

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 17, 1993 to July 14, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
72nd Legislative Day
Tuesday, June 29, 1993

The House met according to adjournment and was called to order by the Speaker.
Prayer by Honorable Herbert C. Adams, Portland.
Pledge of Allegiance.
The Journal of Wednesday, June 23, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 23, 1993

Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Senate Paper 216, Legislative Document 687, An Act to Amend the Occupational Disease Law, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

15 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 5 Senators being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 23, 1993

Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today adhered to its previous action whereby it Indefinitely Postponed

Joint Order (H.P. 1164) relative to recalling Bill "An Act to Facilitate the Assessment and Collection of Municipal Property Taxes" (S.P. 402) (L.D. 1233) and all its accompanying papers, from the Governor's Desk to the House.

Sincerely,

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

Was read and ordered placed on file.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Delegated Rule-making Authority (H.P. 962) (L.D. 1293) on which the Majority "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-544) as amended by House Amendment "C" (H-652) thereto in the House on June 23, 1993.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted in non-concurrence.

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

Non-Concurrent Matter

Resolve, Directing Release of Investigative Records Related to Ballot Tampering (EMERGENCY) (H.P. 1003) (L.D. 1349) (C. "A" H-657) which failed of final passage in the House on June 15, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-657) and Senate Amendment "A" (S-336) in non-concurrence.

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

ORDERS

On motion of Representative HOGLUND of Portland, the following Joint Order: (H.P. 1165)

Ordered, the Senate concurring, that Bill, "An Act to Centralize Licensing for Retail Businesses," H.P. 399, L.D. 512, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read.

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

On motion of Representative BENNETT of Norway, the following Joint Order: (H.P. 1166) (Cosponsors: Senator HANLEY of Oxford and Representatives: KUTASI of Bridgton, ZIRNKILTON of Mount Desert, Senator: BUTLAND of Cumberland)

Ordered, the Senate concurring, that "RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Attorney General and the Secretary of State," H.P. 932, L.D. 1255, and all its accompanying papers, be recalled from the legislative files to the House.

Was read.

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

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1167)

Ordered, the Senate concurring, that the following specified matters be held over to any special or regular session of the 116th Legislature:

Committee: Aging, Retirement and Veterans

An Act to Increase the Earnings Cap of a Disability Retirement Benefit (H.P. 180) (L.D. 232)

An Act to Clarify Mandatory Coverage Requirements for Participating Local Districts within the Maine State Retirement System (H.P. 785) (L.D. 1058)

An Act to Improve the Functions and Operations of the Maine State Retirement System (H.P. 831) (L.D. 1117)

An Act Related to Disability Retirement under the Maine State Retirement System (H.P. 921) (L.D. 1245)

An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System (H.P. 977) (L.D. 1308)

An Act to Restructure the Department of Defense and Veterans' Services (H.P. 1037) (L.D. 1389)

An Act Concerning the Eligibility of Children of Disabled Veterans to Obtain Education Benefits (S.P. 444) (L.D. 1411)

An Act to Clarify the Role and Purpose of the Maine State Retirement System (EMERGENCY) (S.P. 466) (L.D. 1458)

Committee: Agriculture

An Act to Amend the Authority of the State Harness Racing Commission to Contract for Certain Services (H.P. 506) (L.D. 664)

Committee: Appropriations and Financial Affairs

RESOLUTION, to Amend the Constitution of Maine Regarding the Rainy Day Fund (H.P. 234) (L.D. 302)

An Act Creating the Maine Budget and Economic Stabilization Fund (S.P. 386) (L.D. 1167)

An Act to Encourage More Efficient Spending of State Tax Dollars (H.P. 1109) (L.D. 1505)

Committee: Banking and Insurance

An Act to Allow 3rd-party Reimbursement for Counseling Professionals (H.P. 36) (L.D. 44)

An Act to Ensure Equitable Insurance Practices (H.P. 789) (L.D. 1062)

An Act to Require Insurers to Obtain Written Consent from the Policy Owner before Transferring a Policy to Another Insurer (H.P. 829) (L.D. 1115)

An Act to Provide Family Security through Quality, Affordable Health Care (H.P. 956) (L.D. 1285)

Resolve, to Require That Doctors of Chiropractic Be Included as Select Physicians in the Maine State Employees Health Plan (EMERGENCY) (H.P. 1071) (L.D. 1437)

An Act to Provide Choice within the Maine State Employee Health Insurance Program (EMERGENCY) (H.P. 1078) (L.D. 1444)

An Act to Reduce Energy Costs and Improve the State's Air Quality (S.P. 482) (L.D. 1480)

An Act Concerning Preferred Provider Arrangements (H.P. 1104) (L.D. 1491)

An Act Related to Multiple-employer Welfare Arrangements (H.P. 1122) (L.D. 1521) (Governor's Bill)

Committee: Business Legislation

An Act to License Athletic Trainers (H.P. 536) (L.D. 720)

An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services (S.P. 356) (L.D. 1070)

An Act to Amend the Laws Regulating the Practice of Optometry (H.P. 846) (L.D. 1151)

An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing (S.P. 390) (L.D. 1185)

An Act to Regulate Nonsewered Toilet Systems (H.P. 981) (L.D. 1312)

An Act to Grant Conditional Licensure to Social Work Graduates from Schools That Are Awaiting Accreditation (H.P. 1027) (L.D. 1379)

An Act to Amend the Licensure Requirements for Nurses (H.P. 1093) (L.D. 1471)

An Act to Enable the Creation of the Volunteer Social Workers' Project (H.P. 1106) (L.D. 1493)

An Act to Consolidate Certain State Functions and Create the Board of Licensing Counseling Professionals (S.P. 489) (L.D. 1500)

Committee: Corrections (Joint Select)

An Act Concerning Split Sentences (S.P. 130) (L.D. 421)

An Act to Amend the Laws Governing Protective Custody (S.P. 240) (L.D. 733)

An Act to Reinstate a System of Parole (H.P. 663) (L.D. 901)

An Act to Establish a Demonstration Project Transferring County Jail Operations to the State (H.P. 872) (L.D. 1181)

Resolve, to Prevent the Improper Use of Correctional Facilities (S.P. 486) (L.D. 1497)

Committee: Education

An Act to Amend the Role of the State Board of Education (H.P. 82) (L.D. 112)

An Act Relating to Conferring of Degrees by the Research Institute for Semiological Mathematics (H.P. 594) (L.D. 809)

An Act to Amend the School Finance Act of 1985 (H.P. 659) (L.D. 897)

An Act to Require State Funding for All Special Education Costs That Exceed Double the State Average Tuition Rates (H.P. 673) (L.D. 911)

An Act to Amend the School Funding Formula (H.P. 682) (L.D. 924)

An Act to Provide Equitable School Funding (S.P. 306) (L.D. 939)

An Act to Provide Additional Funds to Educate Certain At-risk Students (H.P. 841) (L.D. 1146)

An Act to Guarantee Equal Access and Nondiscrimination to All Students Enrolled in Approved Equivalent Instruction Programs (H.P. 1069) (L.D. 1435)

An Act to Prohibit Discrimination in the Assignment of School Attendance Areas (EMERGENCY) (H.P. 1155) (L.D. 1554)

Committee: Energy and Natural Resources

An Act to Set Reasonable Dioxin Levels (EMERGENCY) (H.P. 41) (L.D. 49)

An Act to Allow the Use of Advanced Lightweight Beverage Containers (H.P. 193) (L.D. 256)

An Act to Establish the Advisory Council on Energy and the Environment (H.P. 278) (L.D. 356)

An Act to Establish Mediation to More Efficiently and Fairly Enforce the State's Environmental Laws (H.P. 435) (L.D. 554)

An Act Regarding the Motor Vehicle Emission Inspection Program (S.P. 258) (L.D. 796)

An Act to Allow the State to Enter into an Agreement with the State of South Carolina Concerning the Disposal of Low-level Radioactive Waste (EMERGENCY) (H.P. 635) (L.D. 866)

An Act to Amend the Underground Oil Storage Tank Replacement Fund (EMERGENCY) (H.P. 681) (L.D. 923)

An Act to Allow for the Use of Multi-layered Packages (S.P. 323) (L.D. 975)

An Act to Supplement Environmental Enforcement (H.P. 731) (L.D. 990)

An Act to Amend the Shoreland Zoning Laws (H.P. 959) (L.D. 1290)

An Act to Establish an Ambient Water Toxins Program (H.P. 1080) (L.D. 1446)

An Act Regarding Low-level Radioactive Waste (S.P. 463) (L.D. 1455)

An Act to Identify Laboratories Subject to the Laboratory Certification Program (EMERGENCY) (S.P. 481) (L.D. 1479)

An Act to Improve Environmental Protection and Support Economic Development under the State's Land Use Laws (H.P. 1100) (L.D. 1487)

Committee: Fisheries and Wildlife

An Act Concerning Habitual Offenders under the Fish and Wildlife Laws (H.P. 896) (L.D. 1211)

An Act to Strengthen the Landowner Relations Program (H.P. 1030) (L.D. 1382)

Committee: Housing and Economic Development

An Act to Ensure the Proper Installation of Manufactured Homes (H.P. 342) (L.D. 445)

An Act to Define Responsibilities of the Commission on Biotechnology and Genetic Engineering (H.P. 1015) (L.D. 1361)

An Act to Provide One Centralized Location for Obtaining Permits (H.P. 1033) (L.D. 1385)

An Act to Encourage Residential Energy Efficiency (H.P. 1047) (L.D. 1399)

Committee: Human Resources

An Act to Reestablish the Maine Committee on Aging (S.P. 170) (L.D. 562)

An Act Related to Special Education Costs (S.P. 219) (L.D. 690)

An Act to Improve Access to Pharmaceuticals for Rural Health Center Patients (H.P. 558) (L.D. 755)

An Act to Establish the Child Assistance Demonstration Program (H.P. 741) (L.D. 999)

An Act to Clarify the Requirements of Disclosure of Information Pertaining to Mentally Disabled Clients (H.P. 759) (L.D. 1026)

An Act to Encourage People in the State to Plan for Long-term Care (S.P. 492) (L.D. 1503)

Committee: Judiciary

An Act to Amend the Maine Health Security Act (H.P. 86) (L.D. 116)

An Act to Cover Employees of the Maine National Guard under the Maine Human Rights Act and the Whistleblowers' Protection Act (H.P. 90) (L.D. 120)

An Act Regarding Wrongful Death Actions (H.P. 225) (L.D. 293)

An Act to Expand Protection to Persons with Mental Illness and Mental Retardation (H.P. 347) (L.D. 450)

An Act to Authorize the Experimental Use of Video Telecommunication for Arraignment (H.P. 463) (L.D. 600)

An Act to Provide a Remedy for a Violation of the Lead Poisoning Control Act (S.P. 244) (L.D. 763)

An Act to Repeal Certain Provisions of the Maine Health Security Act (H.P. 571) (L.D. 776)

An Act to Protect Maine Businesses and Consumers from Unfair and Deceptive Trade Practices (S.P. 276) (L.D. 840)

An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions (S.P. 293) (L.D. 880)

An Act to Bring the Bureau of State Police, the Department of the Attorney General and the Maine Drug Enforcement Agency into Conformity with the Criminal History Record Information Laws (H.P. 665) (L.D. 903)

An Act to Amend the Adoption Laws (S.P. 309) (L.D. 942)

An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise Pollution (H.P. 724) (L.D. 983)

An Act to Modify Joint and Several Liability in Medical Malpractice Actions (S.P. 391) (L.D. 1186)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Requirement of Grand Jury Review for Noncapital Crimes (H.P. 880) (L.D. 1194)

An Act to Define the Liability of Gas Utilities and Natural Gas Pipeline Utilities (S.P. 396) (L.D. 1227)

An Act Concerning Child Sexual Abuse Laws (H.P. 919) (L.D. 1243)

An Act to Allow a Casino to be Constructed by the Passamaquoddy Tribe in Calais for the Purpose of Gambling (S.P. 409) (L.D. 1266)

An Act to Improve the Operation of Prelitigation Screening Panels (H.P. 947) (L.D. 1276)

An Act to Prevent Diversion of Solid Waste (H.P. 958) (L.D. 1289)

An Act Regarding Disorderly Conduct (H.P. 969) (L.D. 1300)

An Act to Implement the Recommendations of the Commission to Study the Future of Maine's Courts (H.P. 1008) (L.D. 1354)

An Act to Abolish Secrecy in the Courts on Matters of Public Health or Safety (S.P. 439) (L.D. 1369)

An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring Pertaining to the Judicial Branch (S.P. 441) (L.D. 1371)

An Act Concerning Primary Care and Parental Rights and Responsibilities in Cases of Domestic Abuse (H.P. 1055) (L.D. 1407)

An Act to Create a Noneconomic Damages Award Act (S.P. 446) (L.D. 1413)

An Act to Modify the Legal Doctrine of Joint and Several Liability (S.P. 447) (L.D. 1414)

An Act Concerning the Terminally Ill (S.P. 453) (L.D. 1420)

An Act to Eliminate the Statute of Limitation in Child Molestation Cases (H.P. 1070) (L.D. 1436)

An Act to Permit Collection of Public Assistance Overpayments by Administrative Process (S.P. 471) (L.D. 1463) (Governor's Bill)

An Act to Expedite the Establishment of Administrative Child Support Orders (S.P. 488) (L.D. 1499) (Governor's Bill)

An Act to Legalize Marijuana for Medicinal Purposes (H.P. 1116) (L.D. 1511)

An Act to Promote Family Financial Responsibility through More Effective Child Support Enforcement (S.P. 494) (L.D. 1514) (Governor's Bill)

An Act to Establish Limited Liability

Corporations and Set Their Tax Rate as Other Corporations (H.P. 1123) (L.D. 1522)

An Act to Amend the Laws Governing the Required Qualifications to Practice Law in the State (H.P. 1153) (L.D. 1552)

Committee: Legal Affairs

An Act Related to Third Parties (H.P. 552) (L.D. 748)

An Act to Eliminate Seasonal Liquor Stores (EMERGENCY) (H.P. 738) (L.D. 996)

An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers (H.P. 828) (L.D. 1114)

An Act to Amend the Laws Governing Elections and Nominations by Political Parties (H.P. 884) (L.D. 1198)

Resolve, Authorizing Stephanie Burton to Sue the Town of Freeport (H.P. 928) (L.D. 1251)

An Act to Amend the Laws Pertaining to the Protestant Episcopal Church (H.P. 964) (L.D. 1295)

An Act to Promote Professionalism in the Law Enforcement Community (H.P. 979) (L.D. 1310)

An Act to Create Statewide Arrest Powers for Municipal Law Enforcement Officers (S.P. 415) (L.D. 1324)

An Act to Assist in Crime Prevention (H.P. 1041) (L.D. 1393)

An Act to Make Changes in the Manufactured Housing Laws (EMERGENCY) (S.P. 461) (L.D. 1453)

An Act to Amend the Laws Governing Inspection of Ballots (H.P. 1108) (L.D. 1495)

An Act to Amend the Laws Governing Municipal Elections (H.P. 1110) (L.D. 1506)

Committee: Marine Resources

An Act Concerning Commercial Divers (H.P. 973) (L.D. 1304)

Committee: Rules (Joint Select)

An Act to Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee (EMERGENCY) (H.P. 1083) (L.D. 1449)

Committee: State and Local Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Availability of Legislative Participation (S.P. 220) (L.D. 691)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That Certain

Officers Be Appointed by the Governor (S.P. 227) (L.D. 698)

An Act Regarding Records of Notaries Public (H.P. 592) (L.D. 807)

An Act to Increase the Number of Cumberland County Commissioners (H.P. 700) (L.D. 952)

Resolve, to Create the Commission to Establish Criteria and Qualifications for Certain State Officers (EMERGENCY) (H.P. 825) (L.D. 1111)

An Act to Require Renegotiation of State Leases for Real Property (H.P. 835) (L.D. 1140)

RESOLUTION, Pursuant to Article IV, Part Third, Section 15 of the Constitution of Maine Calling a Constitutional Convention to Propose Amendments to the Constitution (H.P. 873) (L.D. 1187)

An Act to Require the Bureau of the Budget to Monitor Federal Legislation to Determine the Cost of Implementing Legislation at Local and State Levels (H.P. 897) (L.D. 1212)

An Act to Create a Body Politic and Corporate by the Name of Great Diamond Island Village Corporation (H.P. 1056) (L.D. 1408)

An Act to Separate Cushings Island in Casco Bay from the City of Portland and to Create the Cushings Island Village Corporation as Part of the Town of Long Island (S.P. 454) (L.D. 1421)

An Act to Separate Little Diamond Island in Casco Bay from the City of Portland and to Create the Little Diamond Island Village Corporation as Part of the Town of Long Island (S.P. 458) (L.D. 1425)

Resolve, to Establish a Commission to Study the Size of the Legislature (EMERGENCY) (H.P. 1061) (L.D. 1429)

An Act to Separate Peaks Island and Certain Other Islands in Casco Bay from the City of Portland (EMERGENCY) (H.P. 1082) (L.D. 1448)

An Act to Reorganize State Government (H.P. 1094) (L.D. 1472)

An Act to Require the Utilization of an Owner's Representative on State Government Construction Contracts (H.P. 1107) (L.D. 1494)

Committee: Taxation

An Act to Eliminate the Sales Tax on Snack Foods (H.P. 560) (L.D. 757)

An Act to Authorize Special Property Tax Districts (H.P. 708) (L.D. 959)

An Act to Promote the Use of Reusable Bags in the Purchase of Groceries (H.P. 712) (L.D. 963)

An Act to Clarify Various Tax Procedures and to Protect Taxpayer Rights (H.P. 788) (L.D. 1061)

An Act Concerning the Definition of

Telecommunications Under the Tax Laws (H.P. 838) (L.D. 1143)

An Act to Redefine Nonprofit Status in the Sales and Use Tax Law (H.P. 885) (L.D. 1199)

An Act to Conform Maine Income Tax Laws and Rules to the Internal Revenue Code (H.P. 1081) (L.D. 1447)

An Act to Establish Economic Recovery Tax Credits (S.P. 477) (L.D. 1476)

Committee: Transportation

An Act to Clarify the Rights of Water Utilities with Respect to Water Lines Passing in or through Railroad Rights-of-way (H.P. 245) (L.D. 324)

An Act to Revise and Recodify the Maine Revised Statutes, Title 29 (S.P. 277) (L.D. 841)

An Act to Clarify the Authority of the Department of Transportation to Determine Condition of Property Prior to Acquiring (EMERGENCY) (H.P. 847) (L.D. 1152) (Governor's Bill)

Committee: Utilities

An Act to Require the Public Utilities Commission to Include Externalities in Least-cost Planning Procedures (H.P. 237) (L.D. 305)

An Act to Exempt Employees of the Public Utilities Commission from Furlough and Shutdown Days (EMERGENCY) (S.P. 119) (L.D. 357)

An Act to Allow Public Utilities to Develop Economic Development Rates (H.P. 411) (L.D. 530)

An Act to Amend the Charter of the Passamaquoddy Water District (H.P. 503) (L.D. 661)

An Act to Enhance Competition in Electric Utilities (S.P. 331) (L.D. 1007)

An Act to Cause the Renegotiation of Utility Contracts for Electric Power Generated at Private Facilities (S.P. 340) (L.D. 1037)

An Act to Deregulate Consumer-owned Electric Utilities (S.P. 362) (L.D. 1119)

An Act Pertaining to Pole Attachment Rate Disputes (H.P. 1054) (L.D. 1406)

An Act to Amend the Laws Concerning Emergency 911 (S.P. 452) (L.D. 1419)

An Act to Deregulate Consumer-owned Water Utilities (S.P. 476) (L.D. 1475)

An Act to Improve the Business Climate in the State by Making Power Available at a Lower Rate (H.P. 1095) (L.D. 1482)

An Act Regarding Cable Television (H.P. 1096) (L.D. 1483)

An Act to Identify Potential Costs of Utility

Projects to Municipalities and Corporations That Provide Services to Municipalities (S.P. 491) (L.D. 1502)

An Act to Establish Curtailable Load Retention Service (S.P. 512) (L.D. 1538)

Was read and passed and sent up for concurrence.

On motion of Representative HICHBORN of Howland, the following Order:

ORDERED, that Representative Thomas E. Poulin of Oakland be excused June 28 to June 30 for personal reasons.

Was read and passed.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "B" (H-677) on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 215) (L.D. 283) (Governor's Bill)

Signed:

Senators: PEARSON of Penobscot
TITCOMB of Cumberland
FOSTER of Hancock

Representatives: HICHBORN of Howland
MICHAUD of East Millinocket
RYDELL of Brunswick
KERR of Old Orchard Beach
POULIOT of Lewiston
CHONKO of Topsham
CARROLL of Gray

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives: FOSS of Yarmouth
REED of Falmouth
MacBRIDE of Presque Isle

Reports were read.

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

Representative CHONKO: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

Men and Women of the House: I want to take a few moments today to thank all of you for your participation in this very, very difficult task that we had given to us back in January. Your cooperation has been greatly appreciated by the Appropriations Committee and I want each and every one of you to know that.

We have a piece of legislation here today and it certainly is not what each and every one of us want but it is the best that we can do under the conditions and circumstances that we face. We have cut some \$900 million in this budget and we have chosen to continue just the one cent sales tax.

Back in January, I would have said that this was totally impossible and it probably would have been if we collectively had not worked so hard for so many months to make this happen. It has truly been a team effort and I hope that that team will continue and support the Majority "Ought to Pass" Report.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I would, at this juncture, like to offer my hand in expression of my appreciation for the hard work of the House Chair of the Committee and all the members of that committee. It has been a monumental task.

Having said that, I think it is important to explain a number of the reasons why I oppose the Committee Report that is before you. I do it in the same vein of discussion of the last budget document that was before us and some of the arguments that we used against that.

I am also reminded of some of my thoughts when I saw one of the demonstrations that was here yesterday, let me tell you why. I represent what is at times a county in competition for the poorest county in New England, also in competition nearly always for the highest unemployment in the state. Like many of you, there are many people in my district who are poor, working poor, people in my district in some instances draw their water by a bucket from the well. They are not affluent, they are hard working by and large and want an opportunity. It bothers me to have those who are advocating for more spending here excluding those in my district who work hard and believe that government should be less.

I have from time to time as I have gone home during the last winter months late at night come across individuals who are driving to work at one of the rope factories in my district. In my county, there are many of them, it is the primary employment in my district, having changed from ten years ago when they plucked feathers from chickens, now they work rope, day and night.

Occasionally when I have been stuck in a snowbank in my district, they have stopped to help me or vice versa. It has struck me that these people, young people, people with families, have to work in the middle of the night, all night to support their families. It is the best opportunity there is in that district. It bothers me greatly to hear individuals who proclaim that those people need to pay more to support this or that that the government finds necessary. I am speaking specifically against the sales tax.

Having served on the Taxation Committee with a

number of you in this body, I remember very clearly a national advocacy group for the poor crying to us that the sales tax was the worst tax for the poor, the most regressive, the one that hits those who have the fewest dollars for discretionary spending that still must buy clothing, used cars, the necessities for their family.

What we have in this document before us is a continuation of the sales tax. The vision that many of us have for government is different. I recognize that and I fully recognize that the majority in this body probably by and large envision a government larger than I am comfortable with. I feel it important to enter into this debate the concern that I, too, have for the poor, the working poor in my county, in my district and I suspect in many other districts.

It is not the desire of this Representative to let this piece of legislation proceed without expressing that kind of concern viewed from the other side of the aisle. I do not think that the document before us contains the kind of spending that that penny has included that is necessary. I recognize that people feel that they have made tough decisions to get us to this point but I cannot in conscience, myself, support this. I am speaking in opposition to the Committee Report before us.

Mr. Speaker, I request the yeas and nays.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I listened intently to Representative Whitcomb's speech and I think it was very heartfelt and impassioned. He indeed did serve on the Taxation Committee with me my Freshman term. I recall lengthy discussions about the burden of the sales tax. He is correct in his assumption that the sales tax falls more heavily on low-income people. I applaud him for that position.

I think that we have a budget that has a no tax budget that did not have two-thirds. I am certainly hoping that a modest tax budget has two-thirds. That has been a difficult conclusion for me to come to.

I would ask Representative Whitcomb if he would entertain a tax in lieu of sales tax, an income tax charge on those more affluent members of our society that puts together a \$165 million? I would certainly entertain voting for his amendment and I would hope that amendment would lead him to a place where he could vote for this budget with this very modest sales tax.

I will add that although the sales tax is not my preference and the income tax has always been my preference, we have done the sales tax because of the consensus position of the House members and of members of the other body that that was the tax that they could most favorably afford to live with in terms of explaining it to their home district. Part of the rationale was that at least 25 percent of sales tax dollars comes from out-of-staters and there really isn't any other tax that we get at least 25 percent of the money from non-residents. In a time of crushing recession, it becomes important to export part of your tax.

Our neighbors to the south in New Hampshire have done a masterful job of exporting a good deal of their taxes to us and to others and I think that, although I am not happy with the sales tax and I would gladly entertain an amendment offer from Representative Whitcomb that would replace that with

a higher income tax, I will pay that higher income tax, you have got to come up with \$165 million in order to continue to balance this budget, we need two-thirds, we only have two days left. I would encourage that amendment. If that is not forthcoming, I think the rest of us ought to look at the fact that the sales tax is 25 percent exported.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to join in in congratulating my colleagues both on and off the committee in both political parties for their work on this budget. It has been a long six months and I think we have worked together much better than we did two years ago. I think a good sign for the legislature is that good will continues in our committee. I think that is a good omen for the future.

However, I hope you will join me in voting against the budget that is now before you. In 1991, the six cent sales tax was enacted as a temporary measure. At that time, the legislature claimed it needed extra time over two years to allow for the study of the issues of restructuring state government and program elimination. The goal was to set priorities and phase out less essential programs so that enough resources within current revenues would be available for the higher priority expenditures like education, job development and programs designed to help those people who cannot take care of themselves.

Unfortunately, the budget before you now ignores the legislature's promise to keep the sales tax increase temporary. It not only makes it permanent but it also does not include any substantial restructuring or reform of state government nor any permanent program elimination except the possibility of one in FY '95. Once again, setting priorities was put on the back burner and we continue to have business as usual in Augusta.

Unlike the private sector which has made tough decisions in spending reductions as the boon of the 1980's ended, government assumed it is immuned from that austerity. The reality of the 1990's demands that everyone, including government, must operate more efficiently and effectively with less resources.

Many legislators pledged last Fall during their campaign that they would not extend the temporary taxes. I made that commitment to my constituents because I believed then and I believe now that state government can and should live within its means. I intend to keep that promise and not vote to extend the temporary sales tax increase.

Those of us who were committed to reducing state spending to a level without the temporary taxes presented to you a budget that met our goal. It was a fair, responsible, balanced budget that protected the most vulnerable, made education a priority and included restructuring and the elimination of several programs. It is interesting to note that during the floor debate on our minority budget, there was criticism of one reduction or another, but no alternative cuts were ever proposed. The majority wanted more taxes and more spending without really giving serious consideration to our effort. They rejected our proposal on a party line vote, not one member from the other side of the aisle voted for that budget and they went back to work spending as much new tax revenue as they felt the public would

accept.

Unfortunately, because it appeared that they could get enough votes to raise taxes, the majority of my committee even reversed themselves on some prior spending reductions and voted to restore dollars to various programs. The majority budget package that emerged after days of negotiations simply includes more spending on various programs with little regard for the taxpayer for the economic future of our state.

I believe strongly that when government increases taxes, it takes dollars out of the private sector where they can be used to create jobs and help small businesses grow. Instead of allowing for that investment and growth to occur, the money is used to support state programs that have varying degrees of value. A healthy economy and good jobs for Maine people should be the most most important focus of this legislature. Instead, there is a preoccupation with finding new revenues to sustain state spending and state bureaucracies. I believe that the \$165 million should be left in the private sector for job expansion.

There was a recent article in the Portland Press Herald on the potential elimination of four state agencies or programs which would have saved taxpayers about \$20 million. In the final vote of the Appropriations Committee, all four agencies have been continued. Some, in fact, had been eliminated by earlier majority votes in committee, but their supporters launched full-scale lobbying efforts for their continuation and their lobbying was successful in the end because more tax dollars were made available for spending.

The only people not represented by lobbyists in Augusta are the hard working Maine people who are too busy going to their jobs and taking care of their families. I believe that their voices should be heard. Maine people do want government to reduce its spending and live within its means, set priorities and eliminate programs no longer essential. That is how everyday people live their lives, they figure out how much money they have to spend, determine what the top priorities they have for expenditures and reject those lower priority purchases for which they do not have the money. It is unfair for government to assume it lives by another standard.

Government can no longer determine what it wants to spend first and then figure out to raise enough taxes to accommodate that spending. We all know that philosophy has led the federal government into fiscal chaos and I believe that it threatens economic growth and prosperity in Maine. If we do not control the growth of government spending and the tax burden on our people, Maine will be relegated to a position of having a reputation as a beautiful place to live but a very difficult place to find a job.

The most important goal for this legislature, I believe, should be a focus on how to create jobs for our people. We compete against our neighbors when we ask businesses to bring their jobs to our state or to keep their jobs here. It is important to note that other New England states, right now, are not raising their taxes with the exception of Rhode Island which is considering a gas tax increase. As you know, this body is considering the same. In fact as of this Thursday, Vermont is repealing the temporary taxes it passed in 1991, two years ago. On Thursday, their sales tax rate will go from five to four cents per dollar as promised to their people and the income tax

and meals and lodging tax passed as temporary taxes will also be lowered. Their commissioner of finances is quoted as saying, "We have the same scenario as Maine a few years ago, there was some haranguing but since then lawmakers took on a fiscal recovery plan to curtail spending." They have reduced spending. Vermont has flatfunded every department in state government except corrections for four years and that state is now spending at 1990-91 levels and Vermont is competing with us for jobs. Maine should and could be able to do what Vermont lawmakers have achieved, keep our promises and make the necessary structural changes in spending. I believe it is still possible and I hope you will vote with me against this budget.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: We have before us the biennial state budget document, the budget that will fund necessary state services hopefully for the next two years. We know from past experiences that sometimes when we debate these budgets that they come back in less than two years and we get to revisit some of our decisions and that may or may not be the case but we have that document in front of us. I referenced last week that the budget document is inherently a political document, a document that reflects the values and priorities of Democrats and Republicans as we attempt to craft a consensus from some very divergent viewpoints that exist within our own constituencies throughout state government.

In this budget, in my mind, reflects the economic and fiscal reality that we are confronted with. We know that, even if we were to pass this budget within the next five minutes, that there are going to be services eliminated, people are going to be hurt, there are going to be some very serious pain that is going to be caused even from passing this budget. But, we also know that we need to pass a budget and that we have gone through a process unlike any process that we have seen before in this state where we have committees involved from day one. We have had contingency groups that have been monitoring the process who have been extremely helpful in framing the issues, providing additional assistance, providing priorities to Appropriations from a conservative viewpoint or a not so conservative viewpoint that has all aided to create a final product. It is not perfect by any stretch of the imagination.

Representative Carroll was quoted as saying in the paper, "Everybody gave a lot, and everybody got a little." To some extent, I think that is reflective of the realities when you attempt to put together a budget process.

There has been some discussion about the issue of sales tax and whether it was appropriate that we be considering the sales tax again. I commend Representative Foss for her comments because I think that she remains true to her belief in a state government and in the type of services that we need to provide to our citizens. I think we may have an honest disagreement in fact in terms of the level of services she and I or others may agree are necessary to provide to our citizens back home. It is an honest and a clean disagreement. I think there is no problem with that.

The initial budget that we were presented with

earlier this year by the Administration counted on a variety of things that avoided us to the necessity for us to look at the issue of sales tax or any other taxes, temporary taxes. Once again, we weren't talking about raising taxes, we were talking about philosophically, do we want to maintain the existing revenue base of revenues or not? Or, do we want to do something other than that?

The original budget that was presented by the Governor included about \$100 million worth of savings that were to be generated from waivers. There were waivers for nursing homes in the amount of some \$41 million, there were other waivers for nursing homes in the amount of \$54 million. There were cuts that were determined through the committees of jurisdiction that were found to be in violation of Consent Decrees. There are some who would argue that we are still in violation of Consent Decrees and they may be right, but there are at least \$100 million worth of cuts that were found to be unconstitutional or that required waivers that did not exist and required us to look for another source of revenues, another source of savings.

Later on in the span of the last two or three weeks, we were presented with another alternative to help balance the budget and it counted on finding savings of some \$250 million from the state retirement system. Perhaps the most unconscionable to many was the reamortization that is now currently in this bill.

Another part of that that was objectionable to many dealt with changing to an accrued method of computing retirement costs. It is something that affected every state employee, something that would have affected every teacher in this state and would have had a devastating effect on pensions and retirement of hard working people who do their job everyday on behalf of you and I and on behalf of our constituents. We rejected that. That was \$130 million worth of savings from that.

So, logically when you make those types of policy decisions and many D's and R's decide that things like General Purpose Aid to Education is an important priority, we have to understand that something like that costs \$515 million a year, that chews up a lot of your budget. Over a biennium, it is a billion dollars. This budget makes a strong commitment even though it is not as much as the projected cost for GPA, it makes a strong commitment in that we level funded GPA.

We did the best we could for General Assistance. We funded higher education. We did something even more important — my concern last week was that the nature of the bill before us did nothing to change the framework for creating jobs in this state. It did very little to change that framework because it didn't make investment of state dollars.

In this budget is probably what I would call the most significant pieces of economic development initiatives that we have seen in the last five years in this legislature, proposed by Democrats or Republicans.

In the short-term, there are reskilling programs to be sure that people get the necessary skills they need to get at technical colleges.

There is the economic loan recovery program from the Finance Authority of Maine that was passed by Maine people, a bond issue that provides revolving fund loans that are going to help your businesses and mine.

There is a contingency job training account so that the Governor will have the opportunity to work with Pratt-Whitney's and other important businesses in this state to maintain their existence.

There is money for the Loring Development Authority to ensure that they will be able to have the beginning of necessary money to match with federal funds to turn that area around.

In the long-term, we have the youth apprenticeship program, we put over a million dollars into an important youth apprenticeship program, a tie-in between our high schools and our technical colleges.

There is a Science and Technology Commission, a commission that still many people don't understand but a commission that is leading us into the 21st Century with jobs and important areas of innovation and important programs.

The Economic Growth Council that will take a long-term look at this state, develop a long-term strategy, creating bench marks like they have done in Oregon.

An office of Defense Conversion to help us with invariably what we know we are going to be dealing with over the next five years, a realignment in the type of jobs that we create.

There are things for export trade.

There are monies for centralized permitting, something that many people are concerned about with one-stop shopping.

There is \$6 million for tourism. There is a tremendous economic development package in this bill that is going to help us generate the revenues to create and pay for the programs so many of us want to pay for.

There will be amendments offered today, good amendments, important amendments offered today and we will engage on a long day of discussions as to what is appropriate, what is inappropriate. The reality is that when we are done with this budget, whenever that is, that we will probably in the span of the next 12 months have another budget, a supplemental budget, and we will have to go back and do those areas that we haven't been able to appropriately fund. We may find in the area of corrections that there are going to be some problems. We may find in mental health that there's certainly going to be some problems. We may find some other areas, but this is a good start. It is a two year budget, it moves us in that direction.

