town, DONNELLY of Presque Isle, DORE of Auburn, FITZPATRICK of Durham, HOGlund of Portland, LEMONT of Kittery, TOWNSEND of Eastport, TRUE of Fryeburg, TUFTS of Stockton Springs, Senator: TITCOMB of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Transfer the Predetermination of Independent Contractor Status Responsibility in the Workers' Compensation Laws" (H.P. 385) (L.D. 498) (Presented by Representative PINEAU of Jay) (Cosponsored by Senator: HANDY of Androscoggin) (Submitted by the Department of Labor pursuant to Joint Rule 24.)

Bill "An Act Regarding the Selection of Arbitrators in Labor Disputes" (H.P. 394) (L.D. 507) (Presented by Representative CARR of Sanford)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act Relating to Credit Terms for Retail Liquor Licensees" (H.P. 376) (L.D. 489) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representatives: ALIBERTI of Lewiston, DUTREMBLE of Biddeford, KERR of Old Orchard Beach, LORD of Waterboro, TARDY of Palmyra, VIGUE of Winslow, YOUNG of Limestone)

Bill "An Act to Amend the Laws Governing Condominiums" (H.P. 378) (L.D. 491) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: CARON of Biddeford, DUTREMBLE of Biddeford, MARTIN of Eagle Lake, Senator: BERUBE of Androscoggin)

Bill "An Act to Amend the State Election Laws" (H.P. 402) (L.D. 515) (Presented by Representative WENTWORTH of Arundel) (Cosponsored by Representatives: BOWERS of Washington, GEAN of Alfred, Senator: HANDY of Androscoggin)

Bill "An Act to Establish a Voluntary Campaign Spending Law" (H.P. 403) (L.D. 516) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Representatives: CASHMAN of Old Town, CROSS of Dover-Foxcroft, FITZPATRICK of Durham, GOULD of Greenville, GWADOSKY of Fairfield, HUSSEY of Milo, Senator: HALL of Piscataquis)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Modify Terms of Office for Senators and Members of the House of Representatives (H.P. 389) (L.D. 502) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Senator: HALL of Piscataquis)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Amend the Laws Relating to Property Tax Appeals" (H.P. 397) (L.D. 510) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: CLARK of Millinocket, DiPIETRO of South Portland, PLOURDE of Biddeford, RUHLIN of Brewer, STROUT of Corinth, SULLIVAN of Bangor, TARDY of Palmyra, Senators: CAREY of Kennebec, ESTY of Cumberland)

Bill "An Act to Authorize Farmland Protection Impact Fees" (H.P. 398) (L.D. 511) (Presented by Representative NICKERSON of Turner) (Cosponsored by Representative: STEVENS of Sabattus)

Bill "An Act to Expand Resources and Eligibility for Child Care Programs" (H.P. 400) (L.D. 513) (Presented by Representative PINEAU of Jay)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Repeal the Requirement for Registration of Truck Campers" (H.P. 377) (L.D. 490)

(Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representatives: HICHBORN of Howland, HOLT of Bath)

Bill "An Act to Increase the Penalty for Failure to Use Car Safety Seats" (H.P. 383) (L.D. 496) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: CARON of Biddeford, GEAN of Alfred, ST. ONGE of Greene, WENTWORTH of Arundel, Senator: BERUBE of Androscoggin)

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 408) (L.D. 521) (Presented by Representative STROUT of Corinth) (Cosponsored by Senator BRANNIGAN of Cumberland and Representative: O'GARA of Westbrook, Senator: GOULD of Waldo) (Governor's Bill)

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 409) (L.D. 522) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Senator BRANNIGAN of Cumberland and Representative: STROUT of Corinth, Senator: GOULD of Waldo) (Governor's Bill)

Ordered Printed.
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. 19) (L.D. 21) Bill "An Act to Amend the Lounge License Provisions" Committee on Legal Affairs reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, February 17, 1993, under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 38) (L.D. 46) Bill "An Act Concerning Installation of Propane Gas Water Heaters" (C. "A" H-22)

On motion of Representative Kontos of Windham, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-22) was read by the Clerk.

Representative Kontos of Windham offered House Amendment "A" (H-24) to Committee Amendment "A" (H-22) and moved its adoption.

House Amendment "A" (H-24) to Committee Amendment "A" (H-22) was read by the Clerk and adopted.

Committee Amendment "A" (H-22) as amended by House Amendment "A" (H-24) thereto was adopted and the bill assigned for second reading Wednesday, February 17, 1993.