My suggestion is in order to get this process started that we adopt the report offered by the good Representative from Topsham, Representative Chonko and begin the consideration of the various amendments that will be offered as people attempt to reflect their priorities and their will on this important document.

I would urge you to support the Majority "Ought to Pass" Report.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I rise today in support of this budget. It is not a budget maybe that I am awfully happy with but it is a budget that I can certainly support. It is a compromise and there are things in it that all of us like and all of us don't like.

I personally was not happy with the sales tax, coming from where I live, but when I sat down and gave it some thought I thought, well, I can't support

a cut in education because that is going back onto our property tax, I certainly can't support a cut in General Assistance because that too is going back on property tax.

Then, I had to agree with the good Representative from Auburn, Representative Dore, when she said 25 percent of our sales tax comes from out of state, and it does.

I think that in this budget we have got money for tourism and I think that is going to bring more sales tax in, so that is going to be an increase.

I am one who did not take the pledge. I do not sign yes and no questions because I don't believe this is a question to do with state government that you can say yes I will support or no I won't back in July or August or whenever you people take these pledges. I have never returned any of them and I certainly am not going to start today. So, I didn't have to worry about any pledge as to what I would do.

I was one of a few who stood here two years ago and supported the temporary taxes. It was one of the greatest tax increases in the history of the State of Maine and I stood up here and supported it. A good part of my caucus at that time did not vote for it. I certainly don't think it has hurt me any.

I am happy today that we are not going to keep all the taxes that we put on two years ago and I feel as though we have cut \$100 million from the temporary taxes.

The sales tax, in my estimation, is the easiest way to get \$165 million. It is the responsible way to get it.

I think here today that those of us who have been here a while have to got stop and think back what went on here two years ago. I, for one, do not want a repeat of that, I don't think it gained anything, I don't think it gained anything for the state or anything to either party. So today, I am going to vote in the best interest of the State of Maine that in my opinion is the best thing for the State of Maine and that is I am going to support this budget.

I do realize that my leadership and part of my caucus may not be happy but I hope that the majority of my caucus goes along with me and votes this budget in so that the people of the State of Maine, come July 1st, will have a budget for next year. There will be things in it that we won't like, things in it that they won't like, but I still believe this is the responsible thing.

I served on that Economic Growth Council and I think many good things came out of it. I think that in the next few years, you will see some of those adopted.

I personally wanted the sales tax increase tied to an economic recovery. It is tied to an economic recovery but it is not economic recovery that I really preferred. I suggested that when we got to an 8 percent increase in revenues that it drop back to five percent of one-half of the one cent sales tax. Then as we went on and got more, we drop the whole one cent sales tax.

In the Taxation Committee, Senator Baldacci came out with the idea that instead of doing it that way that we put the money and do away with personal property tax for industry and businesses in the State of Maine. I said, "Senator, that is better than my idea, I will go with it." In fact, I wondered why I didn't think of it because it is such a good idea but I didn't. I will have to give him responsibility. So, we did, but it didn't fly, the leadership and the

Governor's office and Administration did not want to tie it to that so now it is tied to the Rainy Day Fund. I am supporting it, I don't have a problem with that either, although I still would have preferred it would have done that because I believe one of the things that is against industry in this state is the personal property tax. I would like to have that money to make the towns whole and have it phased out over a number of years. Therefore, I did not get all I wanted and there are probably a few other things as I look through here that I am not happy with.

There is going to be another bill out of Taxation that is going to come up here, I am not supporting that because I have made a promise that I will support the one cent sales tax and I will support the package as it is. I also will be voting against all amendments, not because I don't agree with some and I certainly do agree to a certain extent with the bill coming out of the Taxation, but I cannot support a tax increase at this time.

I would urge each and every one of us to stop and look at our conscience and think of what we are doing to the State of Maine and to the people in this state if we allow state government to shut down again. I, for one, will not vote to do that. I am voting for this package 100 percent as it is with the one cent sales tax. I urge the members of my caucus to follow my light.

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 Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: We have had much discussion in the last few days, really in the last few weeks, about the budget, what it contains and what it does not contain. It seems to me that the important issue for us is what the people of the State of Maine want. I do mean the people, I don't mean legislators, I don't mean the bureaucracy or I don't mean the officials who are drawing a paycheck, I mean the people who are hard at work out there trying to earn a living or trying to find a job.

I think we need to think what will improve Maine's economy and provide jobs for the people of Maine.

In the last year, we have been advised by the people to cut spending, restructure state government, repeal the taxes, that has been in all the newspapers and I think as we campaigned last Fall, we all heard those words.

My area has an unemployment rate that fluctuates between 13 and 14 percent. That rate will increase considerably in the next year as Loring Air Force Base closes and many jobs are eliminated. Throughout the state, we are having a high unemployment rate. Business has been leaving, closing or downsizing. The outlook for our business climate to attract new businesses or to expand the ones we have and provide jobs is not improving.

You have heard from a previous speaker what the

New England States are doing, they are our competitors, they are trying to attract business and attract jobs and to make their business climate more attractive by decreasing taxes. Perhaps some of you have read about South Dakota, an article recently appeared that that state was having a very difficult time, businesses had left, their unemployment rate was high, they had few jobs available for people and they didn't know exactly what they were going to do. They finally decided to take the situation in hand, cut taxes and provide some incentive to businesses so that they would attempt to locate there. They did that, their legislature decreased their taxes, they did provide the incentive and today South Dakota's economy has turned around. They have expanded new businesses, expanded the ones they have and they have one of the best business climates today in their area, businesses are coming in and looking at them and deciding they want to settle there. That is what I feel that we should be doing in Maine today.

We have had two biennial budgets, both of which were about \$3 billion dollar budgets, both of which came to us with a billion dollar shortfall. That meant that we had proposed current spending of about one-third of that amount of the budget. I just have to ask you, if we keep on spending and when the next biennial budget comes along, are we still going to have another billion dollar shortfall and are we going to fill that with taxes?

Last time the taxes were temporary. This budget makes those taxes permanent, so when the next billion dollar shortfall appears in two years, are we going to add another penny to the sales tax to make up for the spending that we have?

There have been some editorials in the newspapers throughout the year, there have been many, many editorials telling us what to do to cut expenses. I would just like to read to you a couple of editorials that appeared in the newspapers since we passed out our budget on early Saturday morning.

This one comes from the last Maine Sunday Telegram. It said, "We urge that legislators spend time today listening to their constituents. It won't take long for Mainers priorities to become clear. Above everything else, Mainers want a state government providing essential services that is capable of living within its means. Nearly \$300 million in taxes sold to voters of this state as temporary should expire as scheduled on Wednesday. Mainers expect it." It continues, "Lawmakers have to recognize the basic problem, the legislature has created a government that Maine can no longer afford."

The other one comes from the weekend edition of the Bangor Daily News right after the budget had been passed early that morning. It says, "State Representatives and Senators have left themselves little time and few choices but there still is opportunity to tighten this package of higher taxes and shift in fiscal responsibility to municipalities. Even as they put their fingers on the voting button, legislators have an obligation to share disappointment with the public on the budget, Maine should have done better, much better."

I agree, ladies and gentlemen, that Maine should be doing much better.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: Never have I seen so many people pat themselves on the back for a job so well done when in

fact the job has not been done at all. This budget before us does not reinvent government as was the topic of a seminar in which many of us attended at the beginning of this year.

It does not modify and reshape government, leading to less government and less interference in Mainers' lives. Instead, it is an attempt to satisfy all sides by keeping everybody's programs intact or presenting us with many more gimmicks.

There are millions of dollars in wasteful spending in this budget. I, myself, have attempted to identify some of them and I know you have, and forward this wasteful program spending to some members of the Appropriations Committee and your leadership.

Instead of reshaping government, this budget attempts to reach a balance by putting the burden squarely on the shoulders of taxpayers, teachers, state workers and budding students. I can't vote for higher tourism spending while cutting retirement and education and raising taxes — what kind of a mix is that?

Many of us in the 107 group took an oath that we would live within our means, we would identify proper areas to cut and work with the Appropriations Committee to accomplish our goals, we would meet the general responsibilities to the state while downsizing our own sprawl. In my opinion, only my opinion, we just have not done this. Many efforts to privatize and downsize have fallen by the wayside on the road to retaining a bloated budget in some areas and an anemic budget in others.

I did not expect that as a Freshman legislator I would be totally happy with this year's budget but I had no idea that the process of constructing a budget would be so poorly conceived and carried out. I intend to do my part next year in introducing new ideas and new legislation that will attempt to improve this antiquated process and I hope that you will join me in doing just that. We must phase out the power of small interest groups and bureaucrats and even top government officials in this process and we must do it soon. Maine people are growing impatient and Maine people will not be put off forever. I hope you will join me in voting no on this year's budget.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: What I view that we have is competing harms. It is now June 29th and the budget expires (that we are under now) July 1st. I, too, do not want an extension of the one cent sales tax. But, I too, do not want to see a state shutdown. I was one two years ago. I saw the liquor stores closed for two days. I saw the parks closed. I saw the beaches without lifeguards. I saw what it did to our tourist business. I recognize that I don't like many things in this budget and perhaps if I could craft a budget, it would be different, just like many of my colleagues and many members of the minority party. However, we have here a compromise, we have here give and take on both sides. What we really have to weigh is, do we want the alternative? There are those here who say the alternative is that we will have emergency powers and we may be able to keep the state running under the emergency powers. Are we willing to run the risk or shoot the dice with the tourism business at its greatest peak at this time of a shutdown or a temporary shutdown or even the threat

in the headlines in the newspapers that the State of Maine may be shut down?

Good government dictates that we must have a budget. It is unfortunate that we wait until June 29, 1993 to say whether or not we are going to have a budget or tomorrow June 30th. However, we have also got the towns, the school districts, and the SAD's and the school boards, they can't even send out their bills because they don't know what their taxes are going to be.

We have the state employees who are supposed to be paid on June 23rd and, as you heard from Representative Gwadosky, that haven't been paid and their checks are going to start bouncing.

We have the tourism business, and in York County, their concern was, don't do anything to upset the flow of people in here. If we have a shutdown or the threat of a shutdown this weekend, we are going to hurt the State of Maine.

I don't see any alternative and I think we have a competing harm perhaps, but to me, what we have to do is get a budget and allow the state to go forward. Unfortunately or fortunately, the best budget we have right now is the one that is before you and I urge you to vote for it.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: The process works. The new process that involved all of us in the budget, worked. You all brought your cuts to us. We had the original budget that had no money for General Assistance, that had no money for AFDC, that had no money for Economic Development, that had deep cuts in higher education and General Purpose Aid and we heard all of you saying, we need to look at this a little differently.

You brought to us major policy committee's significant changes in the process and significant changes in the budget. For those who were not here in the last biennium, let me remind you we are on the second billion dollar reduction. From June of 1989, we cut state government from projected revenues by over \$900 million. With all of our help, we made another \$900 million reduction in state government. We tried to keep the pledge to the people of the State of Maine that the temporary taxes in fact would be temporary. \$90 million of those taxes in fact will sunset.

For those who think there is no restructuring and we haven't tried to reinvent government, let me take exception. Plans to make changes in the State Planning Office that came from the State and Local Government Committee died in the waning hours of negotiations. Changes in the Maine Drug Enforcement Agency were unacceptable. Changes in the internal services funds trying to get a handle on those were unacceptable and rejected by a majority of both parties. However, we have in this budget and in this legislature done significant changes to state government to restructure. Long-term care has been restructured majorly. Reliance on nursing homes from now and into the future will be less to have significant savings in state budgets. All drug treatment education and services will be under one roof as was proposed a number of years ago. That is in this budget document and for the first time, we have finally made that consolidation work.

The Maine Health Program, long been a thorn in some people's side, now is going to be privatized.

That process will begin through this budget document.

The Maine Health Care Finance Commission begins to phase itself down in this biennial budget.

Mental Retardation begins to close, much to my distain and dislike, Pineland Center, in this budget.

The Department of Education restructured itself in this biennial budget.

A bill signed by the Governor to reorganize the Department of Human Services and the Department of Mental Health and Mental Reorganization will become law, a major change in the functions and structure of state government.

There has been substantial welfare reform for the first time since I have been here that I can remember that will change the whole face of welfare, passed by this legislature nearly unanimously.

Support enforcement in the collection of money from absent parents gets a major boost and a major structural change in this biennial budget. There is a commitment, once and for all, to get down and dirty to look at the retirement system and a study to come back with major changes (if necessary) to make that system whole. That is all in this biennial budget and passed by this legislature.

We have come a long way from a billion dollar problem to get where we are today. I would urge you all to think about what we have done together through the last six months to restructure state government, to maintain the commitment to the people of the State of Maine and to cut government by over \$900 million and urge you to support the Majority Report.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: While I find the tax increase that is encompassed in this bill bothersome, it is not that which bothers me most about this budget document. What bothers me most is that we, the government, have reached a low point in the estimation of the people. If we do not arrest the steady slide of government and politics down the slope of public opinion, we will be hurting this state far more than a few budget cuts or a few tax increases could inflict.

It wasn't the fact that he bought into a tax increase that lost George Bush last November's election, it was rather that President Bush had pledged no new taxes, it was a broken promise, the lost trust, that is what brought Mr. Bush down. Above all, people want honesty from their government. How can we ask the people to keep their faith when we cannot keep our word.

Two years ago, this legislature passed a set of temporary taxes. I did not support those increases. But, as a member of this institution, I pledged to vote to keep them temporary, that notwithstanding the fact that I was unopposed in the last election. I will stand by that promise.

I have heard today in caucus and elsewhere that we should not tilt at windmills, that we should be practical rather than stand on principles, but I would submit that principle is exactly what people are looking for in their government, looking for, but too often not finding.

First and foremost, we should be honest in our rhetoric. I was disturbed greatly to hear the Governor say that he was pleased to see a reduction in taxes as part of this budget. I know what he meant, but let's be forthright. This budget includes a 20 percent increase in the sales tax over current

state law. I have also heard the suggestion today that this budget may represent a \$1.8 billion decrease in these four years, this budget biennium and the last budget biennium, in state spending. Well, that may be true to what the departments request and I don't know what the real figures are but I would venture to say that there is a modest actual increase in total General Fund spending.

This year I was pleased to serve on the State and Local Government Committee. I am a firm believer in leadership by example. This budget turns back a unanimous State and Local Government Committee agreement on restructuring the State Planning Office and it also restores \$2.9 million in spending cuts to the legislative budget. The offices of the legislature and the governor, in my opinion, should be first on the docket in real spending cuts and in governmental restructuring.

I am reminded of the words of John F. Kennedy in 1960 when accepting the Presidential nomination from the Democratic party, he said that "Courage, not complacency is our need today; leadership, not salesmanship." Let's restore the faith, restore the trust and go back to the campaign promises that many of us made and reject this 20 percent increase in the sales tax.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House: In 1991, we were in a recession. Today we still haven't emerged from that recession. We have seen entitlement spending go up, not because we are being more generous with our entitlement programs, but because there are more people who need these programs to keep going now. Our unemployment rate is up over 8 percent.

What is a way that we can improve business in this state in order to get these people back to work? Probably not what is in this budget.

I am going to support this budget even though I don't agree that there is economic development in the budget. We have sent a positive message for businesses in this state. This budget eliminates the income tax surcharge for people, the corporate tax surcharge on corporations. I ran against new taxes but here I am now asking you to support the one cent sales tax.

I can go back to my people and say I voted for this tax because it was the right thing to do, it was the common sense thing to do. I will not turn my back on the poor people in this state in order to have a zero based budget. My constituents sent me here, not what my principles are as a Republican, but having the faith in me to have the common sense to do what is right for the State of Maine.

I am extending my hand in compromise with this budget. I don't agree fully with this budget at all. I think there could have been more cuts made. I didn't get everything I wanted. I know a lot of other people didn't get what they wanted. But, I extend my hand in compromise right now to support this budget just the way it is. I agree with Representative Murphy of Berwick that I will not support any amendments to this budget. I ask that you all do the same.

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

Representative YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: I must admit that I have been somewhat overcome by what teachers of rhetoric

in logic like to call a dilemma. That is a big term for the problem of not being able to make up your mind or when you see two competing, but mutually, unappealing alternatives.

I have come to the conclusion after confronting this dilemma that I am going to support the recommendation of the majority and vote "Ought to Pass" on this budget.

Before I explain to you why, I would like to take just a moment and recognize the extraordinary hard work and effort which has been invested in this budget by all of the members of the Appropriations Committee and I would like to especially acknowledge the contribution of my three House Republican colleagues on that committee — your firm and steady defense of our caucus desire to see the temporary taxes sunset has brought us to a place that many of us, and I for one, never would have imagined possible six months ago. We are today on the verge of actually reducing the next level of taxation on the people of this state.

I want to explain to all of you why it is that I am going to support this motion. I am sure that you will all agree that there is much here to complain about, such an assessment is not surprising given the fact that most of the time we each tend to view the good of the state from some one of our many diverse viewpoints. Indeed, it is the diversity of our standpoints that makes for the rich texture of this body and to the positive virtue of democracy. But, at the same time, this diversity and the normal competition among our viewpoints makes it difficult for us to approach and deal with a document which has as many implications as this one has. As a teacher of philosophy, I felt for a long time that this conflict has its roots in the very history of our political culture. I would like to take just a moment and read to you from an historical source what Plato had to say on this problem, speaking on a problem very similar to solving a state budget. This is from Plato's Republic, Book 5, something new for this place, huh? A change of pace. Plato here, through his character Socrates, is asking, "What is the best kind of state and what is the best way to solve a problem on state budgets?" He says, "There is not the logical first step toward such an agreement to ask ourselves what we could name as the greatest good for the Constitution of a state and the proper aim of a lawgiver in his legislation. And, what would be the greatest evil? And then to consider whether the proposals we have just set forth fit into the footprints of the good and do not suit those of the evil." Then he goes on to add, "Do we know of any greater evil for a state than the thing that distracts it and makes it many instead of one or a greater good than that which binds it together and makes it one?"

Were my great friend here to participate in this debate, he would no doubt remark on the fact that while there are at least 151 valid reasons to vote against this budget, there is nevertheless one good reason to vote for it and that is for the sake of this whole state, taken not as a collection of competing and antithetical interests but as a single unity. I honestly believe that we can hope for no better a compromise than what we see before us today. While this may not be the budget that any one of us might have wanted to see, I believe it is the only one that that we can pass without significant partisan belligerency and a possible protracted and

devitalizing shutdown of this state. Neither of these will do anything to move the state forward.

As a matter of fact, the net result will be a further reduction in our public credibility and in the end, I don't think we will end up with a budget that is far different from the one that is before us today.

Finally, I would just like to say something in the way of postmortem about this business of restructuring. There are some who have said that we have failed to restructure and if that is true, I think the reason may be that we don't have a good grip on what restructuring means. It seems to me what we should have been doing here, and I include myself in this criticism, is searching as energetically and creatively as we could for ways to make government more effective, not just more efficient, but more effective. An effective government is one that recognizes the competing claims of those who cannot care for themselves and so have no alternative but to turn to the state and those who are overburdened by excessive taxation. The key to resolving this riddle is neither of the two simpleminded alternatives we are often asked to face. The challenge is not one of doing more with more in an endless cycle of ever increasing taxation nor is it merely one of doing less with less by throwing overboard the good and bad programs alike in an effort to keep the state afloat. No, the challenge of the 1990's will be to do more with less. This budget doesn't fully achieve that aim but it is a beginning. I hope you will vote with me in support of it.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I don't mean to throw stones at the people who were here two years ago when I was not but I think one of the mistakes that was made at that time was ever instituting temporary taxes. At the time, we needed to face that — at that time or this time, I think we need to face up to what the issues are. The word temporary, I think, was the beginning of all of or a lot of our problems here. Unfortunately, that word has been tagged to these taxes and, therefore, we have a dilemma.

I learned one thing and I hope if I ever campaign to come here again that I won't make the same mistake. When different organizations sent us surveys, I felt it my responsibility to respond to them. I will never do that again. The reason I will never do that again is because they, in my opinion now, were put out for one purpose and that is to be used against you.

As came out in the Portland Press Herald a couple of weeks ago, I said that I was opposed to continuing the temporary taxes. That was true then, it is true now, I don't want to continue them. Unfortunately, the reality is that I have not seen the road to an alternative. I believe there are alternatives. I believe that this state government is full of fat at every level throughout this organization. I beg to differ with my colleague Representative Gwadosky, I think the process for this budget is seriously flawed.

I learned another thing when I came down here that this state actually runs on \$7.2 billion (with a "B") dollars. We have legislative oversight on \$3 billion, less than half of the money that runs this state does this legislature have anything to do with. We get blamed for most of it and that is okay,

I have got broad shoulders as well as broad other things and I can deal with that but, to me, that is one of the biggest flaws of this whole process, that we cannot as a legislature be at the Appropriations Committee or any other committee, get at in excess of \$4 billion of spending that the bureaucracy is free to do as they please.

I spent some time in the Appropriations Committee sitting and listening to the testimony and I wouldn't swap that job to be on the Appropriations Committee for any other committee that I may presently be on. The reason I wouldn't is because I sat there and listened to people testify, person after person after person was leading that group down the primrose lane, I thought. There was no honesty, there was a cover your own job attitude, protect your own turf. I don't have a better solution but I cannot in good conscience agree that the process that we went through was a good one because this is not a good budget. I will support it because I will not participate in shutting down state government for a number of the reasons that you have already heard here on the floor and for others that I could list but it is not necessary. I just will not participate in shutting down state government.

Yes, we have reduced the tax level from what it was in the previous biennium by letting the taxes expire but for anybody to say that is a tax cut is misleading. We can't cut taxes until we get back to the level that they were at when these "temporary" taxes were put into existence. We can't in good conscience stand up here and tell the public that we have cut spending \$1.8 billion when this budget expends more money than the last biennium did. Yes, we have cut from the requests, that is not true spending. Any of you that are in business or have to run your own checkbook know that that is not cutting spending.

I am encouraged by the level of cooperation between the two sides and that is one of the reasons that I will support this, looking to the future, hoping that we can continue to work together and find other ways to restructure government. I will, as I have heard many people refer to the budget two years ago, I will vote for this budget but I will have to hold my nose with my left hand to do it. It will be rather uncomfortable otherwise, but I will do it. I will support the budget but I cannot go home in good conscience and tell anybody that we cut spending of state government because it simply did not happen.

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

The Chair would ask the Representative from Old Town, Representative Coffman, how he wishes to be recorded? The Chair cannot announce the vote until he records his vote. The Chair has no choice in the matter.

The House is in order.

The Chair would ask the Sergeant-at-Arms to escort the Representative from Old Town, Representative Coffman, out of the room.

The House will be at ease and will the members kindly clear the chamber?

(At Ease)

The House was called to order by the Speaker.

The SPEAKER: A roll call is still in effect. The Chair is going to reopen that vote so the members who have not voted can vote.

All members kindly take their seats. The Sergeant-at-Arms will secure the House.

The Chair will reopen the vote. For those members who have not voted, please cast your vote.

Have all voted? The Chair will close the vote.

ROLL CALL NO. 212

YEA - Adams, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carroll, Cashman, Cathcart, Chonko, Clement, Cloutier, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnum, Fitzpatrick, Gamache, Gean, Gwadosky, Hale, Hichborn, Hogle, Jacques, Johnson, Joseph, Kerr, Kontos, Larrivee, Lipman, Lord, Marsh, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Reed, W.; Ricker, Rowe, Ruhlin, Rydell, Simonds, Skoglund, Spear, Stevens, K.; Strout, Swazey, Tardy, Townsend, E.; Townsend, G.; True, Tufts, Vigue, Walker, Wentworth, Young, The Speaker.

NAY - Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Carr, Clark, Clukey, Dexter, Donnelly, Farnsworth, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Hatch, Heeschen, Heino, Hillock, Holt, Hussey, Jalbert, Joy, Ketterer, Kilkelly, Kneeland, Kutasi, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Look, MacBride, Marshall, Martin, H.; Michael, Nash, Nickerson, Norton, Ott, Pendexter, Plowman, Rand, Reed, G.; Richardson, Robichaud, Rotondi, Saxl, Simoneau, Small, Stevens, A.; Sullivan, Taylor, Thompson, Townsend, L.; Tracy, Treat, Whitcomb, Winn, Zirkilnton.

ABSENT - Bailey, H.; Chase, Coffman, Nadeau, Poulin, Saint Onge.

Yes, 77; No, 68; Absent, 6; Paired, 0; Excused, 0.

77 having voted in the affirmative and 68 in the negative with 6 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

The SPEAKER: The Record will show that Representative Coffman has not voted and, therefore, is in violation of the rules. The matter will be referred to the Rules and Business of the House. The process will continue tonight, we will continue to deal with the budget and all pending amendments. Pursuant to House Rule 18, the Representative from Old Town, Representative Coffman, under unanimous consent unless denied at this time, will not be allowed to speak or vote until he has apologized to the members of this House. If there should be any outbursts or any disruption of the proceedings, it is the intention of the Chair to present an Order for expulsion of sufficient duration in order for the budget process to be completed. That way we will be able to deal with the state's budget before the necessary time elapses.

Committee Amendment "B" (H-677) was read by the

Assistant Clerk.

Representative Lord of Waterboro offered House Amendment "A" (H-680) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "A" (H-680) to Committee Amendment "B" (H-677) was read by the Assistant Clerk.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: This amendment abolishes the Maine Waste Management Agency. The Maine Waste Management Agency Fund will become the Maine Environmental Resource Fund. All monies previously going to the Maine Waste Management Fund will go to the Maine Environmental Resources Fund to be used by the Department of Economic and Community Development for municipal waste recycling assistant grants by the Department of Environmental Protection for solid waste programs and by the Bureau of Parks and Recreation in the Department of Conservation for capital improvements of state parks. Certain provisions of the law were amended to accommodate and repeal the agencies included in the transfer of the number of agencies responsibility to the Board of Environmental Protection. Environmental Protection will retain 21 positions in the Bureau of Hazardous Material and Solid Waste Management that was previously funded under the Solid Waste Management Fund. Municipality recycling grant program is retained and transferred to the Department of Economic and Community Development and the department is designated as a successor to the Maine Waste Management Agency for the purpose of administrating all municipal recycling and assistant grants authorized by bonds issued pursuant to Private and Special Law 1991, Chapter 118.

If you remember folks, if my memory serves me correctly, in the nine years that I have been here, this is the first amendment I have ever put forth. If I didn't feel as strongly as I do, I wouldn't be doing it this time. However, when the Republican budget was presented, I noticed that this Waste Management Agency was taken out of the budget and I believe that what was voted on in the committee was ten to two to remove it out of the budget. However, when it showed up in this budget here, I was very much disappointed and I thought it would be well to try to get it taken out.

I realize that we have come a long way as far as recycling is concerned but I feel the recycling all over the state is well attended and well going and I think there is a lot of communities that don't have recycling that can look to other communities and see what they have done and we could save this money.

I realize that there will be about \$4 million that could go to the Department of Parks and, if you look at the budget as far as parks is concerned, as far as repairs and maintenance, this is just another drop in the bucket for what they really need. When Herb Hartman was talking to our committee, he said it will taken \$19 million to get these parks up into A-1 shape. I don't believe the people that are paying the tax on the tires and the batteries and the white goods will object to spending this money for this purpose as long as they know they are going to have better parks, better restrooms and also a better enticement for the tourists to come into the State of Maine.

I am of the opinion that if we are not going to take good care of our parks, we ought to do away with them. If we are going to have parks, let's do it

right so the people that come into the state will want to come back again. This will help our tourist trade and I think this is one way of doing it.

I would urge that you pass this budget.

I request the yeas and nays when we vote.

Representative Chonko of Topsham moved that House Amendment "A" (H-680) to Committee Amendment "B" (H-677) be indefinitely postponed.

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

Representative COLES: Mr. Speaker, Men and Women of the House: An important and even essential element in the state's economic infrastructure is a sound and effective solid waste management system. All of our businesses and all of our towns need such a system. What this amendment would do by eliminating the agency would also eliminate all statewide planning for solid waste management. It would eliminate all technical assistance to business including the waste cap program, programs which in fact have saved businesses in this state hundreds of thousands of dollars in waste disposal costs. It would eliminate all technical assistance to towns, not simply for recycling but for composting, sitings, for dealing with bulky waste etcetera. Maine Municipal Association is horrified by this amendment.

In addition, the amendment proposed to move siting operations in the DEP while providing no money. The DEP positions in the amendment are existing DEP positions doing licensing and enforcement, so you would be saddling the agency with substantial new tasks and absolutely no money to carry them out.

It also eliminates \$1 million that is now in the budget for recycling grants at the local level.

It also, while it moves the siting operation into DEP, moves the siting director to DECD.

It takes money which is raised specifically, as Representative Lord noted, to fund solid waste management and diverts it other purposes; in other words, violates the purpose of a dedicated fund. The more often we do that, the less and less faith anyone will have in any commitment any legislature makes by sensibly dedicating funds.

Its overall effect, I believe, will be severely detrimental to the business community of this state, to the towns of this state and to our efforts to deal responsibly and effectively with our difficult solid waste management problems. I hope you will support the pending motion of indefinite postponement.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Chonko of Topsham that House Amendment "A" (H-680) to Committee Amendment "B" (H-677) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 213

YEA - Adams, Aliberti, Anderson, Beam, Bowers, Brennan, Bruno, Cameron, Campbell, Caron, Carroll,

Cashman, Cathcart, Chonko, Clement, Cloutier, Coles, Constantine, Cote, Cross, Daggett, Driscoll, Dutremble, L.; Erwin, Farnsworth, Farnum, Fitzpatrick, Gean, Gwadosky, Hale, Heesch, Heino, Hitchborn, Hoglund, Holt, Jacques, Johnson, Joseph, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Marsh, Melendy, Michaud, Mitchell, E.; Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Ricker, Rowe, Ruhlin, Rydell, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Vigue, Walker, Wentworth, The Speaker.

YAY - Ahearne, Ault, Bailey, R.; Bennett, Birney, Carleton, Carr, Clark, Clukey, Dexter, Donnelly, Farren, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Hatch, Hillock, Hussey, Jalbert, Joy, Kerr, Kneeland, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Martin, H.; Michael, Morrison, Murphy, Nash, Nickerson, Pendexter, Reed, G.; Reed, W.; Robichaud, Rotondi, Simoneau, Small, Stevens, A.; Strout, Taylor, Thompson, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Aikman, Bailey, H.; Barth, Chase, Coffman, DiPietro, Dore, Faircloth, Mitchell, J.; Nadeau, Plowman, Poulin, Rand, Richardson, Saint Onge, Saxl, Spear, Tardy, Winn.

Yes, 77; No, 55; Absent, 19; Paired, 0; Excused, 0.

77 having voted in the affirmative and 55 in the negative with 19 being absent, the motion to indefinitely postpone House Amendment "A" (H-680) to Committee Amendment "B" (H-677) did prevail.

Representative Farnsworth of Hallowell offered House Amendment "B" (H-681) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "B" (H-681) to Committee Amendment "B" (H-677) was read by the Assistant Clerk.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I propose this amendment with great respect to the amount of work that was done by the Appropriations Committee. There were many, many things that were in that budget or not in that budget that I would have liked to have seen done differently and this is a very small piece that I am proposing, not as a matter of choice, not as a matter of something that I just think would be a good idea, but as an attorney who has worked in state government, as a legislator who knows full well through the Judiciary Committee the role that the Attorney General office plays and the DA's play in our state enforcement of laws. I feel that this level of restoration is absolutely essential to proper functioning of state government.

I also believe that as a fiscal matter restoration of this \$400,000 is essential if we are not to lose additional revenues. I think there is a very real chance that despite some of the provisions of the budget as finally presented here, which did some restoration above the original cuts proposed, that in fact there will be a threat to the District Attorneys offices in terms of their staffing levels. The District Attorneys, right now, have an average caseload of 5,000 cases each year. I think even a few District Attorneys being taken out of that system is a very serious concern and should be to every single one of us. They simply can't function at that

level and it will also seriously and clearly affect the revenues.

This proposal I propose to be funded by a very modest expansion of sales tax to extended warranties.

I would suggest that since the Appropriations Committee did not choose to accept the prioritization made by the Judiciary Committee a few years ago, when we went through the Attorney General's office we felt, if you look at life and death, if you look at statutory obligations of state government, that despite its effectiveness and despite its popularity, that Consumer Division is a lower priority. The Appropriations Committee, as I understand it, specifically requested that the funds that they were making available to the Attorney General's office go to the Consumer Affairs Division of the AG's office which is doing a wonderful job and I agree that it is a great program. But, if I had to choose between the District Attorney's and the part of the AG's office that are the basic legal advice for core state agencies, I could not justify that particular selection. It seems to me that it is appropriate to go to a form of funding which has something to do with the kind of work that the Consumer Division does and that is the law on extended warranties.

For these reasons, I honestly believe that we are at a point where we have negotiated, we have cut \$600 million out of this budget, we have done what I consider really reprehensible kind of cuts and deferrals in retirement, I honestly think that it is not possible to take more cuts in the context we are in. There are things, sure, that could be cut but politically we can't. I would urge you to make this correction. I have offered a funding source and support this for the need that we have to operate state government properly.

Representative Chonko of Topsham moved that House Amendment "B" (H-681) to Committee Amendment "B" (H-677) be indefinitely postponed.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Chonko of Topsham that House Amendment "B" (H-681) to Committee Amendment "B" (H-677) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 42 in the negative, House Amendment "B" (H-681) to Committee Amendment "B" (H-677) was indefinitely postponed.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I do not accept the defeat of a serious and valid cause without tenacity, persistence and dedication to this cause, namely the unfunded liability of the Maine State Retirement System.

A short while ago, I initiated my first attempt to address this cause. However, the Department of the Attorney General acknowledges serious constitutional challenges to my legislation. Ironically, just recently the State Supreme Court ruled in favor, not against, the position addressed in this amendment.

I find this appeal that I am making to you a justifiable one. If you will look at the amendment and you look at the Statement of Fact, you will find that this amendment will allow and kick in towards the unfunded liability of the Maine State Retirement System only and if there is a surplus at the end of the budget year. That means this, it has no effect

in dollars and cents as far as the current budget is concerned. It has a uniqueness by itself. Also, you have a misrepresentation in that blue paper that I was assured there would be a correction on, but I haven't seen it, in describing the amendment, the bottom statement is incorrect. That bottom statement where it refers to my amendment is not a part of that amendment. I was assured that there would be a correction made on that and I haven't seen it. So, I feel that is not a very comfortable position to be in.

The second uncomfortable position is — and the Speaker's remark at the beginning of this session stating that he would vote against every amendment, I found that uncomfortable in that this has no direct effect on the current budget. It is an attempt to awaken the responsibility that has been handled in a negligent way in funding the Retirement System.

This makes a lot of sense, it initiates a way of getting and taking the responsibility of meeting the commitment that we said they had to meet by law and what better way to do it than through the system that we have in addressing the surplus. Now you say, the surplus? I think we are in a position now to look at things optimistically. I think from an economic point of view, things are beginning to change. Wasn't there a surplus this year? I read of a \$13 million surplus and also that it could be more. I have never made a direct plea for votes but this is an extremely special cause and it is a relatively easy way of addressing a responsibility that has not been addressed.

I offer House Amendment "D" (H-683) to Committee Amendment "B" (H-677) and move its adoption.

House Amendment "D" (H-683) to Committee Amendment "B" (H-677) was read by the Assistant Clerk.

Representative Aliberti of Lewiston requested 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 move that House Amendment "D" (H-683) to Committee Amendment "B" (H-677) be indefinitely postponed.

I know what the gentleman from Lewiston is doing, a lot of us have a lot of problems with a lot of aspects of the Retirement System, but we have imposed a study in the budget for the Retirement System and I think this is one of the fields that will be taken care. I hope we will indefinitely postpone this amendment and let the study take its course.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I am going to urge you tonight to vote against the indefinite postponement and don't worry about the study that is going to be done. I think the gentleman from Lewiston has put an amendment before us that makes a lot of fiscal sense. I think a lot of us do have concerns about the Retirement System and I think this is one amendment that is being offered here that might have some impact down the road that all of us could support. I think we ought to do it tonight and forget about the situation we are in where we can't support any amendments. This is an amendment that we ought to look hard at and it will have an effect down the road if there is any surplus and I think we ought to be concerned about it.

I am really pleased that the gentleman from Lewiston tonight has brought this amendment forward.

I would urge you strongly to vote against the indefinite postponement so we can adopt it.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: We have had studies until we are choking on it. In the eight or nine years that I have been here, I have seen the Monks Report. I was on one committee that was made up of municipal and county and so on, the office downstairs on the first floor is full of reports. You can have all the reports and surveys that you want, but I agree with the good Representative from Corinth and my good friend from Lewiston, finally somebody has come across with something that we can do something about it.

The way I look at it, if I have got some of my children that are having trouble making both ends meet, they keep asking me for money and I have had to do it to my children, when they get their income tax checks, hold on, you are paying some of your bills or putting it to one side, finally we will get something from my good friend from Lewiston that makes sense. I would ask that we would go along with him.

Representative Aliberti of Lewiston requested a roll call vote on the motion to indefinitely postpone House Amendment "D" (H-683) to Committee Amendment "A" (H-677).

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Topsham, Representative Chonko, that House Amendment "D" (H-683) to Committee Amendment "A" (H-677) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 214

YEA - Brennan, Bruno, Cameron, Campbell, Carleton, Carroll, Chonko, Clukey, Cross, DiPietro, Faircloth, Gwadosky, Hichborn, Hillock, Lipman, MacBride, Michaud, Ott, Paradis, P.; Pendexter, Plourde, Pouliot, Rydell, Simonds, Taylor, Thompson, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Adams, Ahearn, Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Caron, Carr, Cashman, Cathcart, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, Dexter, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heeschen, Heino, Høglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Kutasi, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Look, Lord, Marsh, Marshall, Martin, H.; Melendy, Michael, Mitchell, E.; Morrison, Murphy, Nash, Nickerson, Norton, O'Gara, Oliver, Pendleton, Pfeiffer, Pineau, Pinette, Plowman, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Simoneau, Skoglund, Small, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy,

Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth.

ABSENT - Bailey, H.; Chase, Coffman, Mitchell, J.; Nadeau, Poulin, Saint Onge, Saxl, Spear, Winn. Yes, 30; No, 111; Absent, 10; Paired, 0; Excused, 0.

30 having voted in the affirmative and 111 in the negative with 10 being absent, the motion to indefinitely postpone did not prevail.

Subsequently, House Amendment "D" (H-683) to Committee Amendment "B" (H-677) was adopted.

Representative Morrison of Bangor offered House Amendment "E" (H-684) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "E" (H-684) to Committee Amendment "B" (H-677) was read by the Assistant Clerk.

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

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment addresses three areas of concern in the proposed budget.

Number one, the change in the reimbursement formula for General Assistance, the special housing need in the second year and the AFDC cut of four percent.

Back to the first one on the reimbursement, under the current GA reimbursement formula, the municipalities direct GA costs are controlled by an obligation threshold which is .0003 times the 1981 state valuation. The proposed budget has the same formula but it changes it to the 1991 valuation. This is a rather heavy hit on the local municipalities. This proposal reduces that to .0002 times the current valuation, which still means that the municipalities will have to accept in the cost shifting, however the shift will not be as great. For example in the case of Portland, it is about \$100,000 savings to the town. Bangor is about \$50,000 plus and Lewiston is over \$50,000. If you live in a municipality where this applies, you too will have a change.

In the second part, this amendment restores in the second year, the special housing need. The current budget proposal cuts it to \$50, this would restore it to \$75. Once again, we are talking about the people who have the greatest needs. In this particular category, only about 20 percent of the people who are living on AFDC are living in subsidized housing, that means 80 percent of the people are not living in subsidized housing. These are the people who really get whacked the hardest in this particular case, these are the people who are living off the local economy. That means they have to pay fair market rent, their rent is controlled, they also have to pay utilities which is a fixed cost. When you add all of this fixed cost together, they only have one variable account left in their income, that is their food budget. This hits children the hardest because they have no choice but to pay for their electricity and pay for their rent or their other option is to become homeless. So, the only discretionary money that these people have is their food budget and when you whack the food budget, who are you hurting, the children.

The other thing that happens is if they don't have the money, where do they go? They are going to go to GA. They are going to come to your local municipality and look to see if they can get the extra money, so you have done two things here.

On the third one, AFDC, you are talking about a

four percent cut in AFDC. We have lost track of what AFDC means, it means Aid for families with Dependent, dependent Children. We are talking about children here we are not talking about a welfare program for mothers. Let's remember, we have all stood here today and we have talked about COLA's, we are talking here about an 8 percent cut in AFDC, what is that a negative COLA? We are talking about taking away approximately three years worth of COLA's that everybody else is getting plus, yet the cost of living is three percent and we are going to take away six or eight. Aren't we working in a pretty negative way? We are really decreasing these peoples' buying powers. I want you to think about that when you take the vote.

Mr. Speaker, I would request the yeas and nays.

Representative Chonko of Topsham moved the indefinite postponement of House Amendment "E" (H-684) to Committee Amendment "B" (H-677).

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I hope you will vote with me against indefinite postponement of the amendment. I would like to speak to why you should do that.

Some of us over the last week or two took a look at what was coming out of the Appropriations Committee and we realized that there was a group of persons in this state that was not adequately well-fed, clothed, housed and cared for and that was the children of this state. We put together a group which we called 101 for Children just because — partly it was a play on another group name and partly because we thought we want a budget that reflects at least 101 votes that will support children's issues.

We talked to people in this House and we talked to the Appropriations Committee and to their credit the Appropriations Committee put many of our priorities back into the budget. For that, I would say (as one member of that group) that I am very, very appreciative.

There is really though only one area of the budget where not enough was put in. There are areas where you can say I wish more was done but we really thought there was only one area where it is really inadequate and that is in the area of General Assistance and AFDC. Actually, right up until the last minute, the General Assistance budget was more than what is in the budget right now. As you all know, kind of at the last minute, suddenly these holes develop off in parts of the budget that have nothing to do with children and people scramble around to try to find how they can make up that money at two a.m. or whenever it may be. As a result of that scrambling, an additional amount of money, \$2.6 million, was shifted onto local property taxes through a change in the reimbursement formula that had been adopted earlier in the budget discussions.

The first and most important thing that this budget amendment would do would be to restore that \$2.6 million to towns.

This is very important to understand, this is not something that actually is going — well, it is easy to understand what the direct impact of this money is, I will put it that way. It is an amount of money that is definitely going to have to come out of the towns' pocket and that means local taxpayers. It is money that must be spent by towns, they are mandatory spending although this budget is premised on changes in the eligibility for General Assistance. If

someone presents themselves for General Assistance and they meet those eligibility criteria, the towns must pay. Basically, this money doesn't provide enough money for towns to do that. It is a very clear shift from a broadbased state tax to property taxpayers. So, as Representative Morrison mentioned, the first part of this bill is \$2.6 million which goes back to towns to pay for costs which in this case they have already incurred and the state is behind in its payments.

The second part of this bill restores two percent of the cuts to AFDC recipients. Some of you may remember that the Human Resources Committee talked a lot about what we would like to see in this budget and we were recommending that we keep the four percent cut that was in the supplemental budget. This amendment represents a compromise between what the Appropriations Committee recommends with a full eight percent cut and what the Human Resources Committee recommended which was to continue the four percent cut and it reaches a middle ground of a six percent cut. It is still going to hurt a lot.

The fact is that the amount of money that AFDC recipients are getting is not enough to pay the rent in many instances. If that is the case, that person has two options. They go to General Assistance whereas I said the towns will pay and they will be getting less reimbursement to do that or they will get evicted from where they are. A somewhat shocking statistic for me, which I didn't actually learn until last week, was that one out of four homeless persons in this state is a child. I hope that you will keep that in mind when you think about voting on this amendment.

Earlier in today's debate, there was mention of Vermont, a wonderful state, happens to be my home state, so I always perk up when people mention it. The context was that Vermont is really doing a great job balancing its budget, cutting things, things are really much better there fiscally. So, I thought you might be interested to know that in Vermont the monthly payment for an agency recipient for a family of three is over \$200 more than what the Maine payment is. In fact, we have the lowest payment in New England.

Even if this amendment is adopted, the payment level for a family of three will be \$427 a month and for a family of two, \$318. I happen to be a renter myself. I know actually the majority of this House is probably landlords but I am a renter and I am very in tune with what rental costs are. I will tell you that my rent is \$460 a month and it is a great deal because I get my heat included and my electricity and a few other things, they plow the driveway. That is a very good deal and I know that it is quite competitive with rent in my town even in seedier neighborhoods than I live in. Under that scenario, neither of these monthly payments would cover the rent in the town of Gardiner. I know that that is the case in many other towns as well.

What this amendment does is it bumps it up a couple of dollars from what is in the Appropriations Committee budget but it still is going to be very hard for these families.

The final element of what this amendment does is it restores \$25 in the second year of the biennium to the special housing needs allowance. This is a program that 19 percent of the AFDC recipients access, it was instituted in the last biennium when we drastically cut General Assistance. We actually

cut it by almost 50 percent and it is a way to draw down federal money for people like my constituents in Gardiner who will not be able to cover their rent with their monthly payments.

The housing special needs allowance is particularly federally funded, I believe it is 50 percent federally funded and it has had a very positive impact on municipal General Assistance budgets because those costs are being paid in partially federal dollars instead of all state dollars and are keeping people away from the General Assistance Offices and the impact on property taxes. That is what this amendment does.

The total amount of the add-back here is \$4.6 million, that is a very small amount in the context of this entire budget but it is a very large amount when we look at the pocketbook of these individuals and children and when we look at the impact on property taxes in your communities and mine. We are funding this with 3 cents a pack cigarette tax.

Just some facts on that very briefly. The highest tax in the country on cigarettes is 65 cents a pack, we are at 37 cents and there are quite a few states in-between. I would suggest that 3 cents a pack on cigarettes is a small price to pay for what it buys us here.

I would urge that you support this by voting against the indefinite postponement of this amendment.

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

Representative FAIRCLOTH: Mr. Speaker, Colleagues of the House: I urge you to oppose the indefinite postponement measure. Passage of this amendment would help property taxpayers. Passage of this amendment would help children.

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

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out one thing on the fiscal note which I very erroneously left out. You will notice that this is a positive number in the General Fund of \$53,560 in fiscal year '93-94 and a gain to the General Fund of \$363,249 in fiscal year '94-95.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I also urge you to defeat the pending motion so that we can go on to pass this amendment.

I won't reiterate what is contained in the amendment, the Representatives from Bangor and Gardiner have explained it well. I will say that I think you can accomplish two things by voting for this amendment and against the pending motion.

Number one, we can protect the children in our state; number two, we can protect the property taxpayers in our towns and cities.

I do not believe that the amendment will necessarily raise taxes. What it will do is prevent the shift of most of the \$4.6 million in spending to the property tax.

Many of us I know when we were campaigning talked about doing things that would alleviate the burden on the property taxpayers in our cities and towns. I feel we are doing just the opposite in this budget. Here we have an opportunity to ensure that people do not have to sell their homes to pay their property taxes. As you know, we severely cut the circuit breaker program in the budget, it protected a lot of people. That money is not there anymore. We are

going a step further and we are passing on these mandatory General Assistance costs to the cities and towns. I don't think we can fool people. I think they will recognize this for what it is — a cost shift to the property tax.

On the children issue — when we were sworn in, we took an oath to provide for the common welfare of our citizens. As you know, we have cut AFDC benefits eight percent, four percent in April and four percent in this budget. This amendment calls for a restoration of two percent of that eight percent, Nothing more, simply two percent. I don't think it is enough but it is something. It also includes a restoration to the special needs housing allowance in the second year of the biennium. As you have been told, if we keep that cut in there, we will lose federal dollars to the extent we cut the AFDC benefits, we cut the special housing, more people qualify for general assistance. So, just because we reduce those areas, it is not going to reduce the General Assistance area and our local property taxpayers are going to have to pick up the burden.

This amendment is straight forward, I think it is about tax fairness, it is about fiscal prudence and it is about protecting children. I would ask that you oppose the pending motion so we can go on and pass the amendment.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I want to make a couple of additional points. First just to reiterate what somebody mentioned earlier, this does not restore any of the eligibility changes that have been made to the General Assistance program already. In the budget, the Appropriations and Financial Affairs Committee adopted a list of changes in eligibility that will reduce the number of people who are eligible for the program, so this amendment solely, on the General Assistance part, puts money into the account that would reimburse municipalities. It does not speak to restoring any eligibility parts of the program.

Secondly, in regard to AFDC, there was an article that recently appeared in the National Review. By most accounts, the National Review is a moderate to even conservative magazine and this article had to do with child welfare, why children ended up in foster homes and in the child welfare program. It says, "The majority of removals are for allegations of neglect or emotional maltreatment. Neglect usually means that the child comes from a poor family and, like his parents, suffers from the hardship of poverty. Children are taken away because the family does not have a place to live, children are taken away because the food stamps have run out, children are taken away because the family can't pay for the heat."

I would submit to you that the cuts that have been made in AFDC and the reductions that we have made in others parts of the budget will result in more children ending up in foster care and in protective custody of the state simply because their families will not have the income to pay for the basic necessities.

I think this amendment is a prudent amendment and that the source of income that would pay for this amendment is eminently reasonable and I ask that you support it.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

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

If this amendment is defeated as being indefinitely postponed and from what we have heard, it is indicated that it will be put back upon the municipalities, does this therefore create a state mandate?

The SPEAKER: The Chair would advise the Representative that it would not, the entire budget is a state mandate and requires two-thirds.

Representative Lemke of Westbrook requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Chonko of Topsham that House Amendment "E" (H-684) to Committee Amendment "B" (H-677) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 215

YEA - Aikman, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carroll, Cashman, Chonko, Cloutier, Clukey, Cote, Cross, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gamache, Gould, R. A.; Greenlaw, Gwadosky, Hatch, Heino, Hitchborn, Jacques, Joseph, Joy, Kerr, Ketterer, Kneeland, Kutasi, Lemont, Libby Jack, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Martin, H.; Melendy, Michael, Michaud, Murphy, Nash, Nickerson, Ott, Paradis, P.; Pendleton, Pineau, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Simoneau, Skoglund, Stevens, A.; Swazey, Tardy, Taylor, Thompson, Tufts, Vigue, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Carr, Cathcart, Clark, Clement, Coles, Constantine, Daggett, Driscoll, Faircloth, Farnsworth, Fitzpatrick, Gean, Gray, Hale, Heeschen, Hillock, Hognlund, Holt, Hussey, Jalbert, Johnson, Kilkelly, Kontos, Larrivee, Lemke, Libby James, Mitchell, E.; Morrison, Norton, O'Gara, Oliver, Pfeiffer, Pinette, Rand, Richardson, Rowe, Ruhlin, Rydell, Simonds, Stevens, K.; Strout, Sullivan, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Winn.

ABSENT - Bailey, H.; Chase, Coffman, Marsh, Mitchell, J.; Nadeau, Pendexter, Poulin, Saint Onge, Saxl, Small, Spear.

Yes, 82; No, 57; Absent, 12; Paired, 0; Excused, 0.

82 having voted in the affirmative and 57 in the negative with 12 being absent, House Amendment "E" (H-684) to Committee Amendment "B" (H-677) was indefinitely postponed.

Representative Ruhlin of Brewer offered House Amendment "F" (H-685) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "F" (H-685) to Committee Amendment "B" (H-677) was read by the Assistant Clerk.

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: This is truly a technical correction to the bill and in no way affects any of the funding that the Appropriations Committee has come up with or any percentages of funding to one organization or another.

However, I found out earlier in the session that on Page 566 of your budget what is referred to as a Retired Senior's Volunteer Program, the proper term is the Maine Association of Older Americans Volunteer Program, that serves as a spectrum umbrella for RSVP and the Foster Grandparents Program and the Senior Citizens Companion Program. That is what the Appropriations Committee is trying to address. I got a letter from the organization today asking us if we would finally, correctly identify them so that there would be no question on this important fiscal document of ours and that is what this amendment attempts to do. It does not attempt to change or rearrange anything the Appropriations Committee has already done, only correct a definition.

Representative Chonko of Topsham moved that House Amendment "F" (H-685) to Committee Amendment "B" (H-677) be indefinitely postponed.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: A piece of legislation came before the State and Local Government Committee during the session, it was L.D. 1496. It was a unanimous "Ought Not to Pass" and it seems that the Maine Association of Older American Volunteers Program was considered a private organization. This money currently is allocated to the Bureau of Elder Services as directly appropriated to this private organization through RFP, such as RSVP, the Senior Volunteers, and Foster Grandparents. We have had this discussion within the committee and we felt that the money should be appropriated to the Bureau of Elder and Adult Services. I urge you to vote for the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: The Appropriations Committee decided to appropriate the funds directly to this particular organization, not to the Bureau of Elder Services. I am sorry to say I didn't feel the committee had a right then, they still don't have the right.

The purpose is that RSVP is a retired senior's volunteer program, it is part of an umbrella organization. The umbrella organization, which is a conduit for federal funds into the State of Maine, does not charge one cent, does not even pay for postage stamps or gasoline, it serves as an umbrella to bring the money in and put it equally to the various RSVP programs. The question here tonight is — actually it is not a question, the problem we are having is definition. The proper definition of what has been called RSVP is Maine Association of Older Americans and Volunteer Program. That is what we are attempting to do.

The Appropriations Committee has said, put it on a separate line, nobody is trying to change that at all, nobody is trying to alter what I see in the document on Page 566 and 570 before us, all the question is is the definition. If you say RSVP,

which RSVP is it? Is it the one in Aroostook County, the RSVP in mid-coast, the RSVP in central Maine, the RSVP in southern Maine? However, if you correct the definition and do it for the Maine Association of Older Americans Volunteer Program, the Spectrum, it will go to the right place so they split it equally. That is why I feel it should be correct in this budget document. I don't want to get up and mix words with people and get hung up on definitions but I do think in this case it is probably proper to have the proper definition.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: I didn't plan to rise on this. This is an organization that is near and dear to me.

Again, this is just a language change. This is an umbrella organization, there are three programs in which this umbrella organization encompasses and I have vowed to essentially not vote for any amendments but in the sense of this one, this is a function of language and I would, specially after talking to the organization, encourage that we work with Representative Ruhlin and follow his light.

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

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

This is an important program that I think most members of this body would support. I was under the assumption, I stand corrected, that this particular provision was being taken care of in a technical amendment that Representative Chonko of Topsham is going to be offering later on. I was not down in Appropriations when that was determined and I guess I would pose that question as to whether or not this amendment is being addressed in a technical amendment to come later on?

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

The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Men and Women of the House: The gentleman in the corner is correct, it is in the Errors Bill and this amendment would be in conflict.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, I would like to pose a question to Representative Chonko of Topsham, please.

Could she please tell us what the proposed technical — why it would be in conflict? I have seen a document that I feel was also (again) not properly defined that perhaps at some future time be coming before us that will not in fact solve the problem of definition?

(At Ease)

The House was called to order by the Speaker.

Subsequently, Representative Ruhlin of Brewer withdrew House Amendment "F" (H-685) to Committee Amendment "B" (H-677).

The same Representative offered House Amendment "G" (H-686) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "G" (H-686) to Committee Amendment "B" (H-677) was read by the Assistant Clerk.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: This particular amendment addresses the discretionary furlough/lay-off condition of employees federally-funded in the Department of Labor, in particular those people who are in the Job Training Partnership Act and the Employment Security.

The present budget document before you has a section that says because they are federally-funded, they may not necessarily be furloughed or laid off but it would be a subject of collective bargaining at that time. I think that is wrong. We were elected to establish the policies in this state, as was the Executive Branch, those are the two policy-making bodies. We should decide those federal positions that do not affect the General Fund of the budget. We should decide when somebody in business in the State of Maine has to call up under difficult economic times and ask if a job can be filled. We are the ones that have to make sure that somebody is there to answer the phone, that they haven't been on furlough. That is a policy decision, that should be for collective bargaining.

The federal government has told this state, and I have the document here, that we endanger our standing with those employment security funds, the unemployment trust fund we have, because we do not guarantee during those furlough days that those federal funds will be available for the purpose for which they were intended, that being to have people who can, number one, file for their unemployment and receive their unemployment benefits in an orderly way, in an orderly fashion, and that those people looking to hire people can in fact contact somebody at the state office rather than a recording that says sorry, we are closed, on furlough for the day or shutdown for the day, and call us back tomorrow. These are funds that are federal funds that perform a very important function within our society. They do not affect the General Fund budget and they should not be a part as a matter of policy of the shutdown or furlough process of this state as they have no economic impact. Therefore, I ask this body tonight to vote for House Amendment "G" and establish in all certainty the fact that we are the policy-making body of the state and not leave it to collective bargaining.

Representative Chonko of Topsham moved that House Amendment "G" (H-686) to Committee Amendment "B" (H-677) be indefinitely postponed.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Chonko of Topsham that House Amendment "G" (H-686) to Committee Amendment "B" (H-677) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 34 in the negative, House Amendment "G" (H-686) to Committee Amendment "B" (H-677) was indefinitely postponed.

Representative Donnelly of Presque Isle offered House Amendment "L" (H-692) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "L" (H-692) to Committee Amendment "B" (H-677) was read by the Clerk.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to speak of a critical issue of equity for the future of our state, the children and the schools providing their education.

I strongly urge you to support this amendment. If you examine it closely, the language provides a clear mechanism which will allow our funding process to experience a more reasonable year of transition in 1993 and 1994. In the transition portion of the proposed amendment, there is a clear recognition of the dispirit effects the reduction of subsidy has on our communities across the state. For those systems in more wealthy communities, there is the concession of a five percent minimum subsidy. For those communities that experience a significant reduction in subsidy, there is a 90 percent whole harmless provision. No district or school system would receive less than 90 percent of their current general proposed subsidy in the next year.

Thirdly, the reduction from the certified costs is accomplished through a combination and mill rate adjustment at 50 percent of the total and across-the-board percentage cut for the remaining half.

This proposal works without any deviation from the amount of subsidy proposed by our colleagues on the Appropriations Committee and simply utilizes a much more equitable method distributing that money. It has been said by more than one person that the funding formula does not work backwards with decreased revenues. This is mere speculation as the real funding formula, the School Finance Act of 1985, has not been utilized to distribute state subsidy since General Purpose Aid began to decline over the past three years. Adjustments to the formula have been imposed to cope with those declining revenues. These adjustments have caused our distribution method to fail to meet the wealth neutrality test of the federal impact aid for the first time since the early '70's. We now have failed that test for two consecutive years and we will undoubtedly fail again with the Education Committee's proposal method of distribution.

Even Representative Mitchell, co-chair of the Joint Standing Committee on Education, is quoted in a Portland paper as saying, "We are going to lose" as she talked about the court challenge of the committee's distribution plan should we enact a method of distributing funds that we believe will fail in a court test and also fail to meet the federal wealth neutrality test in distribution of subsidy.

The Education Committee's proposal utilizes two across-the-board cuts to reduce subsidy payments. This method unfairly punishes poor rural districts in Maine who are traditionally high receivers of state aid. It removes substantial proportions of revenue from communities who are operating basic education programs and forces more burden on the already stressed rural agrarian taxpayers. Residents should not create an inequity in education opportunity for

any school aged child in Maine. It is our duty to see that all of our students have an opportunity to an equal and appropriate education. We can only assure this if we distribute our state subsidy for education in an equitable manner.

The proposal before you today provides for equitable distribution of funding through consideration of the purposeful valuation across the state. This is accomplished through the use of adjustments to the mill rate. The proposal also makes significant concessions to wealthier communities across our state by dividing the reduction from certified costs into two sections, one of which is an across-the-board reduction. The cushion exists through the biennium and the 90 percent save harmless provision and the 5 percent minimum subsidy provision.

The legislature saw the wisdom of this plan when it used this method in 1991. It was a compromise then and it is a compromise now. We should see that same wisdom again. This proposal also provides for the next two years for the Governor's Task Force to develop an even more fair way of financing schools if such a way exists.

We can solve our distribution and revenue problem for two years and avoid revisiting this issue in a Special Session when it is defeated in court. We can right one set of wrongs while at the same time preventing ourselves from reinventing a new set inflicts unnecessarily an unethical pain on our poorer and rural schools, the children and their communities.

I urge your support of this amendment.

Representative Chonko of Topsham moved that House Amendment "L" (H-692) to Committee Amendment "B" (H-677) be indefinitely postponed.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I hope you will join the House Chair of Appropriations in indefinitely postponing this amendment.

First of all, I don't believe that any of us can right the distribution of the school funding formula at this hour with only a few minutes left in this legislative session.

The Education Committee spent months and weeks deliberating this very difficult issue. The one thing the 13 of us had in common was that we did not want to see a revisitation of the terrible bloody strife that occurred when we tried to divide up the pie in the last session.

First let me start out by saying that I represent three high receiving communities. I am supporting this plan, even though the amendment that Representative Donnelly offers, of course, is attractive to people who come from high receiving towns. But, I sat aside with the members of my committee who represent towns from Cape Elizabeth to Fort Kent the need to try to protect just my towns and we tried to put together a fair formula for returning to that formula in a two year period of a fair way of distributing funds to all the children in this state. This amendment does not do that. It is very important that we look to all the children, that we do not try to go to the eleventh hour at a failed compromise method that was, indeed, utilized by this legislature the last time around.

Now, it was said that I was quoted as saying we would lose in court but the comments were taken out

of context by the speaker or perhaps by the paper — we will lose in court if we do not return to a fair method of distributing the aid. Our committee voted unanimously to return to our school funding formula in a period of two years. We do not need to wait until the next biennium, the Governor's Task Force is meeting for the rest of this summer and most likely we will be back in here this Fall or at least in January to deal with the second year of the biennium.

I would encourage you to indefinitely postpone this amendment and let's get on and make sure that the money that we have all fought for, Republicans and Democrats alike, high receivers and low receiver alike, to get out through that formula and the fairest way that we can come up with, given this point in time, to the schools across this state, whether they be in northern Maine or southern Maine.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: The funding that we have advanced through the Education Committee's plan is a compromise in and of itself. Each year, for the past two, I found myself in the awkward position of standing here and trying to say, give us one more year to come up with something.

The second year of this plan should not be allowed to go through. It is incumbent upon us to make the corrections we need in a timely manner while we implement just year one of this.

I do not mean to cut down on those communities who would receive more for those two years because if that is in the name of tax equity, they will receive it. I do not mean to take away more from those high receiving communities than the very least that the Education Committee's plan arranged to do.

I believe we must use this next year, however, more profitably than we used the last year if we are truly to come up with a system to support education that has the elements of both taxpayer and student equity incorporated into that plan.

I urge you at this late moment to follow the light of those that vote to indefinitely postpone this amendment, go with the Education Committee and the Appropriations Committee report. I think for one year we can make it work, I think we risk far more not doing so than we would to snatch this amendment at this hour. I believe it might look like it was giving first aid but it would actually choke the victim.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Men and Women of the House: I rise merely to point out to you that this amendment will give some relief to the situation that we who are from the eastern end of this state are looking at as far as funding for schools if the current plan goes through.

In studying the proposal, those of us from Washington County are looking at a possible 39 percent bill going back to the towns, 39 percent representing 39 percent of the total amount of cuts for the State of Maine. This is devastating to us.

I will point out to you one particular town that is not in my district but I consider Washington County all of my district, a town of a population of 271 people having to come up with a bill of \$126,000. That's just one example.

Another example is a SAD district that does cover some of my towns where they are looking at the

possibility and probability of shutting down their schools.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: By presenting this amendment, I certainly mean no disrespect to the very well respected Committee on Education. If I misquoted the Representative from Vassalboro that was misquoted in the paper, I certainly apologize, but that was as the press reported it.

More to the fact that this bill, as Representative Look has just stated, there are some very poor communities in this state that get hit extremely hard by the Education Committee's report. I think sometimes if we are going to put off until tomorrow what we must do today, does it mean that we have to inflict the most damage on those who can least afford it while doing it?

I think also, while I am up, that I will ask for a roll call Mr. Speaker.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I feel that the good Representative from Jonesboro has told the true situation. Keep in mind that a lot of these poor districts, when this whole scenario on cut to education started, they looked at richer communities that are crying about losing the school nurse and a lot of our schools were saying, what is a school nurse? So, we didn't start at the same level that most of these schools did.

I don't want to second-guess folks from the Education Committee, they worked very, very hard and I feel they have done probably as good a job as anyone could do — however, those of us from these poorer communities — don't be surprised if we grab at every straw that we can get because we need them.

I am going to be voting for this amendment and I want to thank the good Representative from Presque Isle for taking us into consideration. I would urge your vote against the indefinite postponement of this amendment.

Representative Donnelly of Presque Isle was granted permission to address the House a third time.

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: Just for information to the House, I have a handout that unfortunately, as things go quickly at the end of the night, that is on its way in here to be handed out to everyone and I know it is most of the way through the debate but if you look through it, you really can see that the small towns are the only ones that get any sort of big increase in this.

Any town that gets 45 percent as some huge amount is a town that only receives a subsidy of a thousand bucks or so. It is a very small amount and I hope that you will have an opportunity to glance at it before we vote.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: I suppose in one way or another each of our communities at the level that education is currently going to be funded could be classified as a poor area or town. Representative Mitchell states that she represents areas that are high receivers and I represent areas that are low

receivers; yet, I agree wholeheartedly with her that we should support the motion to indefinitely postpone.

This particular time is not the right time to adjust the very complicated and complex method of dividing the funds up on educational funding.

I would hope that you would support 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 pending question before the House is the motion of the Representative from Topsham, Representative Chonko, that House Amendment "L" (H-692) to Committee Amendment "B" (H-677) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 216

YEA - Adams, Ahearne, Ault, Beam, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Cathcart, Chonko, Clark, Cloutier, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heino, Hichborn, Høglund, Holt, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lemke, Lindahl, Lord, Marsh, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Morrison, Nash, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Rowe, Ruhlin, Rydell, Saxl, Simonds, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Taylor, Townsend, E.; Townsend, L.; Tracy, Treat, True, Vigue, Walker, Wentworth.

NAY - Aikman, Aliberti, Anderson, Bailey, R.; Barth, Bennett, Birney, Clement, Clukey, Dexter, Donnelly, Driscoll, Farren, Gould, R. A.; Heesch, Hillock, Hussey, Joy, Kilkelly, Kneeland, Lemont, Libby Jack, Lipman, Look, MacBride, Marshall, Murphy, Nickerson, Plowman, Robichaud, Rotondi, Simoneau, Skoglund, Thompson, Townsend, G.; Tufts, Whitcomb, Winn, Young, Zirkilton.

ABSENT - Bailey, H.; Chase, Coffman, Libby James, Mitchell, J.; Nadeau, Ott, Poulin, Saint Onge, The Speaker.

Yes, 101; No, 40; Absent, 10; Paired, 0; Excused, 0.

101 having voted in the affirmative and 40 in the negative with 10 being absent, House Amendment "L" (H-692) to Committee Amendment "B" (H-677) was indefinitely postponed.

Representative Cathcart of Orono offered House Amendment "H" (H-688) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "H" (H-688) to Committee Amendment "B" (H-677) was read by the Clerk.

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

Representative CATHCART: Mr. Speaker, Ladies and Gentlemen of the House: Simply what this amendment does is restore the cuts to the Maine Human Rights

Commission. The way I proposed to do this is by taking approximately \$136,000 that was appropriated in this budget for the International Commerce Division in DECD and move that over to the Human Rights Commission.

This funding that is now at the level of \$500,000 for the International Commerce Division was recommended unanimously by the Committee on Housing and Economic Development to be abolished, to be removed from the budget, but the \$500,000 did get put back in and that was at a higher level of funding that even had been recommended in the Governor's original budget. Therefore, since the committee that this Division duplicates many of the same functions as the Maine World Trade Association, I feel that it is much more necessary to fund the Maine Human Rights Commission.

The Human Rights Commission now has a total staff of 12 and the funding cut would take away one and one-half time positions of Field Investigators from that commission. This is the same level of funding that they had 12 years ago. They have been cut so much in the past two to three years that this would put them back to where they were 12 years and yet their caseload for a year has risen from 120 to around 1,000 cases, about nine times as many cases. This means that it takes them much longer to deal with each case and there are more delays for individual's and for the businesses who have the complaints.

I think this is a very essential part of our state government. For one thing, it saves money on court costs because cases can be settled outside of court by this commission that is very economically effective and low as opposed to going to court and it saves money for businesses as well if they can these cases handled by the Human Rights Commission. They have had their jurisdiction expanded by this legislature in the last few years and they now have to deal with whistle blowers, complaints with Workers' Comp retaliation cases and many more cases because of the sexual harassment law that we passed two years ago so their workers now can't handle all the cases in a timely manner. I think this is really more important than where this other money had been placed and it only takes about 25 percent of the money from the International Commerce Division and moves it to the Human Rights Commission, so I urge you to vote for this amendment.

Representative Chonko of Topsham moved that House Amendment "H" (H-688) to Committee Amendment "B" (H-677) be indefinitely postponed.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Chonko of Topsham that House Amendment "H" (H-688) to Committee Amendment "B" (H-677) be indefinitely postponed. 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 43 in the negative, House Amendment "H" (H-688) to Committee Amendment "B" (H-677) was indefinitely postponed.

Representative Richardson of Portland offered House Amendment "I" (H-689) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "I" (H-689) to Committee Amendment "B" (H-677) was read by the Clerk.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: This and the two amendments that follow deals entirely with tax and fiscal policy of the State of Maine. They do not deal with funding programs that I might like or you might like, that were or were not appropriately funded in the budget. They do not ask more money from the people of the State of Maine to fund those programs.

What they do, in three different areas, is to select one specific area of tax policy in the State of Maine and transfer that money to the amortization problem in the retirement system. I believe, as do many of you, that the amortization problem will not be subject to a quick, golden fix come September with the Blue Ribbon Commission, that in fact it is a tremendous passing of taxes onto our children and onto future generations. For every dollar that we do not raise now or appropriate now to pay down that amortization, our children, unless a miracle comes, will pay \$35 or \$36 over the next 35 years. Men and Women of the House, that is unacceptable. There are no easy solutions for that in tax policy and it is for that reason that I present three areas of what I consider to be inequity in our tax policy to move to the amortization problem in the retirement system.