(H.P. 161) (L.D. 213) Bill "An Act Concerning the Employment of Personnel by the Department of Inland Fisheries and Wildlife"

(S.P. 18) (L.D. 8) Bill "An Act to Legalize Blue-dot Taillights"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed in concurrence and the House Paper was Passed to be Engrossed and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Increase the Debt Limit of the South Berwick Sewer District (H.P. 8) (L.D. 15)

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.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, February 11, 1993, 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:

JOINT ORDER - Relative to amending the Joint Rules by adding a new Joint Rule 12-D (H.P. 256) Read in House February 4, 1993

TABLED - February 10, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative Gwadosky of Fairfield, retabled pending passage (2/3 vote required) and specially assigned for Wednesday, February 17, 1993.

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

Bill "An Act to Provide for the Popular Election of the Superintendent of Insurance" (H.P. 334) (L.D. 437)

(Committee on State and Local Government suggested) TABLED - February 11, 1993 (Till Late Today) by Representative JOSEPH of Waterville.

PENDING - Reference.

On motion of Representative Gwadosky of Fairfield, retabled pending reference and later today assigned.

(At Ease to Gong)

The House was called to order by the Speaker.

At this point, a message came from the Senate, borne by Senator BUSTIN of Kennebec proposing a Convention of both branches of the Legislature to be held at 10:30 a.m. in the Hall of the House for the purpose of extending to the Honorable Robert L. Woodbury, Chancellor of the University of Maine System, an invitation to attend and make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 10:30 a.m. and the Speaker appointed Representative GWADOSKY of Fairfield to convey this message to the Senate.

Subsequently, Representative Gwadosky of Fairfield reported that he had delivered the message with which he was charged.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Dennis L. Dutremble, in the Chair.

On motion of Senator BUSTIN of Kennebec, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Robert L. Woodbury, Chancellor of the University of Maine, Trustees of the University of Maine and Campus Presidents to extend an

invitation to them to attend the Joint Convention and to make such communication as the Chancellor may be pleased to make.

The Chairman appointed:

Senators: O'DEA of Penobscot
LAWRENCE of York
AMERO of Cumberland

Representatives: MITCHELL of Vassalboro
OLIVER of Portland
PFEIFFER of Brunswick
SIMONDS of Cape Elizabeth
CLOUTIER of South Portland
PINETTE of Fort Kent
STEVENS of Orono
NORTON of Winthrop
AULT of Wayne
SMALL of Bath

Senator O'DEA, for the Committee, subsequently reported that the Committee had discharged the duty assigned it, and that the Board of Trustees, Campus Presidents and Chancellor Robert L. Woodbury would attend forthwith.

At this point, the Chairman welcomed the Campus Presidents, Frederick E. Hutchinson, President of the University of Maine at Orono; Robert W. Sloan, Acting President of the University of Maine at Machias; Dr. Richard Pattenaude, President of the University of Southern Maine; Dr. Richard Dumont, President of the University of Maine at Fort Kent; Richard Randall, Acting President of the University of Maine at Augusta; and Thomas W. Clayton, Interim President of the University of Maine at Presque Isle.

The Chairman also welcomed the Board of Trustees, Patricia Collins, Chair; Sally Vamvakias, Peter Crockett, John DiMatteo, Kevin Mahaney, Nancy Masterton, and Frederic Reynolds.

At this point, Chancellor Woodbury entered the Convention Hall, amid prolonged applause, the audience rising.

Chancellor Woodbury then addressed the Convention as follows:

Mr. President, Mr. Speaker, Distinguished Members and guests of the 116th Maine State Legislature:

Thank you for my seventh opportunity to address a Joint Session of the Maine State Legislature. The first occasion came just after the 112th Legislature had approved a \$15 million special infusion to a University System that had been severely weakened in the Longley years. We meet now, of course, in circumstances wrought by three years of recession and when prospects for the future call for the most careful attention to priorities. As you, and most particularly the Appropriations Committee, again face an unenviable task, I report in a spirit of cooperation and sober optimism on the state of the University of Maine System in which the future of our citizenry is so inextricably bound. I intend to

explore three issues: What has been the impact of cuts over the past three years? What steps are we taking to reshape our University System? And, what do these developments mean for the future of Maine?

It is important at the outset that I portray clearly our current situation. More than three years of economic recession and budgetary turmoil have left most of the public, ourselves included, with a sense of blur and shell-shock rather than sharp perceptions. I would like to summarize the impact of recent events on public higher education, in which I include the Technical Colleges and Maine Maritime, by analyzing five myths that I hear repeated often around the state.

Myth Number One—All functions of State Government have had to share in these difficult times; that higher education has simply had to take proportional cuts like everyone else.