House Amendment "I" takes the sales tax exemption for vending machines. This was a \$1.77 million dollar piece of revenue and it moves it to the amortization problem with the retirement system.

Why did I select that sales tax exemption? The sales tax exemption on vending machines is fundamentally discriminatory against every retail seller of the goods that are in the vending machines in the State of Maine, every Mom and Pop variety. About ten years ago, the legislature in the State of Maine adopted a sales tax exemption whereby the goods that were in vending machines be taxed at their wholesale value. The business people who operate vending machines make a calculation of price and when they make that calculation of what they will sell to the public, they factor in the wholesale sales tax on that product. Most of the time it comes up to an odd figure, so many cents or tenths of cents per item per candy bar sold in the vending machines. They make a business decision to round that price presumably to the nearest nickel because of course they do not collect the sales tax in a separate way in the vending machine. It is included in the price that the purchaser puts when they put in the money in the machine. There is no reason why vending machine operators cannot, like Mom and Pop varieties, value the retail sales tax for a candy bar that is sold at a Mom and Pop variety in Maine on which there is a retail sales tax of 5 or 6 percent, then so on vending machines should be the same tax. It is discriminatory to single out vending machine operators for favorite treatment or, conversely, it is discriminatory to single out retail sales people, retail business people, to have a differential between wholesale and retail prices in their sales tax. That is \$1.77 million. When that is moved to the amortization to the retirement system, it will save future taxpayers, if the budget is passed, as it now stands, \$62 million dollars, \$1.77 million now to bring a fairer tax policy in this area to save future generations \$62 million. That is why I ask you to join me in adoption House Amendment "I."

Representative Chonko of Topsham moved that House Amendment "I" (H-689) to Committee Amendment "B"

(H-677) be indefinitely postponed.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I realize the unfunded liability of the retirement system is one big problem but this is not the way to approach it.

The way to approach it is to correct the inconsistency in the retirement system and have these unfunded liabilities paid for through the retirement system procedure.

What we are doing in these three amendments, and maybe I am getting ahead of myself, is that you are asking the people to pay tax dollars to do something which has occurred in the past.

The millions of dollars that are in the unfunded liability will not be instantly corrected by this. The Blue Ribbon Commission they are talking about will take it up. I say you need a complete study of the retirement system even as it exists now and the corrections we have made. Every day that we sit here, the unfunded liability is increasing all the time and this is no way to do it. This is throwing good money towards bad money.

I would ask that you support the motion that the good Representative from Topsham made.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Lisbon articulates genuine concerns about the retirement policy for the retirement program. The issue is, maybe, we cannot deal with the cookie jar that is apparently the means of budgetary escape.

I only present one small piece of fairness that has implications for tax policy and direct involvement in the fiscal problem that we face in this.

Mr. Speaker, I request the yeas and nays.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: If we start now to raise taxes to pay the mistakes that were made in the retirement system without correcting the mistakes in it, we are in deep trouble. It will never end. In a year or two, you will come back. We are asking for big money here, millions and million of dollars to be raised with the people right now to pay for mistakes that took place 30 to 40 years ago.

The way to do is what has been proposed, to be reamortized over a period of 35 years, which I thought was a little heavy, but something needs to be done but done in an orderly manner.

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

Representative BIRNEY: Mr. Speaker, Distinguished Members of the House: I just want to echo what Representative Jalbert has said. There are major problems in the retirement system that the retirement committee, and we do have a good committee, are addressing. A lot of the problems in the retirement system are literally mistakes and inequities and loopholes. When we start closing those, you are going to see the unfunded liability decrease. We do not need to raise taxes, inequitable taxes, at this time to address this system. I think it will be addressed next year after the Blue Ribbon Commission studies it.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, in testimony before the Taxation Committee by vending machine companies, it was brought out there are unique situations to running their business and that is why they have this special "tax break." Quickly, one of them is this, if you shift the tax to them at the retail base or retail price, they are stuck with passing on a penny which they can't do in the machine, absorbing the cost themselves of a nickel to the consumer. That is one problem.

Another problem which we found out that was rather unique is that those areas along the Canadian border accept Canadian coins. The Canadian coins have to be separated, taken into the banks, and the discount has to be passed along so that this gives a compound problem if you raise this tax.

I urge you to follow the light of Representative Jalbert.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Topsham, Representative Chonko, that House Amendment "I" (H-689) to Committee Amendment "B" (H-677) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 217

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Chonko, Clukey, Constantine, Cote, Cross, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gray, Greenlaw, Gwadnosky, Hale, Hatch, Heino, Hichborn, Hillock, Jacques, Jalbert, Joseph, Joy, Kerr, Ketterer, Kneeland, Kutasi, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Martin, H.; Melendy, Michael, Michaud, Murphy, Nash, Nickerson, O'Gara, Ott, Paradis, P.; Pendleton, Pineau, Pinette, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Ruhlin, Rydell, Simoneau, Skoglund, Spear, Stevens, A.; Strout, Swazey, Tardy, Taylor, Thompson, Tracy, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Adams, Ahearne, Beam, Bowers, Brennan, Cathcart, Clark, Clement, Cloutier, Coles, Daggett, Faircloth, Farnsworth, Gean, Gould, R. A.; Heeschen, Høglund, Holt, Hussey, Johnson, Kilkelly, Kontos, Lemke, Marsh, Mitchell, E.; Morrison, Norton, Oliver, Pfeiffer, Rand, Richardson, Rowe, Saxl, Simonds, Stevens, K.; Sullivan, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Wentworth, Winn.

ABSENT - Bailey, H.; Chase, Coffman, Mitchell, J.; Nadeau, Pendexter, Poulin, Saint Onge, Small.

Yes, 100; No, 42; Absent, 9; Paired, 0; Excused, 0.

100 having voted in the affirmative and 42 in the negative with 9 being absent, House Amendment "I" (H-689) to Committee Amendment "B" (H-677) was indefinitely postponed.

Representative Richardson of Portland offered House Amendment "J" (H-690) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "J" (H-690) to Committee Amendment "B" (H-677) was read by the Clerk.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Awhile ago I had occasion to be in Columbus, Ohio. Columbus, Ohio has a hotel tax of 15.5 percent. Five percent of that goes into the General Fund of the state, five percent goes into uninsured health costs to residents of the city and welfare costs and five percent goes to pay a convention center. I asked the desk clerk at the hotel in which I was in whether or not to the best of his knowledge anybody had ever inquired as to the tax rate when they called about a hotel room. The desk clerk said the standard procedure was to give the price for the room and say, "plus tax." That was it and the people made their reservation or not.

Maine doesn't have oil, Maine is a relatively poor state but Maine has a few wonderful assets in addition to its wonderful people and that is what brings people to Maine. It is not appropriate, it is simply not right to ask Mainers in a relatively poor state to carry the burden of taxation that we do now if we could alleviate it through a hotel lodging tax, lodging only, less than 28 days of a 10 percent level. The City of New York charges a 19.25 percent tax on its hotel rooms. It makes no sense for New Yorkers to pay 7 percent in Maine and Mainers who can afford to go to pay 19.25 percent in New York. The folks who use hotels by and large are using other pre-tax dollars of discretionary income or out-of-state travelers and the percentage tax is not a major factor. If our hotel lodging tax goes to 10 percent, we will be relieving the burden on Mainers.

The point is this, this amendment would raise \$15.75 million in the biennium. It would relieve Mainers of \$550 million in the retirement amortization problem, the cookie jar of our budget. \$550 million could be taken away from that obligation to Mainers if we could raise the \$15.75 by bringing our lodging tax to the lower end of the average of hotel lodging taxes that essentially nobody is paying, over half a billion dollars.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I have no quarrel with the amount of tax that Representative Richardson has referred to. I have traveled extensively and found that in any state with a good deal of tourism like Maine, tourism is taxed rather heavily.

There are a couple of issues that one might want to entertain and among those issues are why are we increasing hotel tax when we have absolutely no entertainment tax yet. That is unlike most states who have heavy tourism but the more important issue is, would you increase this tax and assign it to a purpose such as this? In the budget, they have increased the amount of dollars spent on tourism. If you were to increase this tax, one might think it

more appropriate to assign the increase in this tax to tourism promotion, which people think is going to result in net gains for the economy from additional tourist dollars.

I would love to export taxes and I would love to import tourist dollars but what this is doing is exporting a tax in a way that is unrelated to importing tourist dollars because it does nothing to promote tourism in the state dealing with another matter.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to oppose this amendment. We are a state that is trying to promote tourism right now and this is sending the wrong message to people that we want to bring into this state. Not only would we be sending the wrong message to bring these people into our state but also the people within this state use lodging a lot, not only on vacations but conventions and many other things. So, you are asking also the people of the State of Maine for more taxes than what we are compromising on right now to try and stay within our \$165 million that we have out there, which is just our 6 cents on the sales tax.

I do not think also that it would be fair to pluck off more money for anything at this time from any one individual or industry out there. It is true probably that our tax system needs to be looked at but at the eleventh hour, this is the wrong place to go and try to correct his.

Ladies and gentlemen, I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House: I won't be long. In addition to the other reasons I have for opposing this amendment, there is a practical reason. I represent a tourist town and typically the people reserve their lodgings in advance. There are a substantial number of them which are reserved at this point. The typical process in that process is for a total amount of fee including the tax to be quoted to the people who rent, they might sign contracts or other documents by which that is formalized. I think if this amendment is passed, it is going to cause some confusion and some difficulty over and above the other difficulties I have with this bill.

I urge you to vote against this amendment.

Representative Chonko of Topsham moved that House Amendment "J" (H-690) to Committee Amendment "B" (H-677) be indefinitely postponed.

Representative Martin of Eagle Lake 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 the Representative Chonko of Topsham moved that House Amendment "J" (H-690) to Committee Amendment "B" (H-677) be indefinitely postponed. Those in favor will vote yes; those

opposed will vote no.

ROLL CALL NO. 218

YEA - Aliberti, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Chonko, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farren, Fitzpatrick, Foss, Gamache, Gould, R. A.; Greenlaw, Gwadosky, Hatch, Heino, Hichborn, Hillock, Hussey, Jalbert, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendleton, Pineau, Pinette, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Ruhlin, Rydell, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Swazey, Taylor, Thompson, Townsend, G.; Tracy, Tufts, Vigue, Walker, Young, Zirkilton, The Speaker.

NAY - Adams, Ahearne, Beam, Bowers, Brennan, Cathcart, Clark, Clement, Faircloth, Farnsworth, Gean, Gray, Heeschen, Hogle, Holt, Johnson, Kilkelly, Lemke, Morrison, Oliver, Pfeiffer, Rand, Richardson, Rowe, Saxl, Stevens, K.; Sullivan, Townsend, E.; Townsend, L.; Treat, True, Wentworth, Winn.

ABSENT - Aikman, Bailey, H.; Chase, Coffman, Farnum, Hale, Jacques, Marsh, Mitchell, J.; Nadeau, Pendexter, Poulin, Saint Onge, Tardy, Whitcomb.

Yes, 103; No, 33; Absent, 15; Paired, 0; Excused, 0.

103 having voted in the affirmative and 33 in the negative with 15 being absent, House Amendment "J" (H-690) to Committee Amendment "B" (H-677) was indefinitely postponed.

Representative Richardson of Portland offered House Amendment "K" (H-691) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "K" (H-691) to Committee Amendment "B" (H-677) was read by the Clerk.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: We are in the process of handing a \$3.6 billion dollar problem to future generations and I present the last of tax policy amendments to this body.

This one deals with the investment tax credit. Prospectively the 18 months between January 1, 1994 and June 30, 1995, if the State of Maine were to suspend an investment tax credit that provides \$19.1 million from major corporations, many of which are out-of-state owned and are in the state because of the resources in this state, an investment tax credit that may or may not provide more jobs, may or may not provide modernization that could cost jobs if we were to put a moratorium on that investment tax credit, prospectively and not for six months, mind you, so that there would be adequate opportunities for people to move in the six months that would save \$19.1 million in tax spending. It would save Mainer's \$670 million over the period of the amortization of the retirement system, \$19.1 million in the biennium from an investment tax credit that most businesses in Maine can't qualify for and to save Mainer's \$670

million.

I urge your support of this amendment on fiscal and tax policy.

Representative Chonko of Topsham moved that House Amendment "K" (H-691) to Committee Amendment "B" (H-677) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Ladies and Gentlemen of the House: This amendment will exclude from investment tax credit eligibility for machinery and equipment places and service between January 1, 1994 and June 30, 1995. As you all know, investment tax credit is a vital incentive for capital investment in job creation for companies considering such investments in Maine.

The amendment sends a very negative economic development message and penalizes businesses that should be encouraged to remain in Maine. We have done very little for economic development in the state so we can't take away that little incentive that we have so I would encourage that we vote to indefinitely postpone.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: Those of you who have been around for a few years know that I was never a fan of the investment tax credit, it was never my favorite program, I opposed it on the committee, I opposed it on the floor. It became law nonetheless and the problem with suspending it for a year is that we made a promise to people and, based on that promise, they made investments. I can argue comfortably that they probably would have made those investments anyway but I don't think it does the State of Maine much good to have people go out there and say we made x-million dollars worth of investments in equipment based on the investment tax credit in Maine and now it has been suspended and they changed the rules in the middle of the game. In fact, if we have been criticized for anything, it is the changing of the rules in the middle of the game, so I would encourage you to oppose this amendment.

Representative Martin of Eagle Lake 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 the Representative from Topsham, Representative Chonko, that House Amendment "K" (H-691) to Committee Amendment "B" (H-677) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 219

YEA - Ahearne, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Chonko, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Dexter, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Farren,

Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hatch, Heino, Hillock, Hussey, Jalbert, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Michaud, Mitchell, E.; Morrison, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendleton, Pinette, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Sullivan, Swazey, Taylor, Thompson, Tracy, Tufts, Vigue, Walker, Whitcomb, Young, Zirnkilton, The Speaker.

NAY - Adams, Bowers, Cathcart, Farnsworth, Gray, Heesch, Holt, Oliver, Pfeiffer, Richardson, Stevens, K.; Townsend, E.; Townsend, G.; Townsend, L.; Treat, Wentworth, Winn.

ABSENT - Aikman, Bailey, H.; Chase, Coffman, Daggett, DiPietro, Faircloth, Hichborn, Hoglund, Jacques, Johnson, Kilkelly, Michael, Mitchell, J.; Nadeau, Pendexter, Pineau, Poulin, Rand, Saint Onge, Tardy, True.

Yes, 112; No, 17; Absent, 22; Paired, 0; Excused, 0.

112 having voted in the affirmative and 17 in the negative with 22 being absent, House Amendment "K" (H-691) to Committee Amendment "B" (H-677) was indefinitely postponed.

Representative Chonko of Topsham offered House Amendment "M" (H-693) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "M" (H-693) to Committee Amendment "B" (H-677) was read by the Clerk.

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

Representative CHONKO: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does the following: it makes technical corrections to the Committee Amendment. It changes the Committee Amendment to reflect the Appropriations Committee's intent on the few issues and adds new provisions deemed necessary to include in the budget bill, for example, the economic sunset of the 6 percent sales tax.

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

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

I am concerned about Page 6 of the technical amendment, which has some pieces about General Assistance. As I read it, you would be liable for the General Assistance paid to your spouse even if you were legally separated? Also for your adult children? Could you just amplify on that for me, please?

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

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: Currently in law we do not have parents and grandparents responsible for their adult children over the age of 25. With the way that the language that was put into the budget is worded, we would be going back to a previous time when that was the case and we needed to correct that. This language is the language that was worked out and approved by the Maine Municipal Association and given

to us so that we can maintain the current status that we have. I don't think any of us would want our grandparents to be responsible for us if we were in effect in need of General Assistance. This language is clearly to keep exactly what we have on the books now, which would not be the case if we did not make this technical correction.

Subsequently, House Amendment "M" (H-693) to Committee Amendment "B" (H-677) was adopted.

Representative Bowers of Washington offered House Amendment "N" (H-694) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "N" (H-694) to Committee Amendment "B" (H-677) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Ladies and Gentlemen of the House: The thing that bothers me the most about this budget is that we are not going to pay \$102 million that we owe this biennium. We are asking the children and grandchildren to pay over \$3 billion extra to reamortize our debt. To me as an accountant, this is fiscally irresponsible so I have submitted this amendment trying to take care of that.

A good business person pays off loans and bills now to ensure profits for the future so how shall we pay our bills now? I don't do this lightly, we bite the bullet and we tax professional services, including my profession, we repeal the sales tax exemption for vending machine sales and we repeal the investment tax credit. Taxing professional services will not affect poor people disproportionately. We all know that poor people don't use architects all that often, they don't use CPA's all that often — occasionally, they have to use lawyers but I think it is a good investment to not get battered and to pay for your sales tax on your lawyer. We can charge sales tax on the retail value of vending machine goods and eliminate a special interest sales tax exemption.

Businesses purchase machinery and equipment based on their economic reality, not on tax policy. Economic reality means what they expect to have for a market share, to plan modernization, all planned and budgeted for without any regard to tax benefits. When I advise a client and they start talking about tax benefits, I tell them the legislature can make it and they can take it.

We accountants and business people take the investment tax credits with much appreciation, all the way to the bank, but we don't make our policy on it. Right now, the federal tax package calls for an increase in Section 179 expense from \$10,000 to \$25,000 or \$22,500 depending on whether you are looking at the House or Senate package. Both the House and Senate in the federal government are willing to increase this expense deduction.

The federal tax code is now going to provide this exceptional benefit to small businesses and we all know that small businesses are where the jobs are created in this state. There is now no need for the state to provide this incentive.

As we continue to move from a manufacturing economy to a service-based economy, we professionals have to realize that we are going to have to take the burden of collecting sales tax on our services. We can avoid a major tax shift now by voting in favor of this amendment.

The **SPEAKER**: The Chair recognizes the Representative from Thomaston, Representative

Simoneau.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I must say that I do agree with my good friend Representative Bowers' philosophy but I don't agree with the way we are trying to do it. For one thing, we have already addressed the investment tax credit here in the House, we have already addressed the vending machines but the taxing of professional services, we are attacking or we are trying to set tax policy at the last minute with sort of a Band-Aid approach.

We had in Taxation a list of professional services that were regressive to people and progressive if we tax them. Representative Bowers is looking at the progressive ones but there are some holes in here. For example, you talk about accounting, auditing and bookkeeping services — does that include H&R Block? You will say that H&R Block — poor people go there, I've got news for you, we have lost clients to H&R Block and they have come back to us because H&R Block costs them more than we did. I don't see the plumber, the electrician — why not put them in there as professional services?

I have two children. My son is plumber and my daughter is a Certified Public Accountant, two years ago, he made more money than she did, so why don't we tax the plumber's services, electrician services?

In Section 179 of that document he is talking about, that's correct, and that will at the federal level. The last time the federal people increased the depreciation adjustment, including the 179, and they went to ACRS, I think it was in 1981, the State of Maine immediately jumped on that and denied those deductions so I would suggest that we vote to not pass House Amendment "N."

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to move the indefinite postponement of House Amendment "N."

The gentlelady from Paris, Representative Birney, put it very well and I just want to remind you that there are fundamental changes that need to be made to the retirement system. To try to just patch it up by taxing and shifting taxes to pay for the liability is not at this time a very wise choice. I think we need to give time to the special commission to look at the retirement system, make suggested changes, etcetera, beyond what will be in this budget. So, I would hope that you vote for the indefinite postponement.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I actually disagree with Representative Birney. I am looking forward to the recommendations of the special commission on the Retirement System. But, I must tell you, I am very comfortable with taxing to deal with the unfunded liability of the Retirement System. However, that should happen when we have a Chief Executive who is willing to tax in order to pay for unfunded liability. I believe that we should tax to pay for our bills and that this is a debt that we are accruing and that we should raise revenues to pay for this debt. But, that decision has to be made at the top and then my committee will be happy to meet and come up with a revenue solution to our debt. I do not believe refinancing our debt is appropriate. Clearly that was done by the federal government in

the 1980's with disastrous consequences, absolutely disastrous consequences, and I am not comfortable that Maine is going down this slippery slope right now. But, to begin a new tax where the language has not been worked out for this, the definition of who fits in and who fits out is not clear. This area has never been taxed before in this state. In order to pay for this without the support of the Chief Executive officer of this state would seem like at best a rash move. I think the intentions are noble, I have no problem with taxing professional services. I have no problem with taxing to pay for our debt. I am scared to death that we are doing what the federal government did in the '90's, borrow, borrow, borrow. But, this is not the vehicle, we do not have the support of the Chief Executive, we will not be able to pass this, so I would defer until we have additional support for taxing to pay for the unfunded liability.

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

Representative COLES: Mr. Speaker, Men and Women of the House: I am not going to discuss tax policy, that is not an area of expertise for me. What I am going to discuss is a basic principle underlined in this amendment, the basic idea. This amendment says pay as you go. This amendment says don't borrow \$4 billion from the future in order to save \$100 million this year. What would we be thinking today if the legislature in 1963 did a similar trick? We would be thinking, those idiots, what could they have possibly been doing? This reamortization of the unfunded liability to me is fiscal folly, fiscal insanity, fiscal irresponsibility. It seems to me that the only truly conservative fiscal course of action is for us to pay our debts when they are due, not put them off to the future at a cost of \$4 billion.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This amendment takes up exactly what we defeated in Representative Richardson's amendment "I" and "J" and adds on professional services. There is only one thing, "professional services" — if that goes through — a barber in my home town that told me he didn't want to see me. If I let my hair grow too long, the beautician won't want me either. I will probably have to wear it down to my waist.

This, I will repeat myself again, this is not the way to do it. As was said, The Blue Ribbon Commission, we are going to study the whole thing and this was the consensus of the people on this committee. Let's study and find out what is wrong with the system. Let's not turn around and say we will tax somebody.

Now, you have someone who hires someone else to come and do child woman's work in the house, they are going to have to pay sales tax on those services, that lady that comes in because you know what happens in Washington when somebody didn't take out the right taxes for doing domestic work. That is what is going to happen. Are we going to be at the point now that when you go have somebody shine your shoes that you have got to pay a sales tax? It is going to be like this. This is not the way to do it and I would ask that you support the motion of the good Representative from Bethel to indefinitely postpone this and let's see what the commission will do.

The SPEAKER: The Chair recognizes the

Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: I just want to add a couple of clarifications. This does not tax the barber, the hairdresser, the shoe polisher, the plumber, the electrician or the house cleaner. This taxes professional services. It is spelled out very clearly and succinctly in the amendment.

Furthermore, the way we pay the employers' share of the retirement is through taxation and there is no other way that we do it. We do it through raising taxes. These are taxes that are just going into the General Fund and we are going to pay our share this way. That is the only way we pay the employers' share which is the state's share of the Retirement System. So, this is how we do it, we bite the bullet and we do it the honest way.

Representative Martin of Eagle Lake 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 Barth of Bethel that House Amendment "N" (H-694) to Committee Amendment "B" (H-677) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 220

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Chonko, Clark, Clukey, Constantine, Cross, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Faircloth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Greenlaw, Gwadosky, Hale, Heino, Hichborn, Hillock, Jacques, Jalbert, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Larrivee, Lemont, Libby James, Lindahl, Lipman, Look, Lord, Marsh, Marshall, Martin, H.; Melendy, Michael, Michaud, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pendleton, Pinette, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Ruhlin, Rydell, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Thompson, True, Tufts, Vigue, Walker, Young, Zirkilton, The Speaker.

NAY - Adams, Ahearne, Beam, Bowers, Cathcart, Clement, Cloutier, Coles, Cote, Daggett, Driscoll, Farnsworth, Gean, Gould, R. A.; Gray, Hatch, Heeschen, Hoglund, Holt, Johnson, Joseph, Kilkelly, Lemke, Mitchell, E.; Morrison, Oliver, Pfeiffer, Rand, Richardson, Rowe, Saxl, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Wentworth, Winn.

ABSENT - Bailey, H.; Chase, Coffman, Hussey, Libby Jack, MacBride, Mitchell, J.; Nadeau, Pineau, Poulin, Saint Onge, Whitcomb.

Yes, 98; No, 41; Absent, 12; Paired, 0; Excused, 0.

98 having voted in the affirmative and 41 in the negative with 12 being absent, House Amendment "N"

(H-694) to Committee Amendment "B" (H-677) was indefinitely postponed.

Representative Farnsworth of Hallowell offered House Amendment "O" (H-696) to Committee Amendment "B" (H-677) and moved its adoption.

House Amendment "O" (H-696) to Committee Amendment "B" (H-677) was read by the Clerk in its entirety.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: Because of the hour and in appreciation of your undivided attention of this reading and subsequent discussion of this amendment, I have decided not to offer my last amendment so this is it. I would appreciate that we would just have a brief discussion of this because I feel the principle is so important. All this amendment does is to tax professional services and use that money to restore some of the unfunded liability. In that sense, it is simple.

In the sense that we have had discussion about tax policy on this, I would simply say that it doesn't take effect until October of this year so there is some time to deal with some of the problems that have been mentioned.

By the way, it does not include doctors in the definition on purpose because we did not want to increase the cost of health care.

I am a lawyer, as you know, and I do not hesitate to propose taxing lawyers in the same way that Representative Bowers did not hesitate to propose taxing CPA's and accountants.

I am sure there are other groups that we could add into this. I think at some point one has to draw a line and this is the place to start. It is the place to start for a number of reasons and I think the most poignant one is, we are going to go out and tell the people this date that we have really held the line here on spending, we have made enormous cuts, but I simply feel that we are being dishonest and, frankly, irresponsible if we do not acknowledge to them that we have put this state in an additional \$100 million worth of indebtedness if we pass this budget at the cost of \$4 billion in the future.

We have an unfunded liability already, even without this budget of \$3 billion plus dollars. So, the arguments about the fact that there may be a few problems with the retirement system, which frankly I think we are only making worse, they are not so bad right at the moment but the fact is that, even if we did nothing in this budget to retirement, we have a huge unfunded liability. So, the fact that we are going to have a Blue Ribbon Commission to study this next year to me has nothing to do with the fact that we are faced with a policy issue, should we be using a credit card mentality to balance this budget, which is what we are doing. I think that it is time for us to do what I understand was recommended a few years ago by the Monks Report which is to bite the bullet. We owe a lot of money. We owe it, we are supposed to pay it now. It is just not saying we have adequately balanced a budget to borrow it. I would suggest we are hardly biting the bullet here, we are gumming at it. This budget has no teeth when it comes to biting the bullet. I think it is high time that we do bite the bullet and that we do say to the people of this state, we have an obligation, we recognize it, we are not going to try to do all of it. We have just

rejected completely funding the \$100 million of deferred and reamortized costs, but this is \$63 million of it. It should make a big difference in how much we pass onto the future. I think of all the taxes, this is one of the most progressive and I seriously urge you to consider voting for this.

The final comment I would make is, if we pass this \$63 million worth of taxes and we add that to the \$165 million that the sales tax represents, we are still \$26 million below, \$254 million which was the level of taxes that the temporary taxes raised. We are still below the level of taxes that we were dealing with on a temporary tax. I think it is totally irresponsible for us not to do something more than nothing about this \$100 million reamortization. This will be borne by people in general who can pay for these kinds of professional services and this kind of extra charge is not going to either stop them from getting those services or break the bank of any of those kinds of businesses.

I believe also that professional service users as well as providers are very much aware of what the long-term effects of our fiscal policy is going to be.

I urge you to vote for this amendment and against any motion that may be offered to indefinitely postpone.

Representative Chonko of Topsham moved the indefinite postponement of House Amendment "O" (H-696) to Committee Amendment "B" (H-677).

Representative Farnsworth of Hallowell 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 Portland, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I can't resist putting in my two cents on this particular issue. On the eleventh hour argument, I just have to add that I think dipping into the Retirement Fund, which seems to be an irresistible piggy bank to us, is in itself an eleventh hour desperate measure. We must not kid ourselves that we are passing a budget which does not contain a tax increase.

My son, who will be 38 when this bill comes due, will not thank me for saddling him with his share of a \$3.6 billion debt. It is a tax, it is a tax on our kids and I think it is immoral.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: We are talking about reamortizing \$102 million. If this was a bond issue, it would have to go to the people.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I know the hour is late and I didn't want to speak at all on this issue but I think I have to. My reason for it is that we have been talking about this in Taxation for the last two weeks, this is nothing new. It is a good way for us

to make some good money. It is a good way for us to find some new programs to spend the money after we get it. My concern here, ladies and gentlemen, is that I don't think that we should be making a tax policy at this hour of the night without any public hearing. There hasn't been any public hearings on this issue.

I did hear the good Representative from Hallowell say that this issue isn't not going to come up until October. If this is what she is concerned about, then I think that she should wait until we get back here in January, have a public hearing, and do it right.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I support Representative Farnsworth's amendment. I urge you to vote against the indefinite postponement.

I have to offer a quote from Thomas Jefferson. "I place economy among the first and most important virtues and public debt as the greatest of dangers to be feared. To preserve our independence, we must not let our rulers load us with perpetual debt. If we run into such debt, we must be taxed in our meat and drink, in our necessities and in our comfort, in our labor and in our amusements. If we can prevent the government from wasting the labor of the people under the pretense of caring for them, they will be happy."

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Men and Women of the House: Earlier, Representatives said that this is not the way we do it. I agree with what he said but not with his intentions. I feel that this is not the way we do it. We know what is wrong and we know that it is up to us to pay this bill and not to burden future generations with our inability to show leadership.

I, too, have two children who will be grandmother's by the time this bill is paid off. I feel very strongly that we owe it to the children and all the people of this state to pay our bills. Frankly, I am very tired of hearing one pitiful excuse after another regarding this so-called budget. For two years now, we have known that the situation was coming and yet we have chosen to blame it on a Governor or past legislators that were here 20 or 30 years ago and to say that therefore it is not our fault and that we do not have the time to correct the situation, I think it is time for us to finally show some leadership and for us to do the honorable thing and to pay our bills.

The SPEAKER: The pending question before the House is the motion of Representative Chonko of Topsham that House Amendment "O" (H-696) to Committee Amendment "B" (H-677) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 221

YEA - Aikman, Ault, Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Chonko, Cloutier, Clukey, Cross, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gamache, Greenlaw, Gwadosky, Hale, Heino, Hichborn, Hillock, Jacques, Jalbert, Joseph, Joy, Kerr, Kontos, Kutasi, Larrivee, Lemont, Libby James, Lindahl, Lipman, Look, Lord,

MacBride, Marsh, Marshall, Martin, H.; Melendy, Michael, Michaud, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pendleton, Pineau, Pinette, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Ruhlin, Rydell, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, Tufts, Vigue, Walker, Young, Zirnkilton, The Speaker.

NAY - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Cathcart, Clark, Clement, Coles, Constantine, Cote, Daggett, Driscoll, Faircloth, Farnsworth, Fitzpatrick, Gean, Gray, Hatch, Heeschen, Hogle, Holt, Hussey, Johnson, Ketterer, Kilkelly, Lemke, Mitchell, E.; Morrison, Oliver, Pfeiffer, Rand, Richardson, Rowe, Saxl, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Wentworth, Winn.

ABSENT - Anderson, Bailey, H.; Chase, Coffman, Gould, R. A.; Kneeland, Libby Jack, Mitchell, J.; Nadeau, Poulin, Saint Onge, Tardy, Whitcomb.

Yes, 91; No, 47; Absent, 13; Paired, 0; Excused, 0.

91 having voted in the affirmative and 47 in the negative with 13 being absent, House Amendment "O" (H-696) to Committee Amendment "B" (H-677) was indefinitely postponed.

Subsequently, Committee Amendment "B" (H-677) as amended by House Amendments "D" (H-683) and "M" (H-693) thereto was adopted.

Under suspension of the rules, the bill was read a second time.

Representative Zirnkilton requested a roll call vote on passage to be engrossed.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed as amended by Committee Amendment "B" (H-677) as amended by House Amendments "D" (H-683) and "M" (H-693). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 222

YEA - Aliberti, Beam, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Cathcart, Chonko, Cloutier, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnum, Fitzpatrick, Gamache, Gean, Gwadosky, Hale, Heino, Hichborn, Hogle, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kontos, Larrivee, Lipman, Marsh, Melendy, Michaud, Mitchell, E.; Morrison, Murphy, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Reed, W.; Ricker, Rowe, Rydell, Saxl, Simonds, Skoglund, Spear, Stevens, K.; Strout, Swazey, Tardy, Townsend, G.; True, Tufts, Vigue, Walker, Wentworth, Young, The Speaker.

NAY - Adams, Ahearne, Aikman, Ault, Bailey, R.; Barth, Bennett, Birney, Bowers, Clark, Clement, Clukey, Coles, Dexter, Farnsworth, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Hatch, Heeschen, Hillock, Holt, Hussey, Kilkelly, Kutasi, Lemke,

Lemont, Libby James, Lindahl, Look, Lord, MacBride, Marshall, Martin, H.; Michael, Nash, Nickerson, Ott, Pendexter, Pendleton, Plowman, Rand, Reed, G.; Richardson, Robichaud, Rotondi, Ruhlin, Simoneau, Small, Stevens, A.; Sullivan, Taylor, Thompson, Townsend, E.; Townsend, L.; Tracy, Treat, Whitcomb, Winn, Zirnkilton.

ABSENT - Anderson, Bailey, H.; Chase, Coffman, Kneeland, Libby Jack, Mitchell, J.; Nadeau, Poulin, Saint Onge.

Yes, 79; No, 62; Absent, 10; Paired, 0; Excused, 0.

79 having voted in the affirmative and 62 in the negative with 10 absent, L.D. 283 was passed to be engrossed as amended by Committee Amendment "B" (H-677) as amended by House Amendments "D" (H-683) and "M" (H-693) thereto and sent up for concurrence.

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

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 215) (L.D. 283) (Governor's Bill) which was passed to be engrossed as amended by Committee Amendment "B" (H-677) as amended by House Amendments "D" (H-683) and "M" (H-693) thereto in the House on June 29, 1993.

Came from the Senate passed to be engrossed by Committee Amendment "B" (H-677) as amended by House Amendment "M" (H-693) thereto in non-concurrence.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: What started out as a day of glory, had its many moments of glory, but also realistically it just doesn't seem possible that so much could have happened in the space of six hours. I waited nine years to put my name on a credible track, I did it today, so I thought.

My concern is the 111 commitments that were made by this body. I hope you will understand what I am doing and why I am doing it.

I spoke with the gracious President of the other body, I spoke with the Speaker of this body and I realized that there is a great deal more responsibility in designing and presenting legislation, especially legislation that is so vitally important as what I introduced to this body and the support that I received in this body, the 111 commitments. I realize now, should this amendment be insisted upon by this body, it will create immense problems. I was not aware that these problems existed.

Please bear with me another two or three

minutes. My amendment would do this to the existing budget, it circumvents the normal Appropriations process in which funds are reviewed and authorized through the Appropriations Committee. As drafted, House Amendment "D" in fact would undermine decisions made by the Appropriations Committee and included in which an appropriation surplus of the General Fund is intended to be used for the following purposes: to provide \$600,000 in fiscal year '94 to the administration Maine Emergency Management Agency for reimbursement of the state's matching share of the local disaster relief.

Two, to provide \$2,623,287 in fiscal year '94 for the Risk Management Claims Program to reimburse the reserve fund for self-insured retention losses for funds taken by P.L. 199366. And, to provide \$2,154,000 in fiscal year '94 and \$2,770,000 for fiscal year '95 for public improvement, planning construction and administration program for statewide capital construction improvements and repairs. Do you understand what I have just said to you, this body? It means that my amendment would initiate a process that would devastate the commitments made in this budget out of the Rainy Day Fund — already, commitments made. All of us thought it was a good idea. Bear with me again, this amendment would devastate the budget. Do you believe that? It seems simple enough but it would devastate the existing budget.

Finally, I think there is something wrong with the budget process itself. When we have a commitment by the respected Speaker of this House and a commitment by the President of the other body, stating that they would not support any amendment to the budget, I resent that. I resented it earlier and I still resent because miracles can happen. To make a statement and say that we will not support any amendments, I think, is unacceptable to me.

I have had my moment of glory and now I feel a great responsibility to withdraw and respectfully submit to the Speaker of this House a motion to recede and concur.

Subsequently, on motion of Representative Aliberti of Lewiston, the House voted to recede and concur.

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

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

PASSED TO BE ENACTED

Emergency Mandate

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (H.P. 215) (L.D. 283) (Governor's Bill) (H. "M" H-693 to C. "B" H-677)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of H-1377

Article IX of the Constitution, a two-thirds vote of all the members elected to the House is necessary.

Representative Martin of Eagle Lake requested a roll call vote.

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

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

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

ROLL CALL NO. 223

YEA - Aliberti, Anderson, Beam, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gwadosky, Hale, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Larrivee, Lemont, Lipman, Lord, Marsh, Marshall, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Rand, Reed, W.; Ricker, Rowe, Rydell, Saxl, Simonds, Simoneau, Skoglund, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Thompson, Townsend, E.; Townsend, G.; Treat, True, Tufts, Vigue, Walker, Wentworth, Young, The Speaker.

NAY - Adams, Ahearne, Aikman, Ault, Bailey, R.; Barth, Bennett, Birney, Bowers, Clukey, Dexter, Farnsworth, Farren, Foss, Gray, Greenlaw, Hatch, Heeschen, Hillock, Kilkelly, Kutasi, Lemke, Libby James, Lindahl, Look, MacBride, Michael, Nash, Nickerson, Pendexter, Plowman, Reed, G.; Richardson, Robichaud, Rotondi, Ruhlin, Small, Taylor, Townsend, L.; Tracy, Whitcomb, Winn, Zirnkilton.

ABSENT - Bailey, H.; Chase, Coffman, Libby Jack, Nadeau, Poulin, Saint Onge.

Yes, 101; No, 43; Absent, 7; Paired, 0; Excused, 0.

101 having voted in the affirmative and 43 in the negative with 7 being absent, L.D. 283 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

(After Midnight) (12:10 a.m.)

Non-Concurrent Matter

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

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

Bill "An Act to Clarify that Incineration is a Form of Disposal under the State's Solid Waste Laws" (EMERGENCY) (H.P. 1169) (L.D. 1563) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator LAWRENCE of York and Representatives: ANDERSON of Woodland, COLES of Harpswell, GOULD of Greenville, LORD of Waterboro, Senator: CIANCHETTE of Somerset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

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

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Repeal the Laws Allowing State Agencies to Adopt Rules Having the Force of Law" (H.P. 777) (L.D. 1050) which was passed to be engrossed as amended by Committee Amendment "A" (H-557) as amended by House Amendment "A" (H-670) thereto in the House on June 23, 1993.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-557) in non-concurrence.

Representative Young of Limestone moved that the House Adhere.

Representative Gray of Sedgwick moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Sedgwick, Representative Gray, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 59 in the negative, the motion to recede and concur did not prevail.

Subsequently, the House voted to Adhere.

By unanimous consent, ordered sent forthwith to the Senate.

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

An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process (EMERGENCY) (MANDATE) (H.P. 1162) (L.D. 1560) on which the House insisted on its former action whereby the Bill was passed to be enacted in the House on June 15, 1993.

Came from the Senate passed to be engrossed as amended by Senate Amendment "C" (S-340) in non-concurrence.

Subsequently, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Set Voluntary Limits for Campaign Spending" (H.P. 1149) (L.D. 1549) which was passed to be engrossed as amended by Senate Amendment "D" (S-329) as amended by House Amendment "A" (H-666) thereto and Senate Amendment "E" (S-332) in the House on June 15, 1993.

Came from the Senate passed to be engrossed as amended by Senate Amendments "D" (S-329), "E" (S-332) and "F" (S-339) in non-concurrence.

Subsequently, the House voted to Adhere.

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

CONSENT CALENDAR

First Day

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

(S.P. 385) (L.D. 1166) Bill "An Act to Provide for Excise Tax Reimbursement to Businesses Engaged in Renting of Private Passenger Motor Vehicles" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-342)

On motion of Representative Dore of Auburn, was removed from the Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-342) was read by the Clerk.

Representative Dore of Auburn offered House Amendment "A" (H-695) to Committee Amendment "A" (S-342) and moved its adoption.

House Amendment "A" (H-695) to Committee Amendment "A" (S-342) was read by the Clerk and adopted.

Committee Amendment "A" (S-342) as amended by House Amendment "A" (H-695) thereto was adopted.

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

Committee Amendment "A" (S-342) as amended by House Amendment "A" (H-695) thereto in non-concurrence and sent up for concurrence.

Ought to Pass as Amended

Representative HUSSEY from the Committee on Transportation on 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) (Governor's Bill) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-678)

The following items were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Making Changes in the Financial Order Process (H.P. 372) (L.D. 475) (C. "A" H-674)

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. 108 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Report was read and accepted, the bill read once. Committee Amendment "A" (H-678) 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-678) and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Allocations for the Necessary Administration of the Workers' Compensation Laws for the State for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (H.P. 1120) (L.D. 1519) (Governor's Bill) (C. "A" H-675)

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 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Delegated Rule-making Authority (H.P. 962) (L.D. 1293) on which the Majority "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-544) as amended by House Amendment "C" (H-652) thereto in the House on June 23, 1993; came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

Representative Joseph of Waterville moved that the House Insist.

Representative Bennett of Norway moved that the House recede and concur.

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

A vote of the House was taken.

Representative Joseph of Waterville requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Bennett of Norway that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

PASSED TO BE ENACTED

An Act to Reenact the Laws Governing Equitable Insurance Coverage for Mental Illness (H.P. 138) (L.D. 183) (H. "A" H-660 to C. "A" H-582 and S. "A" S-302)

Was 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.

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

ROLL CALL NO. 224

YEA - Adams, Aikman, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Campbell, Carleton, Carr, Cashman, Cathcart, Clukey, Coles, Constantine, Cross, Daggett, Dexter, Donnelly, Dore, Dutremble, L.; Faircloth, Farnsworth, Farnum,

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

REPORTS OF COMMITTEES

Fitzpatrick, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Gwadosky, Heesch, Heino, Hillock, Holt, Jalbert, Johnson, Joy, Kilkelly, Kneeland, Kontos, Kutasi, Lemont, Libby James, Lindahl, Lipman, MacBride, Michael, Mitchell, E.; Nash, Nickerson, Norton, O'Gara, Ott, Pendexter, Pfeiffer, Pinette, Plowman, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rydell, Simonds, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Thompson, Townsend, E.; Townsend, L.; Tracy, Treat, True, Tufts, Vigue, Wentworth, Whitcomb, Winn, Young, Zirnkilton.

NAY - Ahearne, Aliberti, Cameron, Caron, Chonko, Clark, Clement, Cloutier, Cote, DiPietro, Driscoll, Erwin, Farren, Gean, Hale, Hatch, Hichborn, Hussey, Jacques, Joseph, Kerr, Ketterer, Larrivee, Lemke, Look, Lord, Marsh, Marshall, Martin, H.; Melendy, Mitchell, J.; Morrison, Murphy, Oliver, Paradis, P.; Pineau, Plourde, Rand, Rotondi, Rowe, Saxl, Simoneau, Skoglund, Stevens, K.; Sullivan, Swazey, Townsend, G.; Walker, The Speaker.

ABSENT - Bailey, H.; Carroll, Chase, Coffman, Hoglund, Libby Jack, Michaud, Nadeau, Pendleton, Poulin, Pouliot, Ruhlin, Saint Onge.

Yes, 89; No, 49; Absent, 13; Paired, 0; Excused, 0.

89 having voted in the affirmative and 49 in the negative with 13 being absent, the motion to recede and concur did prevail.

The Chair laid before the House the following matter: Resolve, Directing Release of Investigative Records Related to Ballot Tampering (EMERGENCY) (H.P. 1003) (L.D. 1349) (C. "A" H-657) which failed of final passage in the House on June 15, 1993; came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-657) and Senate Amendment "A" (S-336) in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Cote of Auburn, the House voted to Insist and ask for a Committee of Conference.

Representative Bowers of Washington moved that the House reconsider its action whereby it voted to Insist and ask for a Committee of Conference.

The same Representative requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Bowers of Washington that the House reconsider its action whereby it voted to Insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 225

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Bowers, Brennan,

Bruno, Cameron, Campbell, Caron, Carr, Carroll, Cathcart, Chonko, Clark, Clukey, Coles, Constantine, Cote, Cross, Dexter, Donnelly, Dore, Dutremble, L.; Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gould, R. A.; Gray, Greenlaw, Gwadosky, Heino, Hillock, Holt, Hussey, Johnson, Joy, Ketterer, Kilkelly, Kneeland, Kontos, Kutasi, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Michael, Mitchell, E.; Mitchell, J.; Murphy, Nickerson, Norton, O'Gara, Oliver, Ott, Pendexter, Pineau, Pinette, Plowman, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rowe, Rydell, Simonds, Simoneau, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, Townsend, E.; Tracy, Treat, True, Tufts, Vigue, Wentworth, Whitcomb, Winn, Young, Zirnkilton.

NAY - Ahearne, Beam, Carleton, Cashman, Clement, Cloutier, Daggett, DiPietro, Erwin, Gamache, Gean, Hale, Hatch, Heesch, Hichborn, Hoglund, Jacques, Jalbert, Joseph, Kerr, Martin, H.; Melendy, Michaud, Morrison, Nash, Paradis, P.; Pfeiffer, Plourde, Rand, Rotondi, Saxl, Skoglund, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, G.; Townsend, L.; Walker.

ABSENT - Bailey, H.; Chase, Coffman, Driscoll, Libby Jack, Nadeau, Pendleton, Poulin, Pouliot, Ruhlin, Saint Onge, The Speaker.

Yes, 100; No, 39; Absent, 12; Paired, 0; Excused, 0.

100 having voted in the affirmative and 39 in the negative with 12 being absent, the motion to reconsider did prevail.

Representative Bennett of Norway moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: When we debated this Resolve last week, I didn't speak to it because I did not want to prolong the debate and I don't want to prolong it tonight. I honestly felt because this Resolve was all about truth and open disclosure it would pass easily. Now I realize that some clarification is needed.

I did not submit this Resolve as a knee-jerk reaction to the press or as an attack on anybody. This Resolve represents a small attempt to restore some credibility back to the legislature. The people of this state have a right to know what happened last December just as we had a right to know about Watergate over 20 years ago. The cornerstone of our democracy is the ability of citizens to make informed decisions based on full and open public disclosure.

Many valid concerns were raised in the Judiciary Committee, public hearings, and the work sessions. The committee did an excellent job of addressing those issues by adding a legislative finding that there is an exceptional and unique public interest in disclosure of the records that outweighs interest in confidentiality.

The committee also added language that is supported by federal case law that holds back information that could reasonably be expected to constitute an unwanted invasion of personal privacy. Please read the handout that I just had distributed. That handout describes the federal case law and the instances in which information would be released. Basically, investigative records that are irrelevant to the case or would unduly invade a person's privacy will not be released. Many of you have been lobbied very strenuously, you know who you have been lobbied

by, I won't mention them.

Obviously, some people are very concerned about their testimony, perhaps they were too frank in their remarks, I say they should be commended for their openness and honesty.

I do have serious reservations about the propriety of lobbyists who have argued against this Resolve before the committee and in the halls without revealing who he is representing. Client confidentiality belongs in the courts and not in this body.

I believe that the Attorney General's Office will respect people's privacy and that anyone who is concerned about the release of their records will be afforded an opportunity for dialogue prior to release.

Many people in this state feel that there has been a cover-up. I don't, but I feel this Resolve will, once and for all, settle the entire sordid affair.

Let's get the entire Record out and let the public make informed decisions. Please give this Resolve your most serious consideration, this involves the integrity of our institution.

Mr. Speaker, I request the yeas and nays.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: Once again, I find myself addressing you on this bill, a bill reported out of Judiciary with a unanimous "Ought to Pass" Report. In the past, much has been made of a split decision between the attorneys on Judiciary. Disagreement between the members has led to comments that, if lawyers can't agree, then this is a law that could cause problems. This is not the situation regarding this bill.

In the course of our work sessions, the Judiciary Committee talked about the public need for disclosure against the privacy issue, which we were all concerned about. We discussed how and when private information would be redacted and we sought guidance from federal case law. We were guided by the case law that outlined the precedent set in other instances. The issue of disclosure is not a new issue and has been addressed. Unfortunately, ballot tampering is not a new issue. However, the overwhelming need for the public to have their confidence in their government restored is an issue and this issue needs to be addressed.

I would ask that the Committee Report be read and I, too, ask for the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a matter of confidence in government and in integrity. People who spoke to the Attorney General's Office or the Attorney General were guaranteed that what they said would be held in confidence. I think it would undermine the confidence of the people in the state if what was given in confidence were made public. I know we all have interest in what was said, we would like to know who said what, but I think in the long run the precedent that is set here will have far more importance than we realize.

I think we have confidence in the report that the Attorney General made and the federal investigator made. We know what happened and who did it, we know why, we do not need to pry further into confidential

records.

I am sure that if these records were made public and someone asked me later on to testify very candidly and openly and guaranteed me that this would remain confidential, I wouldn't believe it. I think the credibility of the state is at stake here and I think the state has made a promise to people that what they said would be confidential and I think the state should keep that promise of confidentiality.

I think the precedent is far more important than getting into the nitty-gritty of who said what about whom. That is merely gossip. I think the precedent is what we have to keep in mind and I urge you not to recede and concur.

The SPEAKER: The Chair would respond to the request of the Representative from Hampden, Representative Plowman, the Chair did not miss it, the Chair was doing something else. It was a unanimous report and it was with Committee Amendment "A" and obviously without Senate Amendment "A."

The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I think it is appropriate that we end this evening with this debate because it is probably as important as our budget.

The issue of confidentiality is something I am really concerned about here. Everybody is talking about that. I testified for two days and never once was it mentioned by the Attorney General's Office that this testimony was confidential in any way. Quite the contrary, it was indicated to me that this would be made public. I was surprised when the report came out that the transcripts were not released. I say to you, those that had a confidentiality statement presented to them by the Attorney General's Office, if that was made, then their transcript should be exempted. We have not seen one document to back this up, just hearsay and a lobbyist who won't tell who he is representing. Come on ladies and gentlemen, let's quest for the truth, let's let the light of day see this, get this behind us.

We are not in a vacuum up here — can't we understand the outrage of people across the state when our democracy was rocked last December? There is still a crack in the foundation, the very foundation that people have sacrificed their lives for for over 200 years. The gravity of this is tremendous, we must allow the light of day to see this report.

I can't believe that there is such an opposition here. Those of you who have read the report have got to understand that there is a lot of unanswered questions. A reporter said to me, "Well, it is triple-spaced because it has got to leave room for the real story to be written later and that will be written when those transcripts become public." So, we must consider this and vote to recede and concur and get this behind us. If there is nothing there, then fine, let history fall in place, but don't try to sweep this under the rug because the public will not accept it.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I disagree with Representative Hillock that there is a hidden story here but I do agree with people who are concerned that the public

isn't sure at this point and has deep concerns about the integrity of the government process.

I would like to reiterate that the Judiciary Committee's ultimate amendment to this does in fact protect the identity of the majority of people whose records are at stake here and the only people whose names would be disclosed would be those whose names are already known to people essentially. I could read from the amendment but I am not going to do that right now unless somebody requests it.

I would urge you to support this motion because I believe that we have protected the integrity, we have protected confidentiality in a very reasonable way and that ultimately letting people see what is there is in the best interest of government.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I don't apologize for the hour, I don't apologize for getting up on this. When this came out of Judiciary, I was very uncomfortable, not for the reason why Judiciary had it, I understand what that did to all of us here, but from being a police officer in a previous life, years and years ago, and understanding what investigation is and how one goes about that and what one has to do to try to get to the bottom of a case, to try to find out the facts, the case we have that brought this to the surface has been heard in the courts, it has been decided. The facts were there. I think the major flares in that, where we wanted to see testimony where the public screamed, who said what, that was released. It is all those other people that an investigator has to go through, that an investigator has to talk to — and I fear, as the good Representative before me said, on the precedent we are setting here. What we are saying here is that on any investigation that the legislature decides to put its hands on that we are going to go in and bare what people say in confidence. We have a criminal justice system, in this case it has worked.

I don't think our forefather's or foremother's that died over the span of 200 years defending that have not been vindicated by this. I find that pure rhetoric. I think what you have in front of you here is, how long do we want to keep this hubbub going, how much are we going to use it in a political campaign? Those parts are there.

You have people on the Judiciary Committee that worked hard to try to get a good report out and I understand the unanimous report and I understand what I am doing here. But, I also understand from being a police officer exactly what it takes to do an investigation to get to the bottom, to get the facts, to prove beyond a reasonable doubt, which was done, not only by our Attorney General but by a federal prosecutor. I think you have to take this case, take the names out of it and look at what we are doing by doing this. That is why I vehemently oppose it. That is why the good Representative Bowers said some people he knew were lobbying it — yes, I was one. No, I am not a paid lobbyist but I feel it is my job to try to represent my views and try to do what I think is right and I don't apologize for that, I think that is what we are all here for.

When you cast this vote, I want you to think of that precedence, it is that important. Also remember what this case has already run through, the end has already happened. What people are going to know, what people are going to think, okay, what are we

doing here? So, when you cast your vote, I ask you to vote against the recede and concur motion.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am very, very concerned about the precedent that this vote will cast tonight. I am concerned that this will show a precedent that we are afraid to show the truth, that we are covering up something, that we are hiding something. I would like you to cast your vote for this motion and show the people that we are willing to set the right precedent which is to show them that we are not afraid of the truth, we are not afraid of showing the truth to the people of this state.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I guess the difference between myself and Representative Pineau is that I stayed in law enforcement and retired from it and I feel very strongly about the criminal justice system. My testimony deals with the criminal justice system.

In my prior life as a law enforcement officer, I specialized in interrogation and was sent to a special school on it and I came back and practiced it for many years. I sit here and I weigh what I have heard some people say against what I have heard Representative Skoglund and Representative Pineau say. I think of myself, my stature, and I used to weigh more than I do now, showing up in a red coat in a state cruiser and get somebody with a sixth grade education and tell them that what they told me they were telling me in confidence and it wouldn't go any further and then I think of what we are doing here tonight.

This matter, as far as I am concerned, has had all the airings it needs, the criminal justice system has worked and I think we would be setting an extremely poor precedent for law enforcement in the years to come if we pass this.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: There is something going on here that is just hard for me to believe. We say that, first of all, all these witnesses who we don't know who they are and some of them may have had confidentiality promised them, some may have not, but we have not seen any evidence of that whatsoever.

We talk about this going through the full trial in court. I was there when they were sentenced, there were no witnesses, no cross-examination, there was no investigation in the court. The only thing we have on the investigation is that very watered-down, milk toast report that is not conclusive. You see over and over again evidence that is not conclusive to bear the acquisition — the proposal — the evidence doesn't hold weight but they don't say how, they don't say anything, they just kind of write their own report. The Attorney General used poetic license just to write it, he doesn't substantiate how we came to it. We need to find out how he substantiated that. If we don't, you are going to have people drag this through the next campaign and write their own story. We don't want that to happen, we want facts, the public wants facts. Let's respond to what the people of the State of Maine want, they

want the truth. Don't back down to this challenge, we have got to find the truth. If we hadn't searched for the truth, the right to know in our history, we would never have what we have today. Look at this for what it is. Let the truth be known, get it behind us and move on.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I don't know what is going on here, maybe there is some hidden agenda, some hidden plot but the problem I have with this, as written, is that we are talking about an issue that deals with a legislative matter. I firmly believe that if all the records are released, you probably won't end up with anymore information that you have right now.

My concern is based on talking to investigators in this state who do this. The reason that they are able to put a large number of cases together is because they get information that can only be provided by informant's who are told that this will be kept in strict confidentiality and they are only able to make their cases under that type of criteria.

I think that you may resolve this issue to some people's satisfaction but I doubt if this will be the end of the issue. This may be one more step in the long circus of this whole thing.

My concern and why I voted against it originally is that you will do much, much more than what this little thing says it is going to do. My advice to anyone who is going to provide information to any type of investigation is, if you want to protect yourself, your family, everything that you hold near and dear, you keep your mouth shut because the minute you involve yourself and somebody wants to say we have got to bring this out to the light of day and precedence has been set, if politics chooses to go in that direction, you could jeopardize your safety and your families safety because confidentiality in this type of investigation means absolutely nothing.

If I could be sure that this would apply to just this case, with just what is involved, I think that everybody is looking for a smoking gun that is going to turn out to be a pop gun and a dud at best — my concern is what happens when we do this for the first time in history where people were told, and some have talked to me and said they were told that that interview was strictly confidential so they could see if they had a case or not and they gave information on that basis. My only concern is, if you continue down this road, if this does indeed occur, then you will (guaranteed) curtail criminal investigations in areas as serious as this and I am afraid in areas even more serious in the future. That is my concern. No one has been able to appease those concerns, no one has been able to assure me of those concerns other than the same political rhetoric that I have been hearing since last December. That is why I voted against it.

I have no hidden agenda, no hidden plot. I am a very big supporter and a long time supporter of law enforcement. I have many, many friends in that field and that is the concern I have. The reason I voted that way is because they have expressed to me that you basically will tie their hands because a promise of confidentiality will mean absolutely nothing in their process. You talk to people who do this and they will tell you that more than half of their cases are wholly based on information they get under these

type of circumstances. I think that we ought to be very careful before we set a precedent that will be used for years to come in this state because we will effectively remove one of the strongest tools that effective law enforcement has, realistic law enforcement has, in the State of Maine. You should talk to your District Attorney's about that and you should talk to people who work for the State Police or the drug enforcement or warden service and ask them that question. I think they will give you the same answer.

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 Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: This Resolve is for one incident and one incident only. Also, in the Committee Amendment to the bill, on line 34, you might notice that names, addresses, occupational positions or any other information that would disclose the identity of persons other than — and the language basically spells out the key players — all of that language that would release those identities or let any of us know who the identity was would be eliminated from the record, the idea is to protect people.

I might note one other thing, in federal case law even where the public interest and disclosure is the strongest, this does not mean that privacy interest may be completely disregarded. In Department of Air Force vs. Rose, highly personal information that was not directly relevant to the operation of government could still be withheld. At a minimum, this would encompass the kind of information described by the U.S. Supreme Court as confidential personal data. That is the sort of intimate detail or extremely compromising facts that would create a substantial barrier to disclosure. I think we have covered all the bases. I thought the Judiciary Committee did a wonderful job in hearing this bill and giving it a full airing.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: It just doesn't wash. Representative Bowers, there is no way that you or anyone else can say that this is one incident and one incident only. The criminal justice system is built on prior case law. This is setting precedent. Once this precedent is set, it will be used and can be used anywhere in the criminal justice system where there is anything that comes up that is even remotely like this. I think we are starting down a path that the legislature should not be starting down. The criminal justice system has worked and I think we should accept what they have done and getting on and doing other more important business.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I have worked in the criminal justice system, not as an investigator, but just as

someone who facilitates where the investigations come from and how they are put through with the prosecutor for the prosecutor's use. I have also worked for defense attorneys. I do know that if this case had proceeded to a trial, the statements of the witnesses would have been available to the defense attorney to provide the adequate defense for his client. There would have been no redacting of personal information and there could be no attempt to not disclose this information. The statements to be used to prosecute this person would have to be made available in their full form for investigation, for cross-examination and for use to determine the motive of the witness, their access to the information that they provided, how reliable it would have been.

I don't understand and I don't know if you would understand how you could possibly prosecute as many cases as we do if everyone was assured that they would be a confidential informant. You could not proceed to trial if every single witness was promised that they would be a confidential informant, it doesn't work that way.

I ask you to consider that we have taken the steps necessary to protect the witnesses. We are going to redact the personal information out of it, we have made it very clear that this is related to one case, that it is in the public interest and the public interest is weighed by courts against an individual's interest in privacy. It has been done, the case law is set and when we discussed it, we discussed it in the terms of whether public interest outweighed the privacy interest. We drafted the language to protect the people and we took into consideration that you just can't possibly promise everyone confidential information, confidential informant status, if you are going to be working the case.

I hope you will vote with us to recede and concur.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Bennett of Norway that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 226

YEA - Adams, Aikman, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Campbell, Carr, Clukey, Cross, Dexter, Donnelly, Faircloth, Farnsworth, Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Gwadosky, Heino, Hillock, Joy, Kilkelly, Kneeland, Kutasi, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Michael, Murphy, Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Reed, W.; Richardson, Robichaud, Rowe, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, Townsend, E.; Tracy, Treat, True, Tufts, Wentworth, Whitcomb, Winn, Zirkilton.

NAY - Ahearne, Aliberti, Beam, Carleton, Caron, Carroll, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Fitzpatrick, Gamache, Gean, Hale, Hatch, Heeschen, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kontos, Larrivee, Marsh, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Rand, Ricker, Rotondi, Rydell, Saxl, Simonds, Skoglund, Stevens,

K.; Strout, Sullivan, Swazey, Tardy, Townsend, G.; Townsend, L.; Vigue, Walker, Young, The Speaker.

ABSENT - Bailey, H.; Chase, Coffman, Libby Jack, Nadeau, Poulin, Pouliot, Ruhlin, Saint Onge.

Yes, 71; No, 71; Absent, 9; Paired, 0; Excused, 0.

71 having voted in the affirmative and 71 in the negative with 9 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to Insist and ask for a Committee of Conference.

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

The Chair laid before the House the following matter: Joint Order: (H.P. 1165) Ordered, the Senate concurring, that Bill, "An Act to Centralize Licensing for Retail Businesses," H.P. 399, L.D. 512, and all its accompanying papers, be recalled from the Governor's desk to the House which was tabled earlier in the day and later today assigned pending passage.

Subsequently, was passed and sent up for concurrence.

The Chair laid before the House the following matter: Joint Order: (H.P. 1166) Ordered, the Senate concurring, that "RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Attorney General and the Secretary of State," H.P. 932, L.D. 1255, and all its accompanying papers, be recalled from the legislative files to the House, which was tabled earlier in the day and later today assigned pending passage.

On motion of Representative Bennett of Norway, tabled pending passage and later today assigned.

The Chair laid before the House the following matter: Joint Order: (H.P. 1166) Ordered, the Senate concurring, that "RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Attorney General and the Secretary of State," H.P. 932, L.D. 1255, and all its accompanying papers, be recalled from the legislative files to the House.

Representative Bennett of Norway moved L.D. 1255 be tabled until later in today's session.

Representative Gwadosky of Fairfield requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Bennett of Norway that L.D. 1166 be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Gwadosky of Fairfield requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote

yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of Representative Bennett of Norway that L.D. 1166 be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 227

YEA - Adams, Aikman, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Bowers, Bruno, Cameron, Campbell, Carleton, Carr, Clukey, Cross, Dexter, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Gray, Greenlaw, Heino, Hillock, Joy, Kilkelly, Kneeland, Kutasi, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Michael, Murphy, Mash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Reed, W.; Richardson, Robichaud, Rowe, Simoneau, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, Tracy, True, Tufts, Whitcomb, Winn, Young, Zirnkilton.

NAY - Ahearne, Aliberti, Beam, Brennan, Caron, Carroll, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kontos, Larrivee, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Rand, Ricker, Rotondi, Rydell, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Vigue, Walker, Wentworth, The Speaker.

ABSENT - Bailey, H.; Chase, Coffman, Libby Jack, Nadeau, Poulin, Pouliot, Ruhlin, Saint Onge, Saxl.

Yes, 68; No, 73; Absent, 10; Paired, 0; Excused, 0.

68 having voted in the affirmative and 73 in the negative with 10 being absent, the motion to table until later in today's session did not prevail.

Representative Martin of Eagle Lake requested a roll call vote on passage.

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

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

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: Tonight at this early or late hour, as you shall choose, I am asking the House to recall from the files Representative Pat Paradis's initiative to popularly elect the Attorney General and the Secretary of State.

As many of you know, the State and Local Government Committee considered these ideas and reported "Ought to Pass" with strong majorities on three bills which I sponsored, which would have called for the popular election of the Attorney

General, the Secretary of State and the State Treasurer. The committee selected an approach which involved the approval of each of these three bills separately and it has come to my attention through this process that this approach that the committee selected perhaps was not the best and perhaps the wisdom of Representative Paradis in dealing with these issues by one bill and focusing on the two areas of primary concern, the Attorney General and the Secretary of State, was the correct one.

Another issue that arose during the debate was the issue of gubernatorial succession putting the Secretary of State first in line to succession in case of a vacancy in the office of Governor. These various differences caused these bills to suffer, what I consider and I think Representative Paradis and others consider perhaps, an untimely fate in this legislature.

The reason I present this Order is with the hope that this legislature can deal with these issues and deal with them together in perhaps a better way. If it is the will of the legislature to recommit these bills to the State and Local Government for further consideration after we adopt this Order, I think that may be a good approach. If it is the will of this legislature to accept an "Ought to Pass" Report instead of an "Ought Not to Pass", then perhaps we should do that.

Let me just take a few moments and explain the merit of retrieving Representative Paradis's bill from the files and reconsidering it. I think the pending motion should be adopted so that we could deal proactively with this bill and send it to the voters eventually this November.

This bill would call for the popular election of the Attorney General and the Secretary of State and it, I believe, would do so in a responsible way, drawing their terms to four years instead of the current two.

For me, these issues do not arise from the happenings of the past few months although I believe those events have heightened the interest, understanding, and support of these measures. In fact, the Secretary of State's own commission recommended that the office of the Secretary of State be popularly elected.

I have long supported these initiatives even prior to my first election. It was as a citizen not as a legislator that I testified before the State and Local Government Committee during the 114th Legislature in favor of popular election of these officers. So, I was very pleased this year to have seen these bills receive majority reports from the State and Local Government Committee. I am also pleased that leading democrats such as Representative Paradis, the Majority Whip of this body, have become champions to this reform.

I think it is unfortunate that we are dealing with this issue at this hour. I think it is unfortunate that we are dealing with several issues at this hour. I do not believe that we have the full light of public scrutiny before us. I think that is important for accountability. Accountability, I think, is the fundamental reason why we believe that these bills should pass.

In my view, accountability needs to follow a clear and distinct line back to the people and these executive positions of Attorney General and Secretary of State can recommend legislation, they have fundamental policy concerns and they also have a

unique relationship with the legislature. Frequently, these people have to rule on matters which pertain to legislators as individuals or the legislature in general. So, I believe that this bill should be recalled from the legislative files and I believe that we ought to give this a new consideration, these issues a fresh consideration in light of the method that was used to kill these bills earlier in the way of non-concurrence and Committee's of Conference.

So, I encourage you to please vote for passage of this legislation so we can give this issue another chance before the people of Maine and before this legislature so that it does not fail because of procedural issues which, frankly, are not a good reason for killing anything.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: As Representative Bennett was just explaining to you, the last time this issue came up it was also late at night, although not this late and the Speaker had a novel idea, he suggested to us perhaps we could deal with this issue and several others by having a simple division and not debating them so we could get an idea of whether or not there was some sentiment on the part of the members of this body to go forward with these issues. Some survived, some didn't, and moved onto the other body and, of course, bounced back and forth several times under a series of motions and gavel raps. The end result was that we didn't have an opportunity to debate this bill, which is what is being requested here tonight. It is also unfortunate that the motion to table did not prevail because we again find ourselves here late at night asking for the opportunity to debate this bill and in some doubt as to whether we will be given that opportunity.

There are, right now, just three states in this nation where the Secretary of State is elected by the members of the legislature. There is only one state in this nation, which is of course Maine, where the Attorney General is chosen in this manner.

This issue is very near and dear to my heart and I will tell you why. Our current Secretary of State, Bill Diamond, defeated someone that I know well back in 1988 when he first went into office, that someone was me. What happened was, in order to give my party the opportunity to be represented, I offered myself as a candidate for Secretary of State knowing full well what the outcome would be. When the time came and the speeches to nominate someone were made, I sat up in that balcony up there, just over on that side, the Secretary of State sat over on the right side and as we were sitting there and the vote was being taken, the then Attorney General Tierney came down the aisle and laughingly said to Bill Diamond, "Gee Bill, are you nervous?" That didn't make me feel so good because I knew what was going to happen anyway and I really didn't need to have it rubbed in any more. I don't think that it serves the best interest of the members of this body or Maine people to have an election which is nothing more than a staged event, an election that looks like there is some question as to what the outcome will be when in fact there is no question as to what the guaranteed outcome will certainly be.

I also have some problems with the fact that the individual who will be responsible for supervising

the elections is in fact responsible to members of this body. I don't think that is right, I think that individual should be responsible to the people of this state. I also think the Attorney General should be responsible to the people of this state because there could and often are divisive ideas as to how that office should be handled.

I would ask that whether or not you intend to ultimately vote yes or no on this issue, that you give Representative Bennett the opportunity to debate a bill that was advanced by he, by my colleague on the other side of the aisle, Representative Paradis, and also by myself, both this term and years ago. We deserve to have that opportunity to debate this bill.

The SPEAKER: For the Record, the Record will show that this bill was never debated in this body and in fact was never before this body since it was unanimously killed by the committee. A letter was sent to the House, the matter was never before us for a vote, the letter was sent to this House on May 13th, unanimous "Ought Not to Pass" from the Committee on State and Local Government.

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Not to be repetitive, but the Speaker is correct.

However, we have voted on all three of the other bills and it was the decision of the Committee to deal with each one of these constitutional officers separately, as we did, and the Secretary of State bill, there were two amendments presented in this body and, yes, it was in non-concurrence with the other body. Therefore, I believe, that the process has been adhered to and those pieces of legislation dealing with the constitutional officers have been dealt with in this House.

I will not be voting to recall L.D. 1255 from the files for that reason and I urge you to vote with me.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: At this very late hour, I am going to be very brief.

I concur with the remarks of the Representative from Waterville, Representative Joseph — the last thing that I would like to do on this very next day, the last day of the First Regular Session, is to have another bill committed to the State and Local Government Committee. I think they have done an outstanding job and I don't think they need another bill.

I want to thank my new best friend from Norway, Representative Bennett, for his remarks endorsing my bill. I appeared several times before that august committee and I don't think that my good friend voted for any of my bills until tonight, so I appreciate his consideration of this legislation.