That is not true. Over the past three years, the share of state funding going to the University System has dropped from 10.1 percent to 8.5 percent; the original appropriation for FY1991 of \$153 million and the final appropriation of \$144 million would drop to only \$126 million in the Administration's proposed budget for FY1994.

Over a three year period when state revenues have, in fact, increased by 13 percent, the allocation to public higher education has fallen. If higher education had been maintained, not as a priority, but only at its proportional share, the University allocation would be almost \$160 million, about \$30 million more than the Administration has proposed for next year. We have addressed this problem with significant tuition increases as well as reductions in programs and services, but the fact remains that public education has taken a highly disproportionate share of cuts in state spending.

Myth Number Two—Times have been tough throughout the Northeast and across the nation; higher education in Maine has been hit much the same as elsewhere.

Again, the perception is wrong. It is true that, for the first time on record, public higher education in the United States suffered a drop in public funding over the past two years, a drop of 1 percent. But only four states in the nation — Massachusetts, California, Virginia, and Florida — took larger percentage cuts than Maine. Virginia, Florida, and California, of course, established major funding bases decades ago. Massachusetts, which took by far the worst cut, has now raised their University allocations by 8 percent this year, authorized a 13 percent salary increase for employees, and the Governor has recommended a \$30 million increase for the University of Massachusetts next year. In short, Maine, with a history of underfunding, has taken among the most severe cuts in the country.

Myth Number Three—Public higher education in Maine made enormous progress in the 1980's; a slow-down at this time is not destructive.

It is true that funding for the University of Maine System did improve dramatically over the past decade and that college-going expanded significantly. But I was stunned to discover recently that, despite our progress between 1980 and 1990, in both college participation and college graduates, Maine fell further behind New England and the nation as a whole. For example, the percentage

of the population with four years or more of college is about 27 percent in New England as a whole, but is only 19 percent in Maine. In short, if education beyond high school is key to the economy of the 21st century, we are falling further behind our competitors.

Myth Number Four—Tuition in Maine is low; students and their families could afford to pay more to make up for budget cuts.

It is accurate that the University of Maine charges the lowest tuition of the land-grant campuses in New England. But this statement ignores the fact that New England as a whole charges the highest rates in the country. Nor does it relate cost to ability to pay; Maine is the poorest state in New England. To take the starkest example, Connecticut charges \$900 a year more in tuition than Maine, but Connecticut is the wealthiest state in the country; its per capita income is almost \$10,000 higher than Maine's per capita. Today, the gap between certified financial need for our students and the financial aid we have available, that gap totals \$20 million. We have already increased the tuition almost 60 percent in the last four years. We very well may need to raise tuition significantly again, but there is little question that we are straining the capacity to pay of the vast majority of our students today.

Myth Number Five—Sure, higher education has been cut but there doesn't seem to be any real damage.

In fact, there has been major cuts throughout the University System — over 300 full-time employees; 11 percent of the Administrative staff; major cuts in classroom and laboratory equipment; sacrifices by our employees and major reductions in services and support. But damage to a university is not immediate and graphic; it shows up a few years later in outmoded laboratories, loss of good faculty, deferred maintenance, inadequate libraries and unsupported faculty development. As one critic has observed, "Universities don't bleed. They slip away." And, thus, we can expect that a new Governor sometime in 1995 or 1996 will appoint another Blue Ribbon Commission that will document the silent erosion.

The point of these "five myths" is to establish clearly the severe and disproportionate cuts that have been visited on public higher education in Maine over the past three years. It is a necessary context for understanding what the proposed cuts of 5 percent more for the next biennium portend for our future.

Let me now move to the second part of my remarks: what efforts are we making to reshape, downsize, and restructure the University of Maine System? Even if recent budget cuts had been less lethal, the fiscal structure of the public sector at both the federal and state levels and the convulsive changes occurring in our society impel us to rethink how we function and what we do. Although the early cuts forced us to scramble and take savings where we could, we have simultaneously moved to address more fundamental issues.

Every day, of course, I receive (as do you) suggestions of units to cut that would presumably show our seriousness and save money. In Portland, they say cut Fort Kent and the Colleges of Education or Business at Orono; Downeast, they say cut Lewiston/Auburn; in Lewiston, they target Cooperative Extension; in Brunswick, I'm told to cut football; in Bangor, I'm instructed to close Machias and

electrical engineering at USM; among some faculty it's eliminate ITV and among others, it's the Law School; and when I'm not in the room, the most frequent suggestion is to wipe out my office.

But restructuring is not a matter of simply moving boxes around an organization chart or precipitously cutting activities because that gives the illusion of hard-headedness.