I admit defeat on the bill. We had a fair hearing, the committee dealt with me and the others who presented similar bills in good fashion. I accept the defeat. It will come back in a couple of years, similar legislation, we will have another day. To do this at this late hour, I don't think is fair to the committee, so I urge you to vote against passage of the Joint Order.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Because many people in this body

feel that this issue was not handled in this body in a manner that allowed discussion, and I think the Representative from Norway tried to bring the bipartisan bill back before this body, I want to read into the Record some brief comments from the Special Commission on Election Reform in support of popular elections.

Recommendation #14, Popular Election of Secretary of State — "The Secretary of State should be popularly elected for a four year term. In recommending that the Secretary of State be popularly elected rather than selected by the legislature, the Commission notes that this recommendation does not result from any concern on the commission's part about the integrity, honesty or dedication of the present Secretary of State, his staff or their predecessors. Rather, the recommendation is intended solely to remove public perception of conflict of interest and any future possibility of conflict of interest in an election by the legislature of the official who is responsible for the supervision process by which legislators are elected."

The final comment that I feel is appropriate is, "It is now time for Maine's political leaders to demonstrate the same spirit of non-partisanship in concern for secure elections and honest government what a stake in these issues and recommendation transcends temporary political advantage that might be obtained by any one party from prolonged public disquiet about the integrity of the process."

What is at stake is the beginning of the process of reconstruction and rebuilding of the public's faith and that is the genesis behind this piece of legislation. It left this body without thorough public debate and that, I believe, was the honest attempt on the part of the Representative from Norway to bring it back before us. I urge you to support his effort.

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

Representative TOWNSEND: Mr. Speaker, I have a procedural question?

While I might be willing to consider recalling the measure and having a full debate, I assure you that if we were to debate it at this late hour, I would vote against it. Is it possible to recall it now without debating it now? Do we have to go through the full debate?

The SPEAKER: If the Order were to pass, it would also require a two-thirds vote of the other body. It is always possible to enact legislation in this body without debate but rarely is it done.

The Chair recognizes the Representative from Mount Desert, Representative Zirnkilton.

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

To Representative Joseph of Waterville — as Chair of the good Committee on State and Local Government, I would ask you whether or not any bill to popularly elect the Secretary of State and the Attorney General emerged from that committee with a Majority "Ought to Pass" Report and whether or not those bills had an opportunity to be debated here on this floor?

The SPEAKER: Representative Zirnkilton of Mount Desert has posed a question through the Chair to Representative Joseph of Waterville who may respond if she so desires.

The Chair recognizes that Representative.

Representative JOSEPH: Mr. Speaker, Men and

Women of the House: Ordinarily, I probably wouldn't respond to this type of question. However, the committee process is important, the legislative process is very important to me. If I recall, I will start with the latter question first. As I remember, and I could be wrong because I haven't checked the Legislative Record, I remember the Speaker, the presiding officer of this body, saying to the membership of this body, "if there is no objection, we will proceed in this manner" and that probably was not a direct quote. At that point, any person in this body could have objected to the process because it was evident that we needed two-thirds vote in each body in order to send this question out to the people of the State of Maine.

These bills came out as Divided Reports with a Majority "Ought to Pass" in all three, I believe, Treasurer, Secretary of State and Attorney General.

They were discussed in the committee and I must say to make the Record clear that the day they chose to separate those officers, one from another, and passed out three bills, that I was absent for business reasons. Therefore, that is exactly what has happened as I can recall it but I do not believe it is necessary to recall this particular bill where these questions have been decided by the full legislature.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I, too, didn't wish to debate this at this hour and that is why I moved twice to table it to later today. It was the will of this body, some of whom have left, to hear this debate tonight. I also would have been happy to have debated this earlier during some of the considerable down time that we had earlier in today's session but it wasn't brought to the floor at that point either.

To make the Record perfectly clear regarding the committee debate, the Attorney General Bill did receive an 11 to 2 vote "Ought to Pass." The Secretary of State bill received a 10 to 3 vote "Ought to Pass." There was considerable support in committee, there was considerable support in this legislature, in this body, but it was disturbing to me that there was no debate on the floor. I think that debate on the floor, if you believe in a parliamentary process and you believe in a parliamentary system that we embrace here, then you have to accept the fact that debate can make a difference in voting. I think these issues are tremendously important and need to be debated and that is why I was disturbed when the Speaker did not hear my objection on sending a matter forthwith on the Secretary of State bill, when we debated that one earlier. That is why I thought these issues worthy enough and the Secretary of State's Commission thought it worthy enough and a majority, overwhelming majority, on the State and Local Government Committee thought it worthy enough that these bills be debated and considered again on the floor.

I would just like to add a couple of things, when the Federal Constitution was adopted 206 or so years ago, the vote of the people was so mistrusted that neither the United States Senators nor the President of the United States were directly elected. Instead, the indirect election of the President was provided for through the Electoral College and members of the United States Senate were indirectly elected by the state legislature in much the same way as Maine still

selects its constitutional officers. It wasn't until the progressive movement of the early 1900's that we achieved the popular election of U.S. Senators but it was by the late 1800's that most states were going to the model of popular election for Constitutional Officers such as the Secretary of State and the Attorney General.

I would like to just quote Lynn M. Ross from her publication "State Attorneys' General Powers and Responsibilities." She pointed out that "Most of the first state Constitutions specified that the legislature would choose the Attorney General. The concept of universal suffrage had not yet taken hold nor had the idea of direct election of many state officials. The Jacksonian era of the 1800's brought a new ethic to American government, the direct election of state officials became a rule." I believe it is the historical aberration in Maine that we missed these trends, and I believe that the fact that 43 states popularly elect the Attorney General and 38 states elect the Secretary of State, speaks to Maine's missing that trend.

I am concerned that in these trying times, and I have said this before on the floor, that we are witnessing the dismantling of the foundation of public trust on which a democracy is built. We are in a position in this legislature, whatever the hour of the day or night, we are in a position under the current system where we in state government are losing the respect and the faith of the people. I firmly believe that for our democracy to thrive and even survive, we need to regain the public's faith by giving the public our own faith and respect and that is why it is vital that issues such as these make it to the public for consideration in referendum.

Let us pass this bill, let us take it through the process and let us give it to the people to make the final decision in November.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage of Joint Order (H.P. 1166), a 2/3 vote required. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 228

YEA - Aikman, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Carr, Clukey, Cross, Dexter, Dutremble, L.; Farnum, Farren, Foss, Gray, Greenlaw, Heino, Hillock, Joy, Kneeland, Kutasi, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Michael, Murphy, Nash, Nickerson, Ott, Pendexter, Pendleton, Plourde, Plowman, Reed, G.; Reed, W.; Robichaud, Rowe, Simoneau, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, Townsend, E.; Tracy, Treat, True, Tufts, Whitcomb, Young, Zirkilton.

NAY - Adams, Ahearne, Aliberti, Beam, Caron, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Driscoll, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hogle, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Marsh, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Rand, Richardson, Ricker, Rotondi, Rydell, Saxl, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, G.; Townsend, L.;

Vigue, Walker, Wentworth, The Speaker.

ABSENT - Bailey, H.; Carroll, Chase, Coffman, Dore, Jalbert, Libby Jack, Nadeau, Norton, Poulin, Pouliot, Ruhlin, Saint Onge, Winn.

Yes, 65; No, 72; Absent, 14; Paired, 0; Excused, 0.

65 having voted in the affirmative and 72 in the negative with 14 being absent, the motion did not prevail.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (H.P. 409) (L.D. 522) (Governor's Bill) (C. "A" H-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. 126 voted in favor of the same and 8 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

On motion of Representative Cashman of Old Town, Recessed until twelve o'clock noon.

(After Recess-12:40 p.m.)

The House was called to order by the Speaker.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Reduce the Influence of Money in Elective Politics" (H.P. 1150) (L.D. 1550) have had the same under consideration and ask

leave to report:

That they are unable to agree.

(Signed) Representative DAGGETT of Augusta, Representative ERWIN of Rumford, and Representative LIPMAN of Augusta - of the House.

Senator HANDY of Androscoggin, Senator BUSTIN of Kennebec, and Senator SUMMERS of Cumberland - of the Senate.

The Committee of Conference was read and accepted and sent up for concurrence.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks (H.P. 176) (L.D. 228) have had the same under consideration and ask leave to report:

That the House recede from passage to be engrossed as amended by Committee Amendment "A" (H-92) as amended by House Amendment "C" (H-454) thereto; recede from adoption of Committee Amendment "A" (H-92) as amended by House Amendment "C" (H-454) thereto; recede from adoption of House Amendment "C" (H-454) to Committee Amendment "A" and indefinitely postpone same; read and adopt Conference Committee Amendment "A" (H-679) to Committee Amendment "A" (H-92); adopt Committee Amendment "A" (H-92) as amended by Conference Committee Amendment "A" (H-679) thereto; and pass the Bill to be engrossed as amended by Committee Amendment "A" (H-92) as amended by Conference Committee Amendment "A" (H-679) thereto in non-concurrence.

That the Senate recede and concur with the House.

(Signed) Representative MITCHELL of Freeport, Speaker MARTIN of Eagle Lake, and Representative BENNETT of Norway - of the House.

Senator BERUBE of Androscoggin, Senator CAREY of Kennebec, and Senator BUTLAND of Cumberland - of the Senate.

The Committee of Conference Report was read and accepted.

Subsequently, the House receded from passage to be engrossed as amended by Committee Amendment "A" (H-92) as amended by House Amendment "C" (H-454) thereto; receded from adoption of Committee Amendment "A" (H-92) as amended by House Amendment "C" (H-454) thereto; receded from adoption of House Amendment "C" (H-454) to Committee Amendment "A" and indefinitely postponed same; read and adopted Conference Committee Amendment "A" (H-679) to Committee Amendment "A" (H-92); adopted Committee Amendment "A" (H-92) as amended by Conference Committee Amendment "A" (H-679) thereto; and passed the Bill to be engrossed as amended by Committee Amendment "A" (H-92) as amended by Conference Committee Amendment "A" (H-679) thereto in non-concurrence.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices" (S.P. 225) (L.D. 696) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Representative JACQUES of Waterville, Representative RAND of Portland, and Representative MORRISON of Bangor - of the House.

Senator HANLEY of Oxford, Senator CAREY of Kennebec, and Senator BUTLAND of Cumberland - of the Senate.

The Committee of Conference Report was read and accepted in concurrence.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Implement the Recommendations of the Special Commission on Electoral Practices" (S.P. 478) (L.D. 1477) have had the same under consideration and ask leave to report:

That the Senate Recede from Passage to be Engrossed as Amended By Committee Amendment "A" (S-276) as Amended by Senate Amendments "C" (S-296); "E" (S-323) and "F" (S-325) thereto. That the Senate Recede from Adoption of Committee Amendment "A" (S-276) as Amended. That the Senate Read House Amendment "B" (H-599) to Committee Amendment "A" (S-276) and Indefinitely Postpone the same. That the Senate Read House Amendment "C" (H-601) to Committee Amendment "A" (S-276) and Indefinitely Postpone the same. That the Senate Read House Amendment "D" (H-644) to Committee Amendment "A" (S-276) and Indefinitely Postpone the same. That the Senate Read House Amendment "E" (H-656) to Committee Amendment "A" (S-276) and Indefinitely Postpone the same. That the Senate Read House Amendment "F" (H-662) to Committee Amendment "A" (S-276) and Indefinitely Postpone the same. That the Senate Read House Amendment "H" (H-665) to Committee Amendment "A" (S-276) and Indefinitely Postpone the same. That the Senate Recede from Adoption of Senate Amendment "C" (S-296) to Committee Amendment "A" (S-276) and Indefinitely Postpone the same. That the Senate Recede from Adoption of Senate Amendment "E" (S-323) to Committee Amendment "A" (S-276) and Indefinitely Postpone the same. That the Senate Recede from Adoption of Senate Amendment "F" (S-325) to Committee Amendment "A" (S-276) and Indefinitely Postpone the

same. That the Senate Recede from Adoption of Committee Amendment "A" (S-276) and Indefinitely Postpone the same. That the Senate Read and Adopt Conference Committee "A" (S-343) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (S-343) in Non-Concurrence.

That the House Recede and Concur with the Senate.

(Signed) Senator HANDY of Androscoggin, Senator LAWRENCE of York, and Senator CARPENTER of York - of the Senate.

Representative GWADOSKY of Fairfield, Representative DAGGETT of Augusta, and Representative STEVENS of Sabattus - of the House.

Came from the Senate with the Committee of Conference Report read and accepted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (S-343).

The Committee of Conference Report was read and accepted.

Committee of Conference Committee Amendment "A" (S-343) was read by the Clerk and adopted.

The House voted to recede and concur.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act Establishing the Maine Community Reinvestment Program" (H.P. 590) (L.D. 794) have had the same under consideration and ask leave to report:

That the House recede from its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Banking and Insurance; accept the Minority "Ought to Pass" as amended Report; read the Bill once; read Committee Amendment "A" (H-540) and indefinitely postpone same; under suspension of the rules, read the Bill a second time; read and adopt Conference Committee Amendment "A" (H-687) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-687) in non-concurrence.

That the Senate recede and concur with the House.

(Signed) Representative PINEAU of Jay, Representative ERWIN of Rumford, and Representative CAMPBELL of Holden - of the House.

Senator McCORMICK of Kennebec, Senator CAREY of Kennebec, and Senator KIEFFER of Aroostook - of the Senate.

The Committee of Conference Report was read and accepted.

Subsequently, the House receded from its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Banking and

Insurance; accepted the Minority "Ought to Pass" as amended Report; the Bill read once; Committee Amendment "A" (H-540) read and indefinitely postponed; under suspension of the rules, the Bill was read a second time; Conference Committee Amendment "A" (H-687) was read adopted, the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (H-687) in non-concurrence.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation" (H.P. 250) (L.D. 329) have had the same under consideration and ask leave to report:

That the House read and accept the Committee of Conference Report.

That the Senate recede from passage to be engrossed as amended by Committee Amendment "A" (H-389) as amended by Senate Amendment "A" (S-257) thereto; that the Senate recede from adoption of Committee Amendment "A" (H-389) as amended by Senate Amendment "A" (S-257) thereto; that the Senate recede from adoption of Senate Amendment "A" (S-257) to Committee Amendment "A" (H-389) and indefinitely postpone the same; that the Senate adopt Committee Amendment "A" (H-389) in concurrence and concur to passage to be engrossed as amended in concurrence.

(Signed) Representative TREAT of Gardiner, Representative FITZPATRICK of Durham, and Representative BRUNO of Raymond - of the House.

Senator PARADIS of Aroostook and Senator HARRIMAN of Cumberland - of the Senate.

The Committee of Conference Report was read and accepted and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Collect Baseline Data to Facilitate Health Care Reform (S.P. 535) (L.D. 1561) (H. "B" H-672)

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 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Mandate

An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process (H.P. 1162) (L.D. 1560) (S. "C" S-340)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of same and 25 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

SENATE PAPER

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 29, 1993

Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Senate Paper 402, Legislative Document 1233, An Act to Facilitate the Assessment and Collection of Municipal Property Taxes, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

No Senators having voted in the affirmative and 34 Senators having voted in the negative, and 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify that Incineration is a Form of Disposal under the State's Solid Waste Laws (H.P. 1169) (L.D. 1563)

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.

PASSED TO BE ENACTED

An Act to Improve the Assessment and Collection of Municipal Property Taxes (S.P. 385) (L.D. 1166)(H. "A" H-695 to C. "A" S-342)

Was 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 SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Gamache. Representative GAMACHE: Mr. Speaker, parliamentary inquiry? Would it be in order for me to move that the gentleman (referring to Representative Coffman of Old Town) be removed?

The SPEAKER: The Chair would advise that the motion is in order. The motion to expel a member at any time may be made.

Representative GAMACHE: I so move, Mr. Speaker. On motion of Representative Gwadosky of Fairfield, tabled pending the motion of the Representative from Lewiston, Representative Gamache, that Representative Coffman of Old Town be expelled and later today assigned.

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

(At Ease to the sound of the gong)

The House was called to order by the Speaker.

The SPEAKER: The Chair would call your attention to House Rule 18. The Committee on Rules has met twice today with the Representative from Old Town, Representative Coffman. Prior to any recommendations to you by the Committee, we have agreed to let Representative Coffman make a statement to the House. After that time, pursuant to House Rule 18, we will then proceed to a vote of the membership.

For the purposes of conforming with House Rule 18, the Chair will now recognize the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House Chamber: I rise before you today and the first thing I would like to state to you is that I apologize for any inconvenience that my actions might have caused you. That was not my intent. My intent was not to shut down the governing body here. My intent was merely to state my opinion and to speak my voice on a budget that I felt was not finished yet.

I did not refuse to vote for a budget, I refused to vote for what was in front of me because I didn't feel that that was finished. I know a lot of people have worked long, hard hours on where we have come so far with this budget and I do appreciate that.

I must state that I have respect for each and every person in this body. I don't think there should be anybody in here that doubts that but I also have respect for my constituents who call me all the time, who send me notes, who write me, and that does not mean to imply that they don't write you and talk to you, but the voices I hear are telling me in some sort of way on how to act and what to do. It is my voice that decides what I end up doing but, believe me, it is based on the people that I represent.

I had an objection here to what was in front of me and I chose not to vote, not to vote no and certainly not to vote yes, but I felt that the process, the way it has been so far, left out a lot of members of this body from having input. That is not the fault of anybody, it is basically the fault of the system. I am just reacting to this as a person who has never been down here. Many of you have been down here for a long time and you know the system and you know how it works, you know what to do, you know the rules, many of us don't. I will just speak for myself, I don't speak for anybody else.

How do you learn the rules? How do you learn how the process works? How do you have input into the process? I never felt shut out, at times I didn't understand the process but, at the same time, I was going to do what my voice tells me to do here. I felt secure enough with all of you members of this body to do just that.

I have gotten to know each and every one of you and, especially since I was down here for the state shutdown, I appreciated what you people went through. I also appreciate what the citizens out there who ask for change want.

I looked at this budget and saw a \$150 million dollar hole, at least, the \$102 million from retirement, the \$16 million from purchasing the highway, the Maine Turnpike Association — it was like to me in my simple mind selling ourselves something and making \$16 million. I am just a small business person, I have a small budget, I balance my checkbook at home and I balance the checkbook of my business and I just cannot understand that, that's something foreign to me. To deflect \$10 million from when state workers' get paid by deflecting that one week into a new fiscal year, we do that twice, that is \$10 million but that is not real savings. These are the statements from people that I represent that are talking to me. The \$21 million refinancing which supposedly we hope is going to be at 8.2 percent — we don't know that. It is those kinds of things that bother people with small checkbooks and they have asked me to handle the money down here as if it were my own. That is my only intent, my only motive for doing what I have done. I certainly didn't intend to stop this body from functioning. I thought it could

work right around me but the way it happened is like everything that happens is the best in the end.

I must say I was a little shocked that by my refusing to vote, I was subjected to a psychiatric evaluation and I was certainly a little upset when my children who were Pages here on this day were crying outside and they couldn't understand what was going on. I was certainly a little upset when my ex-wife had to come down here and pick my children up because somebody was worried, they couldn't understand what was going on, all they saw was that the House Chamber was sealed shut and I was in here with a psychiatrist — believe me, I have nothing wrong with me, I am very secure in that.

Somebody mentioned awhile ago when I was talking to them about "well, you've changed, you've changed since you have been down here" — I have changed or tried to open myself to change all the time, that's what life is about. I can't help but be affected when people are calling me with the problems they have and the severity of those problems. I have to react to those. I can't help when I visit — I basically moved into this building, I have slept here at night, several nights, I have spent a lot of time here, I have walked the grounds and the things that I have seen have saddened me. Somebody mentioned in the Bangor Daily — it says, "some Representative said Representative Coffman would jump from issues related to Vietnam veterans to acid rain, the state budget and back again" as he stated his objections to the budgetary process. Well, if I read that, especially since I see that there was a psychiatrist involved here, I would think, boy, something is not right here.

All I was trying to say is that everything is related — our state treasurer — the crown jewels of the State of Maine are right here — when I go to the library, the State of Maine Library, and find out basically that every library book over there, no matter how rare they are, are for sale, we are selling our State Library books, those things bother me very dearly and shocked me. You ask how that could be — people are checking those out and not returning them and they would just as soon pay for them when they are billed because they can't get the books anywhere else and there are instances of people forming private libraries — that bothers me.

It bothers me to go and walk across the road here to the Vietnam Veterans Memorial, I am ashamed, if that's what we think of our Vietnam veterans, to let that thing run down as much as it has, it is a very real moving experience and if you sit there for any period of time, you will see veterans from all over Maine coming there and having incredible emotional releases. I cried myself down there. My Dad served in Vietnam two tours so I was a military brat. I didn't go to Vietnam but all my friends and all my classmates were all tied in the military and I know people have died over there and I have a great appreciation for that. I have a gentleman now that was a survivor of one of the worst battles in Vietnam that lives in my barn. He has never been welcomed home and when they come down here and see the Vietnam Veterans' Memorial and the condition that it is in, I mean the sidewalk has lifted an inch and a half, children are tripping on that and falling down, we should be concerned about lawsuits or somebody should. The lights were all out, busted, there was exposed electrical wiring, the sheet of metal is rusted and pitted so bad, I think that's where the

acid rain comes from — I didn't say that but those are the things that I see. I take a walk a little further and those giant trees out there that have been neglected for a number of years, that there is such infestation of insects, carpenter ants that are damaging those trees that are on the State Register with little tags, little metal tags that number them and identify every tree.....

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

Representative STROUT: I am willing to listen to the gentleman give his apologies but I have other things I would like to do. I have been around here all day and I think it is time we get on with other business.

The SPEAKER: The Chair would ask the Representative if perhaps he could restrict his comments to the matter before us.

Representative COFFMAN: I apologize for going a little longer, I will stop if that's what is desired, but I was speaking from the heart and what motivated me to make this statement. It really wasn't a statement, that isn't how it started but I have been offered this opportunity to make this statement.

Those are the kinds of things I don't see this budget addressing. One last issue, if I may, is the gentleman who gives the tours here — to give the tours in the State Capitol, his position isn't in the budget. The Capitol is closed on the weekend while all the tourists are here, those are the things that affect me, those are the reasons that I was not prepared to vote for what was in front of me so far. I would be more than glad to vote for a budget that I felt addressed the real needs.

Incidentally, I just spoke with a person in the financial world who stated the whole basis for my objecting on voting for something that I didn't feel was a real budget is that businesses outside of this state and inside will look to us and say, "are we fixing our house, are we straightening our body out, state government, are we restructuring it, are we doing what is necessary to economize or are we just going to deflect all that or defer all that and go for borrowing to get out of our crisis and, therefore, pay a lot of interest? That is my sole reason for doing what I did and, again, I apologize to each and every member here for their inconvenience. Thank you.

The SPEAKER: The Chair will order a vote. The pending question before the House is acceptance of House Rule 18, which indicates that the members are satisfied with the remarks made by the Representative from Old Town, Representative Coffman. It is not debatable. If the vote is in the affirmative, then that particular provision to House Rule 18 has been complied with and the member will be allowed to vote and speak. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

108 having voted in the affirmative and 14 in the negative, House Rule 18 was complied with.

The SPEAKER: The Representative from Old Town, Representative Coffman, will be allowed to vote and speak.

The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, a point of order? The motion of Representative Gamache when we recessed earlier today, which I believe was for the expulsion of the Representative from Old Town?

The SPEAKER: The Chair would answer in the

affirmative, the motion is still before us and the Chair is about ready to remove that motion from the table.

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

Representative GAMACHE: Mr. Speaker, in view of the vote by our colleagues, I withdraw my request.

The SPEAKER: The Representative from Lewiston, Representative Gamache, withdraws his motion for expulsion.

(At Ease to 8:00 p.m.)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

June 29, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Housing & Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1528 An Act to Establish the Maine Education and Training Export Partnership within the Department of Economic and Community Development

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Rochelle M. Pingree S/Rep. Rita B. Melendy
Senate Chair House Chair

Was read and ordered placed on file.

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative DONNELLY of Presque

Isle, the following Joint Resolution: (H.P. 1170) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, JOY of Island Falls, KNEELAND of Easton, MacBRIDE of Presque Isle, MARTIN of Van Buren, MARTIN of Eagle Lake, PINETTE of Fort Kent, ROBICHAUD of Caribou, THOMPSON of Lincoln, YOUNG of Limestone, Senators: KIEFFER of Aroostook, LUDWIG of Aroostook, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES TO TAKE APPROPRIATE ACTION TO ENSURE CONTINUED AIR SERVICE TO AROOSTOOK COUNTY IN MAINE

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Secretary of Transportation of the United States, as follows:

WHEREAS, air service has been provided to Aroostook County, Maine for a period of years by Business Express, a subsidiary of Delta Air Lines; and

WHEREAS, Delta Air Lines and Business Express have announced the intention to discontinue the daily Business Express service to Aroostook County and the intention to seek administrative approvals for that discontinuation; and

WHEREAS, the daily airline service provided to Northern Maine Regional Airport by Business Express constitutes one of Aroostook County's important economic and cultural links to the rest of the State; and

WHEREAS, Aroostook County is in the midst of a significant economic realignment occasioned by the pending closure of Loring Air Force Base and the discontinuation of daily air service will serve as a disincentive to the relocation of potential employers to the county; and

WHEREAS, the termination of this air service means that the nearest scheduled daily air service available to residents of Aroostook County is 200 miles away; and

WHEREAS, Delta Air Lines and its Business Express subsidiary have been responsible corporate citizens in Maine and in Aroostook County and the residents of the county and the State wish to preserve this valued relationship; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Secretary of Transportation of the United States to disapprove the proposed termination of this service and to take all appropriate regulatory actions to ensure that this service is retained; and be it further

RESOLVED: That We request that the President of Delta Air Lines and the President of Business Express reevaluate this proposal in consideration of the economic dislocation the suspension of service would cause and in consideration of the strong community and government support for continued service; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Secretary of Transportation of the United States, to the President of Delta Air Lines and the President of Business Express and to each Member of the Maine Congressional Delegation.

Was read.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: Recently, Delta Business Express has announced that they are going to be pulling out of Aroostook County. With all the negative things we have going on right now, I felt, and many people in Aroostook County delegation felt, that this was just another thing to add on to make it more difficult for us to recover from the ultimate closure of Loring Air Force Base, so tonight I present this Order asking that the Delta Business Express Executive reconsider their action or their recommendation and that the Secretary of Transportation recommend that this action does not happen.

I would hope you would help support this.

Subsequently, H.P. 1170 was adopted and sent up for concurrence.

The following item appearing on Supplement No. 18 was taken up out of order by unanimous consent:

ORDERS

On motion of Speaker MARTIN of Eagle Lake, the following Joint Resolution: (H.P. 1171) (Cosponsored by Representatives: AULT of Wayne, GWADOSKY of Fairfield, NORTON of Winthrop, PARADIS of Augusta, WHITCOMB of Waldo, ZIRNKILTON of Mount Desert, Senators: BUSTIN of Kennebec, CAHILL of Sagadahoc, CARPENTER of York, DUTREMBLE of York, ESTY of Cumberland, McCORMICK of Kennebec, PEARSON of Penobscot)

JOINT RESOLUTION RECOGNIZING LORRAINE M. FLEURY ON THE OCCASION OF HER RETIREMENT AS DIRECTOR, DIVISION OF ELECTIONS, OFFICE OF THE SECRETARY OF STATE

WHEREAS, Lorraine M. Fleury is in her 30th year of state service, having labored with great distinction and unceasing dedication; and

WHEREAS, during those years of state service, she has served under 5 Secretaries of State, developing singular ability in all aspects of the electoral process in Maine; and

WHEREAS, Legislators, state officials, municipal officials, members of the press and the citizens of Maine turn to her for accurate, unbiased, nonpartisan and complete information on Maine's elections; and

WHEREAS, the Legislature believes that she is unique in State Government in her knowledge of the

Maine electoral process; and

WHEREAS, she has gained the affection and respect of Legislators, coworkers and many others throughout her years of service; and

WHEREAS, her absence will be a tremendous loss to the Secretary of State, the State of Maine and its citizenry; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, pause in our deliberations to recognize Lorraine M. Fleury for a job done so well for so long; and be it further

RESOLVED: That We formally express our great affection, sincere thanks and our heartfelt best wishes for a long, fruitful and happy retirement; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be prepared and transmitted to Lorraine M. Fleury as a lasting token of our friendship, gratitude and respect.

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. 19 was taken up out of order by unanimous consent:

ORDERS OF THE DAY

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1165)

An Act to Centralize Further the Permitting Process for Retail Businesses and to Allow Some Municipalities to Act as Central Permitting Agents (H.P. 399) (L.D. 512) (H. "A" H-408 to C. "A" H-367)
- In House, House Adhered to Passage to be Enacted on June 15, 1993.
- In Senate, Senate Receded and Concurred on June 23, 1993.

On motion of Representative Hوجلund of Portland, under suspension of the rules, the House reconsidered its action whereby it Adhered to passage to be enacted.

On further motion of the same Representative, the House voted to recede.

The same Representative offered House Amendment "C" (H-676) to Committee Amendment "A" (H-367) and moved its adoption.

House Amendment "C" (H-676) to Committee Amendment "A" (H-367) was read by the Clerk and adopted.

Committee Amendment "A" (H-367) as amended by House Amendments "A" (H-408) and "C" (H-676) thereto

were adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-367) as amended by House Amendments "A" (H-408) and "C" (H-676) thereto in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

ENACTOR

Later Today Assigned

An Act to Implement the Recommendations of the Special Commission on Electoral Practices (S.P. 478) (L.D. 1477) (Com. of Conf. "A" S-343)

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

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This particular enactor, L.D. 1477, is the Secretary of State Diamond's recommendations for the Special Commission on Electoral Practices. It was the result of a Committee of Conference Report.

I just communicated to the good Representative from Waldo, Representative Whitcomb, that I have been contacted by the Speaker's Counsel to table this pending a review by the Attorney General. I frankly do not know if there is a problem or not. I am happy to accomplish that but I would ask somebody to table this until later in today's session until we get that information.

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

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:

COMMUNICATION

The following Communication:

**COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 30, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Appropriations & Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1258 An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Development and Construction of Municipal Solid Waste Disposal Facilities and to Purchase Equipment and Facilities for Managing Demolition Debris

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael D. Pearson S/Rep. Lorraine N. Chonko
Senate Chair House Chair

Was read and ordered placed on file.

The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Landfill Closure and Remediation and to Provide Grants to Municipalities for the Purchase of Recycling Equipment" (H.P. 908) (L.D. 1223) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-701)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-701) 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-701) and sent up for concurrence.

Representative Vigue of Winslow moved that the House extend adjournment until 10:30 p.m..

The SPEAKER: Pursuant to House Rule 22, the Chair will order a vote to extend adjournment time to 10:30 p.m.. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 3 in the negative, the motion did prevail.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

SENATE PAPER

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 30, 1993

Honorable Joseph W. Mayo

Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on Resolve, Directing Release of Investigative Records Related to Ballot Tampering (EMERGENCY) (H.P. 1003) (L.D. 1349).

The President appointed on the part of the Senate the following:

Senator BUSTIN of Kennebec
Senator O'DEA of Penobscot
Senator HANLEY of Oxford

Sincerely,

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

Was read and ordered placed on file.

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

(Later Today Assigned)

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-697) on Bill "An Act to Authorize an Optional Regional Sales Tax" (H.P. 954) (L.D. 1283)

Signed:

Senators: BALDACCI of Penobscot
CAREY of Kennebec

Representatives: HOG LUND of Portland
FARNSWORTH of Hallowell
RAND of Portland
DORE of Auburn
TARDY of Palmyra
DiPIETRO of South Portland

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: SUMMERS of Cumberland

Representatives: SPEAR of Nobleboro
MURPHY of Berwick
SIMONEAU of Thomaston

Reports were read.

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

Representative DORE: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report and I ask for a roll call.

Mr. Speaker, Men and Women of the House: Considerable time and energy went into discussions and negotiations by members of the Taxation Committee about what to do about the shortage of funds for the Circuit Breaker Program.

I am not sure whether or not you are all aware of the fact of how much the Circuit Breaker was funded for the biennium so I want to lay out for you the funding that currently exists for the Circuit Breaker.

This is a program that ran \$39 million last year, it is projected to run \$43 million in this biennium if it were kept whole. As it was allocated in the Appropriations Budget, and we understand the limitations on that budget and we accept the limitations on that budget, it ran \$19.1 million. Of that in each year roughly \$9 million a year, \$6 million a year went to keeping the Circuit Breaker whole for the Elderly Tax and Rent Refund Program. We have flat-funded, we kept whole Elderly Tax and Rent Refund, that meant only \$3 million a year went into the Circuit Breaker program for those middle-classed working people in your district. This has already been a program that was designed to give property tax relief to middle income home owners in parts of the state where property taxes had escalated beyond their income level means to handle it. It virtually decimated the Circuit Breaker Program. For non-elderly, it was a reduction of this program by 65 percent. I can't think of another area of the state budget where there was a 65 percent reduction. Of course, what hurts the most is that these are the working people of the state who get up, go to work every morning and they are simply having trouble paying their property taxes because the bills got so high during that rapidly rising real estate market in the '80's.

Many of our constituents use the Circuit Breaker Program. Many of us campaigned door-to-door using the Circuit Breaker Program. We are hoping that you will adopt this piece of legislation which adds funding to the Circuit Breaker Program and brings it up to a 25 percent cut in the program. There will still be a 25 percent cut in the program, a very significant and deep cut.

I would encourage you to accept the Majority "Ought to Pass" motion.

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

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

I would like an explanation from any member of the Taxation Committee as to the funding mechanism for the Circuit Breaker Program and if in fact it is an option regional sales tax as the title implies or is it something else?

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

On motion of Representative Hogleund of Portland, tabled pending the motion of Representative Dore of Auburn that the House accept the Majority "Ought to Pass" Report 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. 26 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Ensure Uniformity in Gasoline Octane Levels (S.P. 151) (L.D. 483) which was Passed to be Enacted in the House on May 24, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-145)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish the Maine Environmental Trust Fund Commemorative Motor Vehicle Plate (S.P. 222) (L.D. 693) which was Passed to be Enacted in the House on June 9, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-274) as amended by House Amendment "D" (H-640) thereto.)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 27 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act Establishing University of Maine System License Plates (H.P. 415) (L.D. 534) which was Passed to be Enacted in the House on May 26, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-378)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-378) as amended by Senate Amendment "A" (S-352) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-698) on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 216) (L.D. 284) (Governor's Bill)

Signed:

Senators: TITCOMB of Cumberland
FOSTER of Hancock
PEARSON of Penobscot

Representatives: CARROLL of Gray
HICHBORN of Howland
MICHAUD of East Millinocket
RYDELL of Brunswick
CHONKO of Topsham
KERR of Old Orchard Beach
POULIOT of Lewiston

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives: FOSS of Yarmouth
MacBRIDE of Presque Isle
REED of Falmouth

Reports were read.

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

Representative CHONKO: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

Mr. Speaker, Men and Women of the House: The primary piece of the General Fund spending is for principal and interest payments on a Certificate of Participation sold in 1990 and 1991 to finance the McKown Point Marine Research Facility and the medical examiner's morgue facility.