The reality is, however, that we must restructure for three compelling reasons: the stringency of state resources is not a temporary phenomenon; our society is changing in revolutionary ways; and the needs for higher and continuing education are increasing. In short, we need to reshape our University System for the 21st century.

I would offer four ways in which the Board of Trustees and the University of Maine System are addressing restructuring in the most fundamental way.

First, the Board of Trustees took the leadership last spring in developing a comprehensive plan called Project 2002. Now, in all honesty, for those of you who have read it, the document isn't very glossy or dramatic; with its 16 goals and 64 objectives, some folks think it reads with about as much excitement as the telephone directory or the annual report of the Interstate Commerce Commission. But imbedded in its straightforward prose is a framework of priorities and mechanisms for change that are pervasive. Its goals, for example, reaffirm high quality undergraduate education as the preeminent part of our mission; move to the top of our agenda collaboration with the public schools in improving and restructuring K-12 education; direct greater attention to math and science instruction and international education; and intensify our obligation to use our resources to aid economic development and improve the formulation of public policy. Even "quieter" are the processes it establishes to accelerate change: "sunset" reviews for programs; a five-year budget and capital planning cycle; mechanisms to redirect resources to encourage innovation; and a process to identify and target ten premier academic programs important to Maine and of national distinction. 2002 is a purposeful vehicle for redesigning for the next century in an environment of scarce resources.

My second example of fundamental restructuring began a few years ago when the Board of Trustees concluded that Maine could not afford to do what most states have done — provide community college education within easy commuting distance of most citizens. This led to the Education Network of Maine, our interactive television system, which is the most comprehensive technological distance-learning system in the nation. Some of you may remember that the Wall Street Journal gave it front page coverage last year when it described the 180 students in an introductory management course where class discussion ricocheted, according to the Journal, "from such distant points as Caribou in the far north, the rocky islands off the coast, and the paper-mill towns of Rumford and East Millinocket." A team of prominent national experts assessed the system last fall and called it a model for the nation and "the best economic and community development vehicle" they had come across. Course registrations now number over 5,000 but the potential to cost-effectively provide for continuing professional education, enrich high school offerings as Governor McKernan has proposed, and bring quality

expertise from around the world to every corner of Maine, is virtually limitless.

The third example speaks to the fundamental educational and economic challenge of our times — how do we cost-effectively make available the explosion of knowledge available in books, periodicals, new data bases, and by new technologies. Our **URSUS** system — computerized access to all of our information sources and, increasingly ones around the globe — is among the most advanced in the world. You can be on Vinalhaven or in Houlton or here at the State Library, and have the kind of cost-efficient access to a journal article or book or visual artifact that one might have in Boston or Washington, D.C. Senator Pearson tells the story of a student friend of his from Kharkov University in the Ukraine, one of our exchange sites, who skeptically typed in the title of a work in Russian by one of his professors and, sure enough, **URSUS** reported on its location in the system. The avoided costs and increased quality, as we systematically develop our library collections in association with institutions like Bates, Bowdoin, and Colby, will change fundamentally the access to knowledge that is central to higher education and economic development here in Maine.

Fourth, new circumstances have accelerated our efforts to differentiate the missions and roles of our seven institutions. We cannot provide high quality and broad access if we follow the route of most states in allowing each campus to expand its programs and escalate its mission. In a book called **Shared Vision**, published last month by the American Association of State Colleges and Universities, a chapter is devoted to the University of Maine System as "a model that works" of a differentiated system of public higher education.

Each campus is increasingly focused and distinct — whether Farmington, which has carved out a role as a public liberal arts college, or USM as a metropolitan institution with a high percentage of non-traditional students, or the University of Maine with its historic land-grant/sea-grant and special research mission, or UMFK with a unique national niche in bi-lingual, bi-cultural education.

I expect the Board of Trustees will continue to address an agenda that advances these complementary roles within a system-wide framework. As the University of Maine downsizes to enhance the quality of its four-year undergraduate, graduate, research and land-grant responsibilities, this may lead to a reconsideration of its open access community college functions. As USM's mission as an urban or metropolitan institution matures, it may be timely to increase its responsibility for programs at Lewiston/Auburn. As UMA's role as the community college of Maine now stretches from Rumford to Calais, and York County to Aroostook, what further steps should be taken to rationalize this singular responsibility within the System? In our smaller institutions, we need to continue to address what administrative services might be combined and academic resources pooled to enhance efficiencies while enriching the unique role each plays. In the Chancellor's Office, some functions, such as our central computer services, need to be rethought in light of extraordinary changes in information technology. Finally, our boards need to establish a more formal review mechanism between the University System and the Technical Colleges to enhance joint

planning and program development.