Other parts of this budget allocate non-General Fund monies and extends authorized positions in Chapter 70. Most of the new positions are the result of new increased federal grants.

Another part of the budget is to authorize agencies to self-fund reclassifications that have been approved since last year's budget.

Other parts of the budget include a \$3 million dollar appropriation from stripper well for emergency regulated capitol repairs.

Other parts increases the medical fees for the mental health service.

I urge your support of this L.D..

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to put on the Record why this is a Divided Report and why the three of us did not support the bill as it is presented to you now.

No matter how hard we seem to try to control the size of government and the growth of the bureaucracy

in one place, it seems to manage to squeeze out somewhere else. This budget creates somewhere between 90 and 100 new positions beyond the 70 created a few months ago about which we had much discussion. These new positions are supported by federal and dedicated funds, but most of our attention normally is focused on the \$3 billion side of the General Fund side of the budget. The fact remains that at least another \$4 billion, including federal and dedicated funds, are allocated by this legislature in a biennial budget and those are taxpayer funds also.

The expenditure of these other funds receive very little scrutiny in our committee, basically because of time limitations, but we object to the creation of all of these new state positions regardless of their funding source. We cannot continue to grow and grow and grow.

I hope you will join us in opposing the motion before you.

Mr. Speaker, I request a Division.

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

Representative KERR: Mr. Speaker, Men and Women of the House: Not to anyone's surprise, this is a Divided Report.

What Representative Foss indicated there are some new positions and they are federal funds. What she forgot to tell you is that there is a net decrease in General Fund positions. In 1994, there are 19.5 positions that are decreased in the General Fund and in 1995, there are 37.5 positions that are decreased in the General Fund.

We did not have the time to scrutinize these federal positions but what we did do was put language in the budget, that once these contracts are finished, the positions are gone. I don't intend on debating this issue, this L.D. tonight, but I felt that if in fact you heard half the story, I wanted to give you the other half, that there's a decrease in General Fund positions in 1994 and 1995 and I would urge your support on this report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Chonko of Topsham that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 25 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-698) was read by the Clerk.

Representative Chonko of Topsham offered House Amendment "C" (H-703) to Committee Amendment "A" (H-698) and moved its adoption.

House Amendment "C" (H-703) to Committee Amendment "A" (H-698) was read by the Clerk.

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: The purpose of this amendment is to make a technical change.

Subsequently, House Amendment "C" (H-703) to Committee Amendment "A" (H-698) was adopted.

Representative Kerr of Old Orchard Beach offered House Amendment "B" (H-700) to Committee Amendment "A" (H-698) and moved its adoption.

House Amendment "B" (H-700) to Committee

Amendment "A" (H-698) was read by the Clerk and adopted.

Committee Amendment "A" (H-698) as amended by House Amendments "C" (H-703) and "B" (H-700) thereto was adopted.

Under suspension of the rules, the Bill was read a second time.

On motion of Representative Kutasi of Bridgton, the House reconsidered its action whereby Committee Amendment "A" (H-698) as amended by House Amendments "C" (H-703) and "B" (H-700) was adopted.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "B" (H-700) to Committee Amendment "A" (H-698) was adopted.

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

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: I wish to ask a few questions to the good Representative from Old Orchard Beach, Representative Kerr, on what happens on this amendment and where does the money that we have got on this escheat that this is called, what do we do with the 40 percent of money right now and where would it go on this amendment?

The SPEAKER: Representative Kutasi of Bridgton has posed a question through the Chair to Representative Kerr of Old Orchard Beach who may respond if he so desires.

The Chair recognizes that Representative.

Representative KERR: Mr. Speaker, Men and Women of the House: It is a good question Representative Kutasi, it deserves an answer. At the present time, there is what we call a float in the Maine Waste Management account and 50 percent of the dollars that are collected from the returnables go back to the Maine Waste Management Agency. The other 50 percent used to go back to the General Fund and then go to the distributors or the initiators of the deposit. I said "used to" — under this proposal, the 50 percent of the unclaimed deposits would go to the General Fund which would then go to restore funds to Community Mental Health Services.

The reason why I did this and I think that I should also explain why I am doing this — as you all know, we worked very hard in developing L.D. 283. During that process, there was a lot of agreements that were made by both sides of the aisle.

The Administration made what I felt was a verbal commitment to many people that voted for this L.D. 283 and that commitment was that there would be \$900,000 restored to the mental health community services. Upon enactment of that legislation, 3:00/3:30 o'clock this morning, I posed a question to Sawin Millett, "Do you have that \$900,000?" The answer to that question was no.

This morning I did meet briefly with the Governor along with Representative Rydell because I felt that money was tight and we needed to find an alternative revenue to put some funding back into the mental health services. After reviewing a lot of modifications or amendments that could have been attached to this bill, I felt that since this amendment has already been tested in the courts and prevailed that for this biennium, the least that we could do for mental health services is to put back this \$600,000 in '94 and '95 which would come from the unclaimed deposits. That is exactly what this amendment does and that is the story and I will stand by the amendment.

The SPEAKER: The Chair recognizes the

Representative from Bridgton, Representative Kutasi.

Representative KUTASI: Mr. Speaker, Men and Women of the House: A number of years ago, I remember when this escheat money was first resurrected and there was a big court case on it and all this and it really raised the prices of soda and the beer prices in the state and this again will do the same thing. So, this is really another hidden tax that we put onto this budget bill.

When the vote is taken to adopt this amendment, Mr. Speaker, I request the yeas and nays.

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

Representative KERR: Mr. Speaker, Men and Women of the House: As many of you know, I am in the hospitality industry, I do have a restaurant/lounge and I do buy large sums of spirits and beer. The price of beer has gone down, not up.

That is why I do not feel bad offering this amendment because I believe that the distributors, although times are tough, will be willing to sacrifice this miniscule amount of money to help support mental health services in this state.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

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

To the Representative from Old Orchard Beach, Representative Kerr, during your meeting with the Governor — I know it would not be proper for you to indicate what the Governor said that he might or might not do, but can you tell me whether or not he indicated to you that he supported or did not support your idea?

The SPEAKER: Representative Zirkilton of Mount Desert has posed a question through the Chair to Representative Kerr of Old Orchard Beach who may respond if he so desires.

The Chair recognizes that Representative.

Representative KERR: Mr. Speaker, Men and Women of the House: You and I know that the Governor hasn't supported any piece of legislation that has come back or any recommendation unless it is something that he wanted. He indicated to me that if we could take the money and fund community mental health services in monies that were not his that he would go along with it.

Again, I offer this amendment, I think it is fair, if the Governor chooses to veto it, so be it. Do I think he will veto it? I don't know but I would like to put it on his desk.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat surprised maybe because I haven't been here long enough as to why we would use this procedure at this late time to come up with another tax. Is there a reason why this didn't go through the Taxation Committee? I pose that as a question, if I could.

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

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: This is not a tax, it is not a new tax. It is not new revenue, it is revenue that

is coming in. What we are doing is deciding to use this money and to fund what is the most egregious error that we made in the budget that we passed last night. We worked very, very hard to try to keep the essential services in this state going for the next two years.

The one place where we literally ran out of money late last Friday night or early Saturday morning and tried again on Monday to find some additional funds that were not available at the time was in the field of community mental health. There will be about 2,000 people in this state who are currently receiving services who will have their services seriously reduced or eliminated if we are not able to find additional funds.

We knew that we could not get the support we needed if we tried to add an additional tax so we looked for monies that were there. These funds are there, they are not really sufficient but they will keep kind of a nose above water for awhile and allow these people who are seriously mentally ill who are living in our communities and who want to stay out of institutions and who are struggling to do that with the services that are there, if they can continue to have a modicum of services, they will be able to stay in our communities and to function and to deal with their particular illness.

What we are asking is to use these funds that are bottle deposits that all of us pay and for whatever reasons some of us do not take back those bottles, we take them out-of-state when we visit or we lose them or they break or whatever, but that is the funds we are using. We are not taxing anyone any more money than they are currently paying.

I would ask you to think about the goal that we are trying to achieve, the needs of the people out there and to support this amendment.

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

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

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: Though I am not a member of the Appropriations or the Taxation Committee I rise to assure you that what we are talking about tonight is indeed not a tax, it is not new and nothing we do with the figures you have heard tonight will raise or lower the price of a can of beer or soda whatsoever.

I do rise because it was my language in the bill of two years ago that enabled the state to be among the first states in the nation to figure out how in fact to claim something that is called the float money and that is what we are dealing with tonight and that is what we are hoping to find a wise use for tonight.

It can be explained very quickly — when you buy a can of beer or soda, there is included in that price a nickel, that nickel is yours to reclaim when you take the can of beer or soda back. It is in the price so to encourage you to do that and return it so it doesn't litter our roadways. If, however, you lose the can or bottle or for whatever reason it is never returned, the nickel continues on in the

system. It was figured out finally that it ended up in the pocket of the last person in line who happens to be the distributor of the beer and soda. The State of Maine, using language that we devised two years ago, claimed that that money belonged to the State of Maine because it was created for the purpose of cleaning the state roadways. The court upheld that late last year and, in January of this year, it was determined that the State of Maine had absolute right to about \$2 million of your money and mine, a year, that otherwise floated through the system and had been a windfall to the the last guy in line, in this case the distributors. Maine, two years ago, decided it would take 50 percent of that money and use it to help the Maine Solid Waste Agency funnel that money directly to your town and to mine to be able to have local recycling programs. We have absolute right to 100 percent of it. All this amendment does is claim another 40 percent so that we have now taken 90 percent of what is ours by right and by court decision and leave 10 percent as another windfall to the distributors to be able to do the book work simply to keep track of the money. All of the money is ours, we can do anything we choose to with it. We may do everything with it, we may do nothing with it. We may take it all, we may take some. We may give some to the distributors, we may give some to ourselves and decide what to do with it. It will not raise or lower the price of any beverage you buy a bit. I think it is just good policy to find a good purpose for the money that is ours by rights to use and if we can take money that would otherwise be literally litter and put it into good use in our communities, I think that is a wise decision.

That is the explanation and I thank you for your time. I would urge your support of Representative Kerr's amendment.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: It is my understanding that these monies have been retained by the redemption centers and the folks in your districts who take bottles back and so forth and, if what I am hearing is correct, they have been keeping 50 percent of that money and the other 50 percent has been forwarded on. And, according to the way this amendment reads to me and I have just checked with some others as well, the 50 percent that they have been allowed to keep would now under this amendment be reduced to 10 percent with a net result of those redemption centers and those that take bottles back losing 40 of the 50 percent they now keep. That is the way it is being explained to me and if someone differs with that opinion, I certainly welcome them to try to explain otherwise.

By the way Mr. Speaker and ladies and gentlemen, if in fact that is what it is, that would be a tax increase to those who have to give up that money that up until this point they have been allowed to keep.

Representative Plowman of Hampden moved that the House extend adjournment to 11:30 p.m..

The SPEAKER: Pursuant to House Rule 22, the Chair will order a vote. The pending question before the House is the motion of Representative Plowman of Hampden that the House extend the session to 11:30

p.m. 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 24 in the negative, the motion to extend did prevail.

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

The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House: To answer the query posed by my friend from Mount Desert, Representative Zirnkilton, I would point out that what we are dealing with is money that is unclaimed, money that is left over, money that never made it to the local Mom and Pop beverage return depot or never made it to the Mom and Pop store on your corner. In that nickel that you and I spend when we buy a bottle or can of soda or beer, when it is returned to your Mom and Pop store or your Mom and Pop redemption center, they get three cents of that and they keep it and that is good because they handle the cans and everything works well. But, if that can never makes it to Mom and Pop, at the depot center or at the return center or at the corner store, then that nickel is what we are dealing with and there are a lot of those nickels — so many in fact it turned out to be \$2 million worth of those nickels left over at the end of the year. The state owns all of that \$2 million dollars. There is not a question about it, the court has upheld it. Nothing we do tonight will cheat anybody who is running a Mom or Pop store or redemption center out of all the cans and bottles they care to get back and work hard to recycle for us. All we are trying to do is consider what we can do most wisely with the leftover \$2 million that nobody claims.

I hope that would answer the question from the good gentleman from Mount Desert and I would still encourage you to support the amendment of my friend, Representative Kerr from Old Orchard.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: We are having a little problem over here understanding so let me try to pose it another way, if I may.

If the \$2 million, which is in the float, which is in fact going back to the Mom and Pop stores is not and this bill does not go into effect, doesn't that store or that distributor keep the money today as compared to passing this amendment, they no longer keep the money? I would like to pose that question and have someone answer it.

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

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: At the moment, Mom and Pop get zero of that \$2 million. That \$2 million is a leftover, it never makes it to Mom and Pop, it never makes it to Junior and his sister, the money goes back to the distributor, the last guys in line. We decided that it should not go to them, it should belong to the people of the State of Maine. Mom and Pop are left

out of the total picture when we are talking about the \$2 million. Nothing we do tonight will raise the price of soda for you or I dealing with this issue, nothing we do with that \$2 million is going to take money out of Mom and Pop's pocket tonight at all. All it goes is figure out what we are doing with the windfall money that went to the distributors, all of which we could take, some of which we are proposing to take, so I hope that that answers the question of my friends in the corner down below. It is a question of whether we allow money to end up in the pockets in the last guy in line or we take what is rightfully ours and put it to a purpose we deem best for the people of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirnkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I think I understand now, it is not a tax increase on the Mom and Pop stores, it is a tax increase on the distributors. I just wanted to make sure that I was understanding who in fact was being taxed. Thank you for the clarification.

The SPEAKER: The Chair would like to explain since obviously there is a great deal of confusion.

When individuals go to buy soda or beer in this state, they pay a deposit. The deposit is collected and then goes into what is called "a float." If bottles are subsequently returned, then the money is used from that float. If bottles are not returned, the money stays in the float and comes in the hands of the distributors from which they draw interest when they put it in the bank. It is money that has been paid by the citizens of this state or anyone else who has bought in this state.

The Supreme Court of this state has ruled that that is state money if we want to reclaim it. The bill was put in last time which took 50 percent and the distributors took it to the Supreme Court and lost. This bill simply takes 40 percent more of that or the amendment does. I hope that is clear, it is not the distributors' money, it is actually money that has been paid by people who have paid on deposits so we should not confuse it, it is the money owed to the people of Maine.

The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House: I don't wish to prolong this but it seems to me that whether it is a tax or not it depends on your point of view and I will just add my two cents to it. I am not quite sure that I know the answer.

It seems to me that when we went through the process of enacting this deposit, there either was or was not some discussion or some negotiation concerning the amount of money that that distributor is ultimately going to receive for his efforts. I don't know whether as part of that discussion back whenever this was enacted somebody brought up the issue of who gets the money for the cans that are not returned, it is possible it seems to me that that was part of the negotiations that a distributor gets less money because people realized that they were going to be getting money from cans that are 't turned in It is also possible that nobody thought of that particular issue, I don't know. I guess the question I would have, which would help me make up my mind, is whether or not all of this was built in or discussed

or negotiated during the process of passing the legislation which established the bottle bill and I would like to pose that question through the Chair to anybody who might care to answer.

The SPEAKER: The Chair has a problem because the Chair was probably the only here in the room at the time when that was done. I am not sure if it is proper for me to respond to the question but if the Representative wants to pose the question to the Chair, the Chair would respond to the question.

Representative CARLETON: I would indeed.

The SPEAKER: First of all, a little history lesson perhaps. There was a bill introduced in the legislature to create a bottle bill, it was introduced by the present Governor of this state when he was a member of this House. It was defeated and was subsequently introduced by referendum and became law over the objections of the very people we are now talking about. In fact, negotiations were very limited, needless to say.

Some of my best friends and relatives are in the business, by the way.

The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: A little bit more history, I will go back two years before the good Representative from Portland, Herb Adams, put a bill in to collect this money.

Representative Look, myself, and former Representative Moholland put a bill in, we had discovered a study done a number of years before by a group of legislators who said that there was no escheat money there. We submitted the bill to collect what we thought was money there that was being kept by distributors, which I might point out they have been keeping for years and quietly putting into their pockets. At the hearing, Representative Look, former Representative Moholland and I sat there with about 30 lawyers, a lot of them from Boston and New York, I don't know who paid for them and how much it cost but it was a considerable amount of money sitting there and I felt a little overwhelmed to be honest with you, and they stated one after another, and it is a matter of record on the Business Legislation Committee, one after another said there wasn't one dime there, there was no money there. They assured them that there was no money there, none whatsoever, so we amended by the bill.

The Committee felt that we couldn't collect what wasn't there so we amended the bill and we made them report what was there. The end result was the money that we are talking now.

I would like to point out before I sit down that, if you are worried about putting their taxes up, then let's not do what some other states have done and gone retroactively after that money. That's another point we could be discussing on this.

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

Representative KERR: Mr. Speaker, Men and Women of the House: So much focus has been put on where the money is going, how it was generated. I would urge this body not to forget that the funds that are going to be restored go to the Community Mental Health Services.

I find it a little shocking probably, many of you find it shocking that I would introduce such an amendment. After going through this week and urging

people to support L.D. 283 I do and will continue to believe that there was a section of the budget that was left out. Again, there was a commitment made of \$900,000. For me not to offer this amendment to try to solve the problem, in good conscience I could not leave here and feel good.

Many of you did not support the budget for various reasons. I supported the budget, the committee worked very, very hard even though it was a Divided Report and I am urging those people, whether you did or did not support the budget, to support this amendment. This money is needed. We are not stealing money, we are not robbing money, it is money that belongs to Maine people and to this state. The funds are being put to good use and, again, there was a commitment made by members in the Administration to get people to vote for this budget. I feel obligated to offer this amendment and I would urge all of you to support this amendment.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I probably wouldn't have much of a problem voting for this amendment because I do believe where the funds are going is important. I do have a real hard time with something like this that doesn't have a public hearing, going in at ten thirty at night. Even if it was nine o'clock and I had the opportunity to call some of the effective bodies and explain to them what we were doing, I would feel a lot more comfortable with this, but at quarter of eleven, I just have a hard time, Even though the Speaker is related to the person I would be calling is of no consequence.

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

Representative KUTASI: Mr. Speaker, Men and Women of the House: Just real quick. I just want to give you a little different twist on this particular fund. I saw the result of this fund when it first went to court and it got the result — what happened was that the escheat or the float, which they call it, it could end up to be a distributor collecting more bottles and cans than what they have distributed out and that has happened where the states owes these people money instead of them paying the state money. That is why I think they put the 50 percent lien on it because of the fact that they needed a little bit of float to find out how much money they owed these.

I saw some numbers back when it was first enacted, the first six months, some distributors they owed money to because they collected more than they distributed out in beverages. So, that has happened before and if we take 90 percent of it, I haven't seen any numbers lately or whatever, maybe that isn't the fact, but when I saw those numbers about 15 months ago, it was that way.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I don't disagree with the need and I don't disagree with it coming from this source but I do think that, out of respect for the businesses that are concerned and the same reasons that Representative Donnelly just reiterated here, that I would like to ask someone in leadership perhaps to table this until tomorrow and let businesses let their feelings be known and let us

handle it then.

The SPEAKER: A roll call has been ordered. The pending question before the House adoption of House Amendment "B" (H-700) to Committee Amendment "A" (H-698). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 229

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hogle, Holt, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lord, Martin, H.; Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Rand, Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Skoglund, Stevens, K.; Sullivan, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Walker, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Barth, Bennett, Bruno, Campbell, Clukey, Farren, Foss, Gray, Greenlaw, Heino, Joy, Kutasi, Lemont, Lindahl, Lipman, Look, MacBride, Marsh, Marshall, Michael, Murphy, Nash, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Robichaud, Simoneau, Spear, Stevens, A.; Taylor, Thompson, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Bailey, H.; Bailey, R.; Birney, Carr, Chase, Coffman, Dexter, Donnelly, Dutremble, L.; Gamache, Hillock, Hussey, Jalbert, Kneeland, Libby Jack, Libby James, Melendy, Nadeau, Poulin, Reed, W.; Ricker, Saint Onge, Small, Strout, Swazey, Vigue, Winn.

Yes, 83; No, 41; Absent, 27; Paired, 0; Excused, 0.

83 having voted in the affirmative and 41 in the negative with 27 being absent, House Amendment "B" (H-700) to Committee Amendment "A" (H-698) was adopted.

Committee Amendment "A" (H-698) as amended by House Amendments "C" (H-703) and "B" (H-700) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-698) as amended by House Amendments "C" (H-703) and "B" (H-700) thereto and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 28 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-702) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for

Construction of Water Pollution Control Facilities" (H.P. 588) (L.D. 792)

Signed:

Senators: TITCOMB of Cumberland
PEARSON of Penobscot

Representatives: CARROLL of Gray
HICHBORN of Howland
RYDELL of Brunswick
MICHAUD of East Millinocket
KERR of Old Orchard Beach
POULIOT of Lewiston
CHONKO of Topsham

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: FOSTER of Hancock

Representatives: REED of Falmouth
MacBRIDE of Presque Isle
FOSS of Yarmouth

Reports were read.

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

Representative Foss of Yarmouth requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Chonko of Topsham that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 43 in the negative, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment (H-702) 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-702) and sent up for concurrence.

The following item appearing on Supplement No. 30 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Clarify Tax on Intangible Income" (EMERGENCY) (S.P. 540) (L.D. 1562) (Governor's Bill)

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 "B" (S-351).

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

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

Senate Amendment "B" (S-351) was read by the

Clerk and adopted.

Under further suspension of the rules, the Bill was read a second time.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I think it is only important that I tell you about two things that were involved in this. I love having Representative Simoneau calling this a good tax, I have waited all year to hear that, it certainly was delightful.

Seriously, it is a good tax. What this is is coming out of the Boulet case, we knew it was inappropriate to give people a 15 day window and to try to collect income tax on residence of Maine for retirement income from another state and so we had some time to look at that and process that. There was some concern about, is there something that we can do that would seem an appropriate thing to do? We talked a lot about exporting taxes, the State Tax Assessor came up with this recommendation. What it is simply this, if you are a non-resident of Maine or if you are a Maine resident and you move somewhere else and become a resident of another state, you have won the lottery, you won \$6 million, — if you move away, we can't income tax your lottery winnings from Maine now; if we change this, we can.

I am going to remind you that about six years ago somebody came to the Taxation Committee who had won \$6 million from the State of Maine in the lottery and he said, "Gee, I really hate income tax in Maine, I think I'm going to move to Florida." Now he won \$6 million, was a Maine resident and he said, "I think I'm going to move to Florida because I am sick of income tax." We said, "That's nice, so thank you very much." We can go haunt that man now. We can go and say it is a little greedy to win \$6 million in the Maine Lottery and then leave, we think we are going to income tax you.

Now, somebody asked me how we are going to get that money. It is very simple, when they send you their lottery winnings, they send you a check every month for 20 years, we are going to deduct it from the check. We don't have to chase people, we don't have to hire revenue agents, we are simply going to deduct it from the check. If you make an investment in a lottery ticket in Maine and you get income from that lottery ticket in Maine, you ought to pay income taxes in Maine. After all, unlike work, you didn't even earn that income, you just got lucky. I hope you can support this amendment.

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

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

To the Chair of the Committee or anyone who might answer it — the question that occurs regarding this is, if you are an out-of-state resident in one of the states which we do not have reciprocity with such as Massachusetts and you win the Maine State Lottery, will you be paying income tax on that lottery twice, both in Maine and in Massachusetts?

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

The Chair recognizes the Representative Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I will try and answer that question for you.

That's what has caused the problem. In the Boulet case, what has happened is you normally get a credit in Maine for any income taxes you pay to another state so you won't be taxed twice. Now the problem is that there has been sort of a gentleman's agreement over the years that a state would not tax intangible income earned by a non-resident. To my understanding, there are four states that do that, Massachusetts, California, New York and New Jersey. As a result of that, Maine informally changed its law and that caused this problem. Now what's happening is, we are saying, fine, if states are going to tax our residents on their lottery winnings and we have to give them a credit, then we will just take and tax non-residents who have Maine lottery winnings. Pure and simple. With the withholding, they would be forced to file a tax return in Maine, a non-resident tax return, and that would require and include a copy of the federal tax return so you know that all tax sources are being reported. Their credit problem would lie with the state that they live in.

Representative Dore is correct, I think we are going to see some of this happening, there are going to be some of our friends who are moving down to Florida for 181 days and a lot of them are retired from here and they leave and don't pay any income taxes. They are here for just less than half a year and some of you will recall there were several bills that were proposed this year to correct that situation of the people in and out. So, I think it is a good bill. I don't think it is discriminatory and I think it is enforceable.

Subsequently, L.D. 1562 was passed to be engrossed as amended by Senate Amendment "B" (S-531) in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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. 29 were taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices" (S.P. 225) (L.D. 696) on which the Committee of Conference Report was read and accepted in the House on June 30, 1993.

Came from the Senate with the Committee of Conference Report read and rejected and asked for a second Committee of Conference in non-concurrence.

On motion of Representative Bennett of Norway, the House voted to reject the Committee of Conference in concurrence.

On further motion of the same Representative, the House voted to join in the second Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

following members on the part of the House as Conferees:

Representative PINEAU of Jay
Representative CARON of Biddeford
Representative MARSH of West Gardiner

COMMUNICATIONS

The following Communication:

COMMITTEE ON TRANSPORTATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

June 30, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

(At Ease)

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 521 An Act to Make Supplemental
 Allocations from the
 Highway Fund for the Fiscal
 Years Ending June 30, 1994
 and June 30, 1995

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan S/William B. O'Gara
Senate Chair House Chair

Was read and ordered placed on file.

Reference is made to (S.P. 225) (L.D. 696) Bill "An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices"

In reference to the action of the House on June 30, 1993, whereby it Joined in a second Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative JACQUES of Waterville
Representative RAND of Portland
Representative MORRISON of Bangor

Reference is made to (H.P. 1003) (L.D. 1349) Resolve, Directing Release of Investigative Records Related to Ballot Tampering (EMERGENCY)

In reference to the action of the House on June 30, 1993, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the

(After Midnight) (12:05)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 33 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 216) (L.D. 284) (Governor's Bill) on which the Majority "Ought to Pass" as amended Report of the Committee on Appropriations and Financial Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-698) as amended by House Amendments "B" (H-700) and "C" (H-703) thereto in the House on June 30, 1993.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Appropriations and Financial Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-698) as amended by House Amendment "C" (H-703) thereto in non-concurrence.

On motion of Representative Carroll of Gray, the House voted to recede and concur.

The following items appearing on Supplement No. 31 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (H.P. 216) (L.D. 284) (Governor's Bill) (H. "C" H-703 to C. "A" H-698)

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 14 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.

32 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 542)

ORDERED, the House concurring, that Bill "An Act to Increase the County Share of the Real Estate Transfer Tax" H.P. 464, L.D. 601, and all its accompanying papers, be recalled from the Legislative Files to the Senate.

Came from the Senate, read and passed.

Was read.

A two-thirds vote being necessary, a total was taken. 81 having voted in favor of same and 18 against, the Joint Order was passed in concurrence.

PASSED TO BE ENACTED

An Act Establishing University of Maine System License Plates (H.P. 415) (L.D. 534) (S. "A" S-352 to C. "A" H-378)

Was 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.

On motion of Representative Chonko of Topsham, Recessed at 12:25 a.m. until one o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Resolve, Directing Release of Investigative Records Related to Ballot Tampering (EMERGENCY) (H.P. 1003) (L.D. 1349) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Representative PINEAU of Jay, Representative CARON of Biddeford, and Representative MARSH of West Gardiner - of the House.

Senator BUSTIN of Kennebec, Senator O'DEA of Penobscot, and Senator HANLEY of Oxford - of the Senate.

The Committee of Conference Report was read and accepted. Sent up for concurrence.

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

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 30, 1993

Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today rejected the Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill, An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices (S.P. 225) (L.D. 696) and asked for a second Committee of Conference.

The President appointed on the part of the Senate the following:

Senator HANLEY of Oxford
Senator CAREY of Kennebec
Senator BUTLAND of Cumberland

Sincerely,

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

Was read and ordered placed on file.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,922,575 to Improve National Guard Armories" (S.P. 541) (L.D. 1564) (Governor's Bill)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Under suspension of the rules, without reference to a committee, the bill was read twice and passed to be engrossed 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. 3 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative LEMKE of Westbrook, the following Joint Resolution: (H.P. 1168) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, ALIBERTI of Lewiston, ANDERSON of Woodland, BARTH of Bethel, BENNETT of Norway, BOWERS of Washington, BRUNO of Raymond, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CARON of Biddeford, CARR of Sanford, CARROLL of Gray, CASHMAN of Old Town, CATHCART of Orono, CHONKO of Topsham, CLARK of Millinocket, CLEMENT of Clinton, CLUKEY of Houlton, COLES of Harpswell, CONSTANTINE of Bar Harbor, COTE of Auburn, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DEXTER of Kingfield, DONNELLY of Presque Isle, DRISCOLL of Calais, DUTREMBLE of Biddeford, ERWIN of Rumford, FAIRCLOTH of Bangor, FARNUM of South Berwick, FARREN of Cherryfield, FITZPATRICK of Durham, GAMACHE of Lewiston, GEAN of Alfred, GOULD of Greenville, GRAY of Sedgwick, GREENLAW of Standish, GWADOSKY of Fairfield, HALE of Sanford, HATCH of Skowhegan, HEESCHEN of Wilton, HEINO of Boothbay, HICHBORN of Howland, HILLOCK of Gorham, HOGLUND of Portland, HOLT of Bath, JACQUES of Waterville, JALBERT of Lisbon, JOHNSON of South Portland, JOSEPH of Waterville, KILKELLY of Wiscasset, KNEELAND of Easton, KONTOS of Windham, KUTASI of Bridgton, LARRIVEE of Gorham, LIBBY of Kennebunk, LINDAHL of Northport, LOOK of Jonesboro, LORD of Waterboro, MacBRIDE of Presque Isle, MARSH of West Gardiner, MARSHALL of Eliot, MARTIN of Van Buren, MARTIN of Eagle Lake, MELENDY of Rockland, MICHAUD of East Millinocket, MITCHELL of Vassalboro, MITCHELL of Freeport, MORRISON of Bangor, MURPHY of Berwick, NASH of Camden, NICKERSON of Turner, NORTON of Winthrop, O'GARA of Westbrook, PARADIS of Augusta, PENDLETON of Scarborough, PFEIFFER of Brunswick, PINEAU of Jay, PLOURDE of Biddeford, PLOWMAN of Hampden, POULIOT of Lewiston, RAND of Portland, REED of Falmouth, REED of Dexter, RICKER of Lewiston, ROBTCHAUD of Caribou, ROWE of Portland, RYDELL of Brunswick, SAXL of Bangor, SIMONDS of Cape Elizabeth, SIMONEAU of Thomaston, SKOGLUND of St. George, SPEAR of Nobleboro, STEVENS of Orono, STEVENS of Sabattus, SULLIVAN of Bangor, SWAZEY of Bucksport, TARDY of Palmyra, TAYLOR of Cumberland, TOWNSEND of Portland, TOWNSEND of Eastport, TOWNSEND of Canaan, TRACY of Rome, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow, WALKER of Blue Hill, WENTWORTH of Arundel, YOUNG of Limestone, Senators: BALDACCI of Penobscot, BERUBE of Androscoggin, BUTLAND of Cumberland, CARPENTER of York, DUTREMBLE of York, ESTY of Cumberland, HALL of Piscataquis, HARRIMAN of Cumberland, LUTHER of Oxford, PARADIS of Aroostook, VOSE of Washington)

JOINT RESOLUTION RECOGNIZING JOSHUA L. CHAMBERLAIN AND THE 20TH MAINE VOLUNTEER REGIMENT ON THE OCCASION OF THE 130TH ANNIVERSARY OF THE BATTLE OF GETTYSBURG

WHEREAS, the State of Maine contributed 73,000 soldiers and sailors to the defense of the Union during the Civil War; and

WHEREAS, July 1st to July 3rd is the 130th anniversary of the pivotal engagement of that

horrible conflict, the Battle of Gettysburg; and

WHEREAS, on July 2nd, the 2nd day of that battle, the 20th Maine Volunteer Regiment under the command of Colonel Joshua L. Chamberlain held its position on the extreme left of the Army of the Potomac on a rocky hill called Little Round Top with great heroism, sacrifice and resourcefulness against repeated Confederate assault, thereby preventing an enemy flanking of the Union line and contributing greatly to the eventual Union victory at Gettysburg; and

WHEREAS, the courage and achievement of the 20th Maine Volunteer Regiment is one shining example of the contributions of Maine regiments at Gettysburg and at other battles of the Civil War, citizen soldiers from farms and villages across Maine whose names are now largely forgotten but whose deeds will live forever in the annals of the free nation they fought to preserve; and

WHEREAS, Colonel Joshua L. Chamberlain, born in Brewer, Maine in 1828; scholar at Bowdoin College; soldier, wounded 6 times, cited 4 times for heroism and awarded the Congressional Medal of Honor for his actions at Little Round Top; promoted to Brigadier General in the field at Petersburg by General Ulysses S. Grant and promoted to Major General after Five Forks; Union officer who received the surrender of the defeated Army of Northern Virginia at Appomattox and led the last Grand Review in Washington, D.C.; Governor of Maine, who was elected 4 times by unprecedented popular margins and who served with vision, independence and character; who advocated academic innovation as President of Bowdoin College; Major General of the State Militia who defended the public peace without use of force during the 1880 state electoral crisis known as The 12 Days; speaker on Maine: Her Place in History at the 1876 Philadelphia Centennial Exposition; representative of Maine and the United States at national and international expositions; commissioner to the 1878 Universal Exposition in Paris; and author of the memoir The Passing of the Armies, published after his death in 1914, was during his 85 years a man of courage as he had been on the bloody slopes of Little Round Top; and

WHEREAS, Joshua L. Chamberlain and the 20th Maine Volunteer Regiment contributed significantly to their State and their nation; now, therefore, be it

RESOLVED: That We, the members of the One Hundred and Sixteenth Legislature now assembled in the First Regular Session, salute the memory of Joshua L. Chamberlain and the 20th Maine Volunteer Regiment on the 130th anniversary of the Battle of Gettysburg; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to schools and libraries throughout the State of Maine.

Was read and adopted and sent up for concurrence.

The following items appearing on Supplement No. 1

were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,150,000 for Construction of Water Pollution Control Facilities (H.P. 588) (L.D. 792) (C. "A" H-702)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 62 voted in favor of same and 21 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund bond Issue in the Amount of \$5,000,000 for Landfill Closure and Remediation (H.P. 908) (L.D. 1223) (C. "A" H-701)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 70 voted in favor of same and 21 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks (H.P. 176) (L.D. 228) (Com. of Conf. "A" H-679 to C. "A" H-92)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 96 voted in favor of same and 1 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify Tax on Intangible Income (S.P. 540) (L.D. 1562) (Governor's Bill) (S. "B" S-351)

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 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation (H.P. 250) (L.D. 329) (C. "A" H-389)

An Act to Centralize Further the Permitting Process for Retail Businesses and to Allow Some Municipalities to Act as Central Permitting Agents (H.P. 399) (L.D. 512) (H. "A" H-408, H. "C" H-676 to C. "A" H-367)

An Act Establishing the Maine Community Reinvestment Program (H.P. 590) (L.D. 794) (Com. of Conf. "A" H-687)

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 Set Voluntary Limits for Campaign Spending (H.P. 1149) (L.D. 1549) (S. "E" S-332; H. "A" H-666 to S. "D" S-329)

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.