The point I wish to make is a simple one: the University of Maine System is addressing in fundamental ways the necessity to reshape public higher education in Maine for a new era that is upon us. We have seen our real state resources erode with ominous consequences, but we have also been, I believe, creative and diligent in responding to longer term challenges.

We need, however, to remind ourselves of why we do what we do, why we support what we support. As Professor Tony Cahill noted at the Restructuring Conference, it is more important for government to be addressing the right priorities than to be efficient in doing the wrong things.

The public University System is a trust for which you provide the essential support; it is a priority or not as you decide. Wonderful and vital things go on every day that you do not see in stacks of budget numbers and administrative trivia. Look at just a few that came to attention recently, often directly linked to the indispensable role of the University System in economic development. **The Sunday Telegram**, for example, reported the leadership role that the University of Maine's Laboratory for Surface Science and Technology is playing in the development of sophisticated electronic sensor devices that can "hear" chemical reactions, detect foreign substances in blood samples, or identify different particles of air pollution. The U.S. Department of Commerce sees sensor technology as a major growth field reaching annual sales of \$2 billion by the end of the decade.

Late last month, the Board of Trustees approved a new program in Manufacturing Management at USM, the first new program there in 5 years. Developed in collaboration with the University of Maine, its purpose is to help managers in small companies adjust manufacturing processes quickly to new markets.

In the field of education, UMF has established, with private funds from Champion, a three-year institute to bring University and public school faculty together to work on developing the Common Core of Learning for the public schools. Just last week, the president of USM was invited to Little Rock, Arkansas, (we never used to use that as a status symbol) to describe the Southern Maine Partnership as a national model for linking teacher training to school restructuring. UMA has just received a \$179,000 grant to teach American Sign Language to hearing-impaired students in 20 Maine schools.

And how about the team of four UM students — one from Bangor, one from Addison, one from Shanghai, and one from Bulgaria — who will compete, along with the other entrant from the Northeast, Harvard, in an international computer programming competition beginning tomorrow in Indianapolis. A student from UM Presque Isle just published in an international scientific volume a paper on fossil sponges near Australia. Two hundred tapes made over many years in an oral history project at UMFK are now being donated to the nationally chartered Acadian Archives. The Machias campus offers an intriguing example of collaboration. In cooperation with the University of Maine's Darling Center and the Washington County Technical College, a faculty member at Machias is the major investigator on a research project on sea scallops in a project funded by the National Coastal Resources Research and Development Institute.

These stories are archetypes for hundreds and

hundreds more that are the everyday life of an active and creative university. They do not result from laws in Washington or directives from Augusta or pronouncements from the Chancellor. They come out of a creative learning and teaching environment that this legislature makes possible.

The University of Maine System is the most precious state asset for which state government is the primary patron. It is the greatest opportunity center for people of talent and ambition whatever their family income. It is the "hope factor" for those who might not have hope — single parents, people on welfare, older students needing a second chance, those without mobility. It is the most catalytic and broad-based source of economic development, though as one observer has noted, "we're a long-term engine and not a jump-start engine." A healthy University System is the most fundamental aspect of a healthy business climate. From our 125,000 alumni, a majority living in Maine, come most of our teachers and engineers and business people, our nurses and accountants and technicians, and — in the future — those who will develop our small businesses, lead our communities, work in our human service centers, raise our children, enter our politics, and teach in our schools. It is to the University, as irrepressible and imperfect as it sometimes seems, that we look for efforts to model a more ethical community, to overcome the abrasions of a more racially and ethnically diverse nation, to enrich our culture, to offer alternatives for our public policies, and to invigorate debate in the endless dialogue of what it means to live a better life in better communities.

State government must, of course, provide relief to those desperately in need, regulate where individual or corporate interests would violate community aspirations, build roads and public facilities, cooperate in improving public schools, house prisoners, protect precious natural resources. But the pre-eminent investment we can make in the future of Maine is for the state to exercise fully its exclusive trusteeship over accessible, high-quality public higher education in a world ever more dependent on educated intelligence and sensibility.

Thank you very much. (Applause, the audience rising)

At the conclusion of the Chancellor's address, the Chancellor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its chambers, amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

By unanimous consent all matters having been

acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1993" (EMERGENCY) (H.P. 24) (L.D. 27) (Governor's Bill)
 TABLED - February 10, 1993 by Representative CHONKO of Topsham.
 PENDING - Adoption of Committee Amendment "A" (H-21).

Representative Kerr of Old Orchard Beach offered House Amendment "A" (H-23) to Committee Amendment "A" (H-21) and moved its adoption.