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: House Divided Report - Committee on Taxation - (8) Members "Ought to Pass" as amended by Committee Amendment "A" (H-697) - (4) Members "Ought Not to Pass" on Bill "An Act to Authorize an Optional Regional Sales Tax" (H.P. 954) (L.D. 1283) which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought to Pass" Report.

On motion of Representative Dore of Auburn, L.D. 1283 and all accompanying papers were indefinitely postponed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

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

Bill "An Act to Provide Property Tax Relief for Maine Citizens" (H.P. 1172) (L.D. 1565) (Presented by Representative HOGLUND of Portland) (Cosponsored by Representatives: AHEARNE of Madawaska, ALIBERTI of Lewiston, BRENNAN of Portland, CASHMAN of Old Town, CATHCART of Orono, CHONKO of Topsham, CLARK of Millinocket, CLEMENT of Clinton, CLOUTIER of South Portland, CROSS of Dover-Foxcroft, DEXTER of Kingfield, FARNSWORTH of Hallowell, FITZPATRICK of Durham, GAMACHE of Lewiston, GEAN of Alfred, HICHBORN of Howland, JOHNSON of South Portland, KILKELLY of Wiscasset, KONTOS of Windham, LARRIVEE of Gorham, LORD of Waterboro, MARSH of West Gardiner, MARTIN of Eagle Lake, MITCHELL of Vassalboro, MITCHELL of Freeport, MORRISON of Bangor, MURPHY of Berwick, PINEAU of Jay, POULIOT of Lewiston, RAND of Portland, RICHARDSON of Portland, RICKER of Lewiston, ROWE of Portland, SAXL of Bangor, SULLIVAN of Bangor, TARDY of Palmyra, TOWNSEND of Portland, TRUE of Fryeburg, WALKER of Blue Hill) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Taxation was suggested)

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

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

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation (H.P. 250) (L.D. 329) which was Passed to be Enacted in the House on July 1, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-389)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

On motion of Representative Carroll of Gray, the House voted to Insist.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 543)

ORDERED, the House concurring, that Bill "An Act to Impose Term Limitations on Legislators, Constitutional Officers and the State Auditor" I.B. 1, L.D. 751, and all its accompanying papers, be recalled from the Legislative Files to the Senate.

Came from the Senate, read and passed.

Was read.

On motion of Representative Gwadosky tabled pending passage and later today assigned.

**Recalled from Legislative Files
pursuant to Joint Order S.P. 542**

Non-Concurrent Matter

Bill "An Act to Increase the County Share of the Real Estate Transfer Tax" (H.P. 464) (L.D. 601)

- In House, Placed in the Legislative Files Pursuant to Joint Rule 15 on May 28, 1993.

- In Senate, Placed in the Legislative Files Pursuant to Joint Rule 15 on May 28, 1993.

- Recalled from the Legislative Files pursuant to Joint Order S.P. 542.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Taxation in non-concurrence.

Subsequently, the Bill and all accompanying papers were recommitted to the Committee on Taxation in concurrence.

The Chair laid before the House the following matter: An Act to Set Voluntary Limits for Campaign Spending (H.P. 1149) (L.D. 1549) (S. "E" S-332; H. "A" H-666 to S. "D" S-329) which was tabled earlier in the day and later today assigned pending passage.

On motion of Representative Daggett of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1549 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-706) and moved its adoption.

House Amendment "B" (H-706) 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: For the information of the members of the House, this amendment removes the fiscal note on the voluntary caps on campaign spending. Currently, there is not a huge budget for the Ethics and Elections Commission to be monitoring campaign spending and it is the intent that this bill would not require anymore monitoring than currently takes place.

Subsequently, House Amendment "B" (H-706) was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "E" (S-332) & House Amendment "B" (H-706) & Senate Amendment "D" (S-329) as amended by House Amendment "A" (H-666) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Implement the Recommendations of the Special Commission on Electoral Practices (S.P. 478) (L.D. 1477) (Com. of Conf. "A" S-343) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 1477 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee of Conference Amendment "A" (S-343) was adopted.

On further motion of the same Representative, Committee of Conference Amendment "A" (S-343) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-707) and moved its adoption.

House Amendment "A" (H-707) was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as you know, is L.D. 1477, which is the recommendations of Secretary of State Diamond's Commission on Electoral Reform. This bill was a result of a Committee of Conference and there have been several changes made to this from its inception.

Recently, upon enactment, we were contacted by individuals who were concerned about two provisions which they thought would make this bill essentially unconstitutional and we have an opinion from the Attorney General which in fact indicated that there were two provisions of the bill that needed to be adjusted and this amendment now to the Committee of Conference Report Amendment which was unanimous is to address those two provisions. The first deals with an unconstitutional provision in the original bill that would have allowed the Chief Justice of the Maine Supreme Court the authority to determine recounts and election proceedings of House and Senate members.

As you may have remembered in the original bill, 1477, there was reference to recounts and the appeals going to the Supreme Judicial Court. There was also a separate bill, L.D. 1474, which was an amendment to the Constitution because you have to in fact amend the Constitution to make that change. That bill was defeated and the reference now to the Supreme Court had to be struck from this provision.

There is also, in one of the penalty provisions dealing with ballot tampering, a provision that would have allowed the opportunity to remove somebody's ability to vote for a period of up to three years. That was also found to be an unconstitutional provision. That has also been taken out of this bill by this amendment.

The original bill had many provisions, some which were controversial, some which were not. I will say for those of you who may have lost track that the Committee of Conference Report which, once again, was

agreed to unanimously deleted all changes dealing with municipal registrars, deputy registrars and election clerks. Anything dealing with those areas has been changed and taken out of the original bill.

There was also a prohibition in the original bill regarding candidates being at the polls, that has been taken out of the bill so we remain the status quo as to the existing law. There were many changes to absentee voting, limits on the number you can have and the time period. We adopted Representative Cashman's amendment to eliminate those provisions and go back to the status quo with absentees. There were also some changes in the areas of residency requirements.

We did have some concerns expressed by Representative Larrivee in terms of the type of fines as to whether they were consistent with criminal law that were established in this. Representative Larrivee was kind enough to address her concerns specifically to the Criminal Law Advisory Commission which was chaired by former State Senator Paul Gauvreau which met last week and they made some recommendations to us and did frankly have some concerns about some of the inconsistent provisions in terms of the grades of the penalties that do currently exist in this particular bill.

The feeling of the conference committee has been that because of the fact that there are no elections going on this Fall that we would like to have the opportunity to have the Judiciary Committee review these provisions and we will be advancing legislation to have the Judicial Committee review all these provision prior to the next General Election next year. Beyond that, we think it is a good bill, we think it is an important bill. Many people have worked on this. The Legal Affairs Committee has spent an incredible amount of time on it as well and I hope you adopt the amendment.

Subsequently, House Amendment "A" (H-707) was adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-707) 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.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Continue the Franklin County Budget Committee (H.P. 244) (L.D. 323) which was Passed to be Enacted in the House on March 25, 1993. (Having

previously been passed to be Engrossed as amended by Committee Amendment "A" (H-47)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-354) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine (S.P. 120) (L.D. 358) which was Passed to be Enacted in the House on May 20, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-122) and Senate Amendment "A" (S-142)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-122) as amended by Senate Amendment "A" (S-355) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 19 were taken up out of order by unanimous consent.

SENATE PAPERS

Non-Concurrent Matter

Resolve, Creating the Kennebec County Law Enforcement Examination Commission (EMERGENCY) (H.P. 365) (L.D. 468) which was Finally Passed in the House on April 15, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-68)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-68) as amended by Senate Amendment "A" (S-356) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Regarding Missing Children (EMERGENCY) (H.P. 425) (L.D. 544) which was Passed to be Enacted in the House on May 25, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-262) as amended by Senate Amendment "A" (S-167) thereto.)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-262) as amended by Senate Amendment "B" (S-357) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 20 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Clarify Maine Election Laws (S.P. 268) (L.D. 805) which was Passed to be Enacted in the House on June 2, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-207))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-207) as amended by Senate Amendment "A" (S-358) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Related to the State Valuation of the Town of Mexico (EMERGENCY) (S.P. 432) (L.D. 1342) which was Passed to be Enacted in the House on June 8, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-272))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-272) as amended by Senate Amendment "A" (S-359) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 22 was taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System (H.P. 680) (L.D. 922) which was Passed to be Enacted in the House on May 26, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-369))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-369) as amended by Senate Amendment "A" (S-362) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Require Immediate Income Withholding for All Child Support Orders (H.P. 1098) (L.D. 1485) (Governor's Bill) which was Passed to be Enacted in the House on June 7, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-531))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-531) as amended by Senate Amendment "A" (S-363) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 23 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities (EMERGENCY) (H.P. 976) (L.D. 1307) which was Passed to be Enacted in the House on May 24, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-285))

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-364) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Ensure Prompt and Equitable Payment for Construction Services (S.P. 457) (L.D. 1424) which was Passed to be Enacted in the House on June 2, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-253))

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-365) in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 24 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the Child Labor Laws (EMERGENCY) (H.P. 822) (L.D. 1108) which was Passed to be Enacted in the House on June 2, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-484))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-484) as amended by Senate Amendment "A" (S-366) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish a Development Authority for Loring Air Force Base (EMERGENCY) (MANDATE) (H.P. 1137) (L.D. 1537) (Governor's Bill) which was Passed to be Enacted in the House on June 7, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-579)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-579) as amended by Senate Amendment "A" (S-367) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 25 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the Laws Regarding Health Insurance and Health Care Services (S.P. 525) (L.D. 1548) which was Passed to be Enacted in the House on June 7, 1993.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-368) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Provide Consistency in the Animal Welfare Laws (S.P. 345) (L.D. 1040) which was Passed to be Enacted in the House on June 8, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-256) as amended by Senate Amendment "A" (S-309) thereto.)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-256) as amended by Senate Amendment "B" (S-369) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 26 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act Regarding Law Court Staffing (H.P. 699) (L.D. 951) which was Passed to be Enacted in the House on May 18, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-240)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-240) as amended by Senate Amendment "A" (S-370) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 27 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (EMERGENCY) (H.P. 572) (L.D. 777) which was Finally Passed in the House on June 2, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-301) as amended by House Amendment "A" (H-477) thereto and House Amendment "A" (H-328)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-301) as amended by Senate Amendment "A" (S-372) thereto and House Amendment "A" (H-328) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend and Improve the Laws Related to Education (S.P. 405) (L.D. 1263) which was Passed to be Enacted in the House on June 4, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-262)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-262) as amended by Senate Amendment "A" (S-373) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 28 was taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend Statutory Provisions Regarding Risk Management Funds (H.P. 1086) (L.D. 1465) (Governor's Bill) which was Passed to be Enacted in the House on June 7, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-553)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-553) as amended by Senate Amendment "A" (S-374) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 30 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Create the Maine Job Growth Fund (S.P. 357) (L.D. 1071) which was Passed to be Enacted in the House on June 2, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-246)

Came from the Senate, the Bill and accompanying papers recommitted to the Committee on **Housing and Economic Development** in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate (S.P. 417) (L.D. 1326) which was Passed to be Enacted in the House on May 26, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-173)

Came from the Senate, the Bill and accompanying papers recommitted to the Committee on **Utilities** in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish a Capital Access Program (S.P. 469) (L.D. 1461) which was Passed to be Enacted in the House on June 2, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-245)

Came from the Senate, the Bill and accompanying papers recommitted to the Committee on **Housing and Economic Development** in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 31 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Establish a Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals (EMERGENCY) (H.P. 513) (L.D. 671) which was Finally Passed in the House on May 27, 1993. (Having

previously been passed to be Engrossed as amended by Committee Amendment "A" (H-355)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-355) as amended by Senate Amendment "A" (S-376) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Reenact the Laws Governing Equitable Insurance Coverage for Mental Illness (H.P. 138) (L.D. 183) which was Passed to be Enacted in the House on June 29, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-582) as amended by House Amendment "A" (H-660) thereto and Senate Amendment "A" (S-302).

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "E" (S-377) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Promote State Savings through the Efficient Utilization of Funds (H.P. 1018) (L.D. 1364) which was Passed to be Enacted in the House on May 26, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-372)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-372) as amended by Senate Amendment "A" (S-378) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 46 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Establish a Mechanism for Ensuring Adequate Preservation and Maintenance of the State House (H.P. 779) (L.D. 1052) which was Passed to be Enacted in the House on May 20, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-258)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-258) as amended by Senate Amendment "A" (S-379) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Update and Clarify Certain Provisions of Fish and Wildlife Laws (S.P. 243) (L.D. 736) which was Passed to be Enacted in the House on June 1, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-239)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-239) as amended by Senate Amendment "A" (S-380) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 47 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds for Assistance to Maine Businesses (BOND ISSUE) (H.P. 1148) (L.D. 1547) which was Passed to be Enacted in the House on June 8, 1993.

Came from the Senate, the Bill and accompanying papers recommitted to the Committee on **Housing and Economic Development** in non-concurrence.

The House voted to recede and concur.

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. 5 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Expand the Membership of the National Conference of Commissioners on Uniform State Laws (H.P. 74) (L.D. 104) which was Passed to be Enacted in the House on March 10, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-26)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund

(H.P. 97) (L.D. 139) which was Passed to be Enacted in the House on May 17, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-114) as amended by House Amendment "A" (H-145) thereto.)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Retain the Federal Demonstration Grant Funding the Maine Health Program (H.P. 141) (L.D. 186) which was Passed to be Enacted in the House on April 26, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-124)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Ensure Appropriate Community-based Treatment of Nonviolent Juvenile Offenders (H.P. 146) (L.D. 191) which was Passed to be Enacted in the House on May 26, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-346)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Require the State to Pay for Mediation Sessions (S.P. 107) (L.D. 310) which was Passed to be Enacted in the House on March 25, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-39)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the Laws Governing the Conversion of Fuel Systems (H.P. 284) (L.D. 371) which was Passed to be Enacted in the House on June 4, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-348) as amended by Senate Amendment "A" (S-263) thereto.)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Promote Maximum Independence of Older People (EMERGENCY) (H.P. 330) (L.D. 418) which was Passed to be Enacted in the House on June 7, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-559))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Establishing an Indigent Defense Reimbursement Fund (S.P. 174) (L.D. 588) which was Passed to be Enacted in the House on June 7, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-214) as amended by House Amendment "A" (H-518) thereto.)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend Maine's Unclaimed Property Act (S.P. 185) (L.D. 621) which was Passed to be Enacted in the House on May 27, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-132) as amended by House Amendment "A" (H-405) thereto.)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Ensure Small Boarding Homes Sufficient Funds to Remain Economically Viable (S.P. 238) (L.D. 731) which was Passed to be Enacted in the House on June 1, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-221))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act Regarding Certification Fees for Adult Education Teachers (H.P. 619) (L.D. 843) which was Passed to be Enacted in the House on May 3, 1993. (Having previously been passed to be Engrossed as amended by House Amendment "A" (H-170))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend State Tax Increment Financing (H.P. 718) (L.D. 969) which was Passed to be Enacted in the House on June 7, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-570))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act Establishing Weapons License Reciprocity (S.P. 388) (L.D. 1183) which was Passed to be Enacted in the House on June 1, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-209))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Promote Long-term Economic Growth (H.P. 1088) (L.D. 1467) which was Passed to be Enacted in the House on June 2, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-494)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse (H.P. 1099) (L.D. 1486) which was Passed to be Enacted in the House on June 9, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-563) as amended by House Amendment "A" (H-631) and Senate Amendments "B" (S-316) and "D" (S-324) thereto.)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, to Authorize Bonding by the Maine Court Facilities Authority (S.P. 493) (L.D. 1504) which was Finally Passed in the House on June 7, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-251)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Implement Certain Recommendations of the Economic Growth Council (EMERGENCY) (S.P. 530) (L.D. 1556) which was Passed to be Enacted in the House on June 9, 1993.

Came from the Senate, the Bill and accompanying

papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

By unanimous consent, all matters having been acted upon requiring Senate concurrence, with the exception of one matter held, were ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Clarify Mandatory Waiver Authority Concerning Construction Requirements (S.P. 292) (L.D. 862) which was Passed to be Enacted in the House on June 1, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-217)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-217) as amended by Senate Amendment "A" (S-361) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 49 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Provide Property Tax Adjustments Necessary for the Town of Portage Lake (EMERGENCY) (H.P. 972) (L.D. 1303) which was Passed to be Enacted in the House on June 7, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-569)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-383) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 51 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Provide Property Tax Adjustments Necessary for the Town of Portage Lake, also Known as Portage (H.P. 972) (L.D. 1303) (S. "B" S-383)

Was 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. 33 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Mandate

An Act to Continue the Franklin County Budget Committee (H.P. 244) (L.D. 323) (S. "A" S-354)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of 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

An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine (S.P. 120) (L.D. 358) (S. "A" S-355 to C. "A" S-122)

Was 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 item appearing on Supplement No. 34 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Mandate

An Act Regarding Missing Children (H.P. 425) (L.D. 544) (S. "B" S-357 to C. "A" H-262)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of same and 1 against, and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Mandate

Resolve, Creating the Kennebec County Law Enforcement Examination Commission (H.P. 365) (L.D. 468) (S. "A" S-356 to C. "A" H-68)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of

all the members elected to the House being necessary, a total was taken. 101 voted in favor of same and 4 against, and accordingly the bill was finally passed, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 35 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Mandate

An Act Related to the State Valuation of the Town of Mexico (S.P. 432) (L.D. 1342) (S. "A" S-359 to C. "A" S-272)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of same and 14 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Mandate

An Act to Clarify Maine Election Laws (S.P. 268) (L.D. 805) (S. "A" S-358 to C. "A" S-207)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and 2 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 36 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,150,000 for Construction of Water Pollution Control Facilities (H.P. 588) (L.D. 792) (S. "A" S-360 to C. "A" H-702)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 82 voted in favor of same and 30 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify Mandatory Waiver Authority Concerning Construction Requirements (S.P. 292) (L.D. 862) (S. "A" S-361 to C. "A" S-217)

Was 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. 37 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Mandate

An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System (H.P. 680) (L.D. 922) (S. "A" S-362 to C. "A" H-369)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of same and 7 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Require Immediate Income Withholding for All Child Support Orders (H.P. 1098) (L.D. 1485) (Governor's Bill) (S. "A" S-363 to C. "A" H-531)

Was 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. 38 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Mandate

An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities (H.P. 976) (L.D. 1307) (S. "A" S-364)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and 3 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Mandate

An Act to Ensure Prompt and Equitable Payment for Construction Services (S.P. 457) (L.D. 1424) (S. "A" S-365)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and 7 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 39 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Mandate

An Act to Amend the Child Labor Laws (H.P. 822) (L.D. 1108) (S. "A" S-366 to C. "A" H-484)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and 2 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Mandate

An Act to Establish a Development Authority for Loring Air Force Base (H.P. 1137) (L.D. 1537) (Governor's Bill) (S. "A" S-367 to C. "A" H-579)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and 3 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 40 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Mandate

An Act to Provide Consistency in the Animal Welfare Laws (S.P. 345) (L.D. 1040) (S. "B" S-369 to C. "A" S-256)

Was reported by the Committee on **Engrossed**

Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of same and 10 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Laws Regarding Health Insurance and Health Care Services (S.P. 525) (L.D. 1548) (S. "A" S-368)

Was 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 item appearing on Supplement No. 41 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Regarding Law Court Staffing (H.P. 699) (L.D. 951) (S. "A" S-370 to C. "A" S-240)

Was 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. 42 were taken up out of order by unanimous consent:

ENACTOR

Emergency Measure

(Failed of Final Passage)

Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (H.P. 572) (L.D. 777) (S."A" S-372 to C. "A" H-301 and H. "A" H-328)

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

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

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

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

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

Representative **COLES**: Mr. Speaker, Men and Women of the House: This is a bill which would simply study the various possible ways of implementing market solutions in the area of environmental

regulations to Command and Control, which is our major technique we use now. The Chamber of Commerce and the business community strongly support this and I would hope that you would as well.

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

ROLL CALL NO. 230

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Campbell, Carleton, Carroll, Cashman, Cathcart, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Daggett, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hogle, Holt, Johnson, Joseph, Joy, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lemke, Lipman, Marshall, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Rand, Richardson, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Skoglund, Stevens, A.; Stevens, K.; Sullivan, Tardy, Thompson, Townsend, E.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Young, Zirkilton, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Barth, Bennett, Cameron, Carr, Cross, Donnelly, Farren, Foss, Greenlaw, Heino, Hussey, Lemont, Lindahl, Look, Lord, MacBride, Marsh, Pendexter, Plowman, Reed, G.; Simoneau, Small, Spear, Strout, Taylor, Whitcomb.

ABSENT - Bailey, H.; Birney, Bruno, Caron, Chase, Chonko, Dexter, DiPietro, Dutremble, L.; Gamache, Hillock, Jacques, Jalbert, Kerr, Kneeland, Libby Jack, Libby James, Nadeau, Nash, Nickerson, Poulin, Pouliot, Reed, W.; Ricker, Saint Onge, Swazey, Townsend, G.; True, Tufts, Winn.

Yes, 91; No, 30; Absent, 30; Paired, 0; Excused, 0.

91 having voted in the affirmative and 30 in the negative with 30 being absent, L.D. 777 failed of final passage. Sent up for concurrence.

PASSED TO BE ENACTED

Mandate

An Act to Amend and Improve the Laws Related to Education (S.P. 405) (L.D. 1263) (S. "A" S-373 to C. "A" S-262)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and 5 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 43 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

Resolve, to Establish a Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals (H.P. 513) (L.D. 671) (S. "A" S-376 to C. "A" H-355)

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 20 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Reenact the Laws Governing Equitable Insurance Coverage for Mental Illness (H.P. 138) (L.D. 183) (S. "E" S-377)

An Act to Promote State Savings through the Efficient Utilization of Funds (H.P. 1018) (L.D. 1364) (S. "A" S-378 to C. "A" H-372))

An Act to Amend Statutory Provisions Regarding Risk Management Funds (H.P. 1086) (L.D. 1465) (Governor's Bill) (S. "A" S-374 to C. "A" H-553)

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 item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Clarify Tax on Intangible Income (EMERGENCY) (S.P. 540) (L.D. 1562) (S. "B" S-351) (Governor's Bill) which was Passed to be Enacted in the House on July 1, 1993.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-351) as amended by Senate Amendment "A" (S-375) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 48 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Strengthen the Public Disclosure of Lobbying Activities (H.P. 1038) (L.D. 1390) which was Passed to be Enacted in the House on June 23, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-528) as amended

by House Amendment "A" (H-593), Senate Amendment "A" (S-317) and House Amendment "B" (H-668) thereto.)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-528) as amended by House Amendments "A" (H-593) and "B" (H-668) and Senate Amendments "A" (S-317) and "C" (S-384) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 45 was taken up out of order by unanimous consent:

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Robert E. Baldacci, of Bangor, successful restaurateur, outstanding community leader and devoted member of the Democratic Party who will long be remembered for his devotion to family and commitment to public service; (HLS 609) by Representative SAXL of Bangor. (Cosponsors: Representative MORRISON of Bangor, Representative FAIRCLOTH of Bangor, Representative SULLIVAN of Bangor, Representative WINN of Glenburn, President DUTREMBLE of York)

There being no objections, the item was adopted and sent up for concurrence.

On motion of Representative Lord of Waterboro, the House reconsidered its action on Resolve to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (H.P. 572) (L.D. 777) (S."A" S-372 to C. "A" H-301 and H. "A" H-328) failed of passage to be enacted.

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 17 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

The following items appearing on Supplement No. 50 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Collect Baseline Data to Facilitate Health Care Reform (EMERGENCY) (S.P. 535) (L.D. 1561)

which was Passed to be Enacted in the House on June 30, 1993. (Having previously been passed to be Engrossed as amended by House Amendment "B" (H-672)

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

On motion of Representative Pineau of Jay, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Resolve, to Extend the Commission to Study the Feasibility of a Capital Cultural Center and to Establish an Advisory Committee to the Commission (EMERGENCY) (H.P. 827) (L.D. 1113) which was Finally Passed in the House on May 17, 1993.

Came from the Senate failing of final passage in non-concurrence.

The House voted to Insist.

Non-Concurrent Matter

An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State (H.P. 1036) (L.D. 1388) which was Passed to be Enacted in the House on June 7, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-545)

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

The House voted to Insist.

The following item appearing on Supplement No. 44 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Provide Funds for Community Mental Health Services" (EMERGENCY) (H.P. 1174) (L.D. 1566) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative KERR of Old Orchard Beach, President DUTREMBLE of York and Representatives: ADAMS of Portland, AHEARNE of Madawaska, BEAM of Lewiston, BOWERS of Washington, BRENNAN of Portland, CARROLL of Gray, CASHMAN of Old Town, CATHCART of Orono, CLARK of Millinocket, CLEMENT of Clinton, COLES of Harpswell, CONSTANTINE of Bar Harbor, DAGGETT of Augusta, DORE of Auburn, DRISCOLL of Calais, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, FITZPATRICK of Durham, GEAN of Alfred, HICHBORN of Howland, HOGLUND of Portland, JOHNSON of South Portland, JOSEPH of Waterville, KETTERER of Madison, LARRIVEE of Gorham, MICHAUD of East Millinocket, MITCHELL of Vassalboro, PINEAU of Jay, PINETTE of Fort Kent, POULIOT of Lewiston, RAND of Portland, RICHARDSON of Portland, ROWE of Portland, RYDELL of Brunswick, SIMONDS of Cape Elizabeth,

SULLIVAN of Bangor, TARDY of Palmyra, TOWNSEND of Portland, TOWNSEND of Canaan, TRACY of Rome, TREAT of Gardiner, WALKER of Blue Hill, WENTWORTH of Arundel, Senators: BALDACCI of Penobscot, ESTY of Cumberland, McCORMICK of Kennebec, O'DEA of Penobscot) (Governor's Bill)

(The Committee on Appropriations and Financial Affairs was suggested)

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

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

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Provide Property Tax Relief for Maine Citizens (H.P. 1172) (L.D. 1565)

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

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

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

I was just wondering what the funding mechanism was for this particular L.D.?

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

The Chair recognizes the Representative from Portland, Representative Hoglund.

Representative HOGLUND: Mr. Speaker, Men and Women of the House: We are going to pay for this with 25 revenue agents which will have jobs for two years and the jobs will be terminated at the end of the year, it is in the bill that way. It will be a two cent tax on cigarettes which will bring in \$4.1 million and two percent on the car rental.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: This will be very brief. When I came over here, I hoped to be able to do some little things to help out and I think I have. If you look on Page four of this bill with the fiscal note — when I first arrived here, the State Tax Assessor was describing these super agents that he had of everyone you gave him, it would produce \$500,000. I said loud and clear several times, "That is a bunch of balogna." Suddenly it dropped down to — these agents would produce \$400,000 for every one you hired. I continued to say, "That is a lot of balogna." We have gotten him down to \$150,000. I don't know what that is but it is funding this bill.

Representative Kutasi of Bridgton 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 Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I would just like to encourage you to support this bill. There are 453 people in my town who applied for this, the average income of those people is \$19,000 and the average refund is \$393. For people in that bracket, that meant a lot. It is an important thing and it is very important to my area of the state. I would ask for your support.

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

ROLL CALL NO. 231

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Cameron, Carroll, Cashman, Cathcart, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Johnson, Joseph, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Lord, Marsh, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Rand, Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Skoglund, Spear, Stevens, K.; Sullivan, Tardy, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Bennett, Campbell, Carleton, Carr, Clukey, Donnelly, Farren, Foss, Gray, Greenlaw, Heino, Hussey, Joy, Kutasi, Lindahl, Lipman, Look, MacBride, Marshall, Martin, H.; Michael, Norton, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Robichaud, Simoneau, Small, Stevens, A.; Strout, Taylor, Thompson, Vigue, Whitcomb, Young, Zirkilton.

ABSENT - Bailey, H.; Barth, Birney, Bruno, Caron, Chase, Chonko, Dexter, DiPietro, Dutremble, L.; Gamache, Hillock, Jacques, Jalbert, Kerr, Kneeland, Libby Jack, Libby James, Nadeau, Nash, Nickerson, Poulin, Pouliot, Reed, W.; Ricker, Saint Onge, Swazey, Townsend, G.; True, Tufts, Winn.

Yes, 78; No, 42; Absent, 31; Paired, 0; Excused, 0.

78 having voted in the affirmative and 42 in the negative with 31 being absent, L.D. 1565 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 56 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,150,000 for Construction of Water Pollution Control Facilities (BOND ISSUE) (H.P. 588) (L.D. 792) which was Passed to be Enacted in the House on July 1, 1993. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-702)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-702) as amended by Senate Amendment "A" (S-360) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 53 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Support the Natural Areas Program (EMERGENCY) (S.P. 319) (L.D. 972) which was Passed to be Enacted in the House on April 5, 1993. (Having previously been passed to be Engrossed as amended by House Amendment "A" (H-73)

Came from the Senate, the Bill and accompanying papers recommitted to the Committee on Audit and Program Review in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 55 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish a Mechanism for Ensuring Adequate Preservation and Maintenance of the State House (H.P. 779) (L.D. 1052) (S. "A" S-379 to C. "A" H-258)

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 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Update and Clarify Certain Provisions of Fish and Wildlife Laws (S.P. 243) (L.D. 736) (S. "A" S-380 to C. "A" S-239)

Was 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 item appearing on Supplement No. 52 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Strengthen the Public Disclosure of Lobbying Activities (H.P. 1038) (L.D. 1390) (H. "A" H-593, H. "B" H-668, S. "A" S-317, and S. "C" S-384 to C. "A" H-528)

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.

The following item appearing on Supplement No. 59 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify Tax on Intangible Income (S.P. 540) (L.D. 1562) (Governor's Bill) (S. "A" S-375 to S. "B" S-351)

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 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 58 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Centralize Further the Permitting Process for Retail Businesses and to Allow Some Municipalities to Act as Central Permitting Agents (H.P. 399) (L.D. 512) (H. "A" H-408 and H. "C" H-676 to C. "A" H-367) which was passed to be enacted in the House on July 1, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-367) as amended by House Amendment "C" (H-676) and Senate Amendment "D" (S-382) thereto in non-concurrence.

The House voted to recede and concur.

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 to Collect Baseline Data to Facilitate Health Care Reform (EMERGENCY) (S.P. 535) (L.D. 1561) which was Passed to be Enacted in the House on June 30, 1993, (Having previously been passed to be Engrossed as amended by House Amendment "B" (H-672); came from the Senate failing of passage to be enacted in non-concurrence, which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Pineau of Jay, the House vote to recede.

The same Representative offered House Amendment "A" (H-709) to House Amendment "B" (H-672) and moved its adoption.

House Amendment "A" (H-709) to House Amendment "B" (H-672) was read by the Clerk and adopted.

House Amendment "B" (H-672) as amended by House Amendment "A" (H-709) thereto was adopted.

The bill was passed to be engrossed as amended by House Amendment "B" (H-672) as amended by House Amendment "A" (H-709) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 61 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Implement the Recommendations of the Special Commission on Electoral Practices (S.P. 478) (L.D. 1477) (H. "A" H-707)

Was 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.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 54 was taken up out of order by unanimous consent:

ENACTOR

Emergency Measure

(Reconsidered)

An Act to Provide Funds for Community Mental Health Services (H.P. 1174) (L.D. 1566) (Governor's Bill)

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

On motion of Representative Treat of Augusta, the House reconsidered its action whereby L.D. 1566 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-710) and moved its adoption.

House Amendment "A" (H-710) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-710) in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 62 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,922,575 to Improve National Guard Armories" (S.P. 541) (L.D. 1564) (Governor's Bill) which was read twice under suspension of the rules without reference to a committee and passed to be engrossed in the House on July 1, 1993.

Came from the Senate with that Body having adhered to its former action whereby the Bill was referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 60 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

July 1, 1993

Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today adhered to its previous action whereby it Indefinitely Postponed

Bill and Accompanying Papers "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation" (H.P. 250) (L.D. 329).

Sincerely,

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

Was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act to Set Voluntary Limits for Campaign Spending" (H.P. 1149) (L.D. 1549) which was passed to be engrossed as amended by House Amendment "B" (H-706), Senate Amendment "D" (S-329) as amended by House Amendment "A" (H-666) thereto and Senate Amendment "E" (S-332) in the House on July 1, 1993.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

The Chair laid before the House the following matter: Joint Order: (S.P. 543) ORDERED, the House concurring, that Bill "An Act to Impose Term Limitations on Legislators, Constitutional Officers and the State Auditor" I.B. 1, L.D. 751, and all its accompanying papers, be recalled from the Legislative Files to the Senate; came from the Senate, read and passed, which was tabled earlier in the day and later today assigned pending passage in concurrence.

Subsequently, the Joint Order was indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 63 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,150,000 for Construction of Water Pollution Control Facilities (H.P. 588) (L.D. 792) (S. "A" S-360 to C. "A" H-702)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 71 voted in favor of same and 26 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 64 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Centralize Further the Permitting Process for Retail Businesses and to Allow Some Municipalities to Act as Central Permitting Agents (H.P. 399) (L.D. 512) (H. "C" H-676 and S. "D" S-382 to C. "A" H-367)

Was 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.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 57 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1175)

Ordered, the Senate concurring, that the following specified matters be held over to any special or regular session of the 116th Legislature:

Committee: Appropriations and Financial Affairs

An Act to Authorize a General Fund Bond Issue in the Amount of \$1,922,575 to Improve National Guard Armories (S.P. 541) (L.D. 1564) (Governor's Bill)

Committee: Audit and Program Review

An Act to Support the Natural Areas Program (EMERGENCY) (S.P. 319) (L.D. 972)

Committee: Housing and Economic Development

An Act to Create the Maine Job Growth Fund (S.P. 357) (L.D. 1071)

An Act to Establish a Capital Access Program (S.P. 469) (L.D. 1461)

An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds for Assistance to Maine Businesses (H.P. 1148) (L.D. 1547)

Committee: State and Local Government

An Act to Impose Limits on the Terms of Legislators, Constitutional Officers, Members of the Judiciary and Members of Congress and to Limit Lobbying in Successive Years (H.P. 1128) (L.D. 1527)

Committee: Taxation

An Act to Reduce the Number of Sales Tax Exemptions (H.P. 429) (L.D. 548)

An Act to Increase the County Share of the Real Estate Transfer Tax (H.P. 464) (L.D. 601)

An Act to Increase the Stability of the Maine State Income Tax (H.P. 600) (L.D. 815)

Committee: Utilities

An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate (S.P. 417) (L.D. 1326)

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 65 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 544)

ORDERED, the House concurring, that when the House and Senate adjourn, they both adjourn to ten in the morning on Wednesday, July 14, 1993, at which time the Senate and House of Representatives shall meet for one legislative day for the purpose of considering possible objections of the Governor to any Bill or Resolve presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following matters were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Collect Baseline Data to Facilitate Health Care Reform (S.P. 535) (L.D. 1561) (H. "A" H-709 to H. "