House Amendment "A" (H-23) to Committee Amendment "A" (H-21) was read by the Clerk.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I request the yeas and nays when the vote is taken.

I also want to state some reasons as to why I am not supporting this House Amendment. Specifically, I would like to recall one example of why a group with the best of intentions, with the goal that we all have, met for a few hours and discussed what the Appropriations Committee had discussed for hours and hours and days and days, found a solution and I think perhaps contributed to an eventual unanimous solution, but in the process, attempted to put together a solution that makes it extremely difficult for some of us to accept House Amendment "A."

Specifically, I talk about the identification of one line in there which I think is indicative of some of the other lines where there was seen an ability to find \$50,000 in the Department of Education which jeopardizes \$10 million in grants for schools. The suggestion was made and the Majority Leader asked the question on the floor during the Joint Caucus discussion that this could be transferred from other accounts, a process that we have not taken lightly in the past in this body. The Appropriations Committee considered that idea once and rejected it. I think if there were to be a solution crafted, it should be taken back to the Appropriations Committee to identify those items that do not have a great deal of objection or cause a great deal of hardship as some of the items on this list do. Some of the items on this list contribute further to our difficulty in a biennial budget. The whole purpose is to avoid taking a significant cut and I understand that is the goal of the majority of individuals.

I will not be voting for this amendment because I don't think it contributes to an eventual solution because it bypasses a committee that I think made some intelligent decisions, not initially unanimous, but they made some intelligent decisions.

I hope this body rejects this amendment and allows the Appropriations Committee, already overworked, already cast in a manner of unpopularity, they accept the unpopular job and make tough decisions, to consider these ideas along with others and forge an amendment with due consideration to place back before this body.

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 East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope that you do support this amendment. I know that I, as one member of the Appropriations Committee, do not want this bill back in the Appropriations Committee. If it is sent back there, nothing is going to happen. There are members of that committee who have worked since we met last time to try to solve the problem with the AFDC cuts, which was the most objectionable part. It became obvious that, even if we had a \$5 million surplus, we will not come out with a unanimous report from the Appropriations Committee. The reason why is because of two issues. One, there are members of that committee who want the cuts in the AFDC program such as was in the original budget or if we do not give that cut, they want to eliminate the Maine Health Program. That is the issue. It is not whether or not we can find the money to solve this problem, which is becoming very difficult to solve because of the short time frame.

We did deal with a lot of the issues that are in this amendment that Representative Kerr and other members of this body have worked to put together. I appreciate the fact that they did take the initiative to try to find a solution.

I also appreciate the fact that they found how difficult it is to solve the problem, particularly in this short time frame.

We did have the Department of Education come over because we were originally going to take some money out of the curriculum account. I think we probably can get \$30,000 rather than the \$50,000.

However, I will vote to support this amendment. If you look at the allotment reserves in the curriculum account alone, there is \$118,000 in that account alone. The Department of Education — the total amount of allotment reserve for the first and second quarter is \$2,067,279. Granted, some of those might be encumbered but I think that is a huge amount and you cannot tell me that that department cannot take \$50,000 in cuts.

It was stated at a joint caucus earlier that, if you ask the department whether they can take cuts, the answer is no. Well, that is true. There was a question asked, did whoever put this amendment together run those by the agencies? They ran some of them by the agencies, but I will submit to this body that the Bureau of Budget had stuff in the budget that they never ran by the agency. It was only on one agency. There are several agencies.

In the very last days when we thought we had a compromise, Mr. Fitzsimmons from the Technical Colleges came running into Appropriations after we adjourned madder than the old dickens. Why? Because they took \$100,000 out of his budget without even talking to him. Needless to say, Appropriations reconsidered our recommendation and we did not take that cut from the Technical Colleges but I as one member, and only one member of the Appropriations

Committee, do not want this bill back down in the Appropriations Committee. This afternoon we are starting the biennial budget — that is going to be even more difficult than the supplemental budget.

I think it is incumbent upon all of us to get this supplemental budget behind us so we can work on the bigger problems. It is a bigger problem. We need the help of each and every one of you and of each and every committee to help solve this problem. There has to be major structural changes, whether it is in AFDC, General Assistance, or the way the State Board of Education deals with the grants for building of schools, which I think drastically has to be looked at. There has to be structural changes, but I am anxious and willing to get to work to deal with our biennial problems. We will not be able to deal with it if we still have this wrapped around our necks.

I hope that you will support the amendment that is before us and also support the budget when it comes up for final enactment.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Kutasi.

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: The fact was mentioned that the process needs to take place. Well, the process didn't take place. On Monday, we had a unanimous committee report placed on our desks. Tuesday morning we came in here and it was here — the talking points or the breakdown was here with us. Did we ever discuss that Committee Amendment on Tuesday? No. The deadline was Tuesday at five o'clock and that amendment had a \$600,000 hole in it, it was gone, it was dead.

Then I started to see, as many others did, the corners starting to get involved in the act. Here we go downstairs to the second floor. We have got gridlock again, carried back to the 115th, spending nights here at two in the morning, twiddling our thumbs in the hallways, and I wasn't about to do that again. So, there was a little bit of a whirlwind here — a few members said, we have got to solve it on our own, we are the power right here, we are the legislators, 146 of us that control this House, we pass the policies in this House, not the guys in the corners.

I didn't want to circumvent the committee process. I would have liked to have seen this go back to the committee for them to discuss but we have got a big picture, we have to deal with the biennial budget. There are going to be some tough decisions in that biennial budget, we are going to have to make some vertical cuts in state government, we are going to have to prioritize.

Do we want to make those policy decisions in a supplemental budget? I think not. Those policy decisions should be made on a bigger basis, bigger level, instead of worrying about the last three or four months of this biennial this year. Let's get this away, let's get it to the side, let's vote on this, let's pass this and go on to the bigger picture. I am willing to make the tough decisions next time. I have already told my people I am not in favor of a tax increase for the next biennial, let's try to make those decisions and try to find out what the priorities are in state government and let's get this behind us.

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

Representative VIGUE: Mr. Speaker, Men and Women

of the House: I want to congratulate Representative Kutasi for standing up and taking a stand on this. I want to say to the ladies and gentlemen of the House that I think we have come to a point where we have to stand up and be counted. We either are going to take this and become part of the solution or we have to continue being part of the problem. I say, let's get this done. I think we have the support, let's stick to our guns, and I think we can retake control of this problem.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I will be very brief, given the time and the hour, but I hope you do consider supporting the proposed amendment today. It is not without some reservations because of the Appropriations process.

I am a very strong believer in the committee process and I believe we have to put our faith in those committees and move on from that point. Knowing that and being around here for the last few years and seeing 100 or 150 amendments spring up from time to time after Appropriations had done its work, I don't think any of us want to see a repeat of that either.

I think Appropriations has done a good job nailing down the issues. The fact is that the initial package that was presented to this legislature by the Governor of this state was unacceptable. There were not 101 votes for that package. Whether we agreed with the proposals in it or not, there were not 101 votes for the original package, between "D's" and "R's", House or Senate. The reality is that, although the Appropriations Committee put together a unanimous committee report, there were not 101 votes for that. Whether we agreed or disagreed with the individual components, the reality is that there weren't 101 votes for that package either. So, you begin to move on from that point.

There were strong philosophical viewpoints that were expressed during Appropriations for the last month or so as they dealt with this and also within our perspective caucuses. There were some people who very strongly wanted to see structural cuts taking place in this supplemental budget to have the savings accrue for the biennial budget. People felt very strongly about seeing some of those cuts take place. Others expressed concerns about the policy, as Representative Kutasi said, those issues of major cuts that affect structural cuts ought to be rightly decided and discussed in the policy committees. So, many members of these caucuses have said, before we take the bite on those cuts at this point, we want the chance to get the policy committees involved. Those two positions are really opposed, structural cuts now/structural cuts later, those are absolutely opposed in their direction and because of that we are faced with the political reality in trying to find a pragmatic solution that can get 101 votes between Democrats and Republicans and between House members and Senate members.

Last Friday, we had a group of Democrats and Republicans (in good faith) get together to try to find a solution and not flood this chamber with 100 amendments. We tried to find a solution compromising and giving in on some ground that they wanted that they could provide. Some didn't want deferrals, some

realized that we will have to accept some deferrals now if we are going to be able to get to the big budget, the biennial budget.

Make no mistake about it, there is not a member in this chamber who is going to like the type of cuts that may be necessary for the biennial budget — cuts in programs that we have supported and fought for for years. But, the most appropriate determination of those should be from the committees of jurisdiction. We have changed our Joint Rules to allow committees to be involved.

This afternoon, minutes from now, the Education Committee will be meeting with the Appropriations Committee to begin that process and that will be repeated by all the Committees of Jurisdiction to be more involved in the Appropriations process, to have the rank and file involved in the process as they should.

You can't have 186 members on Appropriations, never could, won't be able to in the future, but we can, even though we disagree on some fundamental issues on state government, identify those common goals that we share and move on with that.

I think that this amendment is reflective of that. It is a good faith attempt made by Democrats and Republicans to break this logjam and to get this to the next stage. This bill, if adopted, will have to go down to the other body. We will see what happens at that point.

I would urge your consideration. I think the Appropriations Committee has done a wonderful job. I don't think they are in the position, frankly, with the biennial budget, to assume control over this again. I think it deserves wider spread consideration by the members of this House and I think this body is the body to make the determination as to whether we accept or not accept this proposal. I think it is a good one and would urge you to vote for it.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House: I am one of the people who helped draft this amendment with Representative Kerr. A lot of work went into this amendment. We sat in on a lot of the Appropriations Committee meetings and we looked at every possible solution.

I am not going to take up a lot of your time here but my constituents have told me they elected me here to move on with what has gone on the past two years in this state. This is a solution for us to move on. How can we be meeting on the biennial budget when we haven't even solved the supplemental budget? This is a quick, sturdy solution. It is not right for everyone, we all have disagreements on it, but it is something we can all live with.

I urge your support of this amendment and let's move on to the biennial budget when we can address the longer term, bigger solution.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Just in summation, we have had a supplemental problem in front of this legislature since last March and the legislature chose not to deal with it last March.

I appreciate what is going to happen today, there is really not any reason to debate it any further. I guess I have to remind this body that the decision we are making is to quote, "We are willing to make the

tough decision next time."

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: I guess it is fitting that my first remarks here would be something to do with the budget and financial problems. Along with Representative Bruno, Representative Kutasi, Representative Kerr and some others, I was involved in drafting this amendment that is before you. I am not entirely pleased with it. It is one of many things that I have found displeasurable since coming here. Let me say that I do support it and I am going to vote for it.

I think what is most important here is that we establish a process for fixing these problems and breaking this logjam. It is obvious that we have to come up with some way of setting priorities for where our cuts are going to be. I don't believe we have done that yet. I don't believe that we have, in either party, sat down and said, (in a prioritized way) where does it make sense to make these kinds of structural cuts?

I want to let you know I am going to support this and I would urge everyone in this chamber to. I think it would be great if we could have all the lights turn green on this one.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-23) to Committee Amendment "A" (H-21). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 7

YEA - Ahearne, Anderson, Bailey, R.; Beam, Bowers, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Cathcart, Chase, Chonko, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Larrivee, Lemont, Libby James, Lord, Marshall, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Plourde, Poulin, Pouliot, Quint, Rand, Reed, W.; Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Spear, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Thompson, Townsend, E.; Tracy, Treat, Tufts, Vigue, Walker, Wentworth, Winn, Young, The Speaker.

NAY - Adams, Aikman, Aliberti, Ault, Barth, Bennett, Brennan, Clark, Clukey, Foss, Greenlaw, Hillock, Joy, Kilkelly, Lindahl, Look, MacBride, Marsh, Nickerson, Pendexter, Plowman, Reed, G.; Simoneau, Small, Stevens, A.; Taylor, True, Whitcomb, Zirnkilton.

ABSENT - Bailey, H.; Donnelly, Dore, Erwin, Jones, Lemke, Libby Jack, Lipman, Ott, Pendleton, Pineau, Pinette, Richardson, Townsend, G..

Yes, 108; No, 29; Absent, 14; Paired, 0; Excused, 0.

108 having voted in the affirmative and 29 in the negative with 14 absent, House Amendment "A" (H-23) to Committee Amendment "A" (H-21) was adopted.

Representative Chonko of Topsham offered House H-161

Amendment "B" (H-25) to Committee Amendment "A" (H-21) and moved its adoption.

House Amendment "B" (H-25) to Committee Amendment "A" (H-21) was read by the Clerk and adopted.

Committee Amendment "A" (H-21) as amendment by House Amendments "A" (H-23) and "B" (H-25) thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" (H-21) as amended by House Amendments "A" (H-23) and "B" (H-25) thereto and sent up for concurrence.

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

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Promote Equity in Wages and Benefits in Public Contracts with Private Contractors" (S.P. 142) (L.D. 433)

- In Senate, Referred to the Committee on Labor. TABLED - February 11, 1993 by Representative RUHLIN of Brewer.

PENDING - Reference in concurrence.

Subsequently, was referred to the Committee on Labor in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Provide for the Popular Election of the Superintendent of Insurance" (H.P. 334) (L.D. 437) (Committee on State and Local Government suggested) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Joseph of Waterville was referred to the Committee on Banking and Insurance, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Aliberti of Lewiston, Adjourned at 1:21 p.m. until Wednesday, February 17, 1993, at five o'clock in the afternoon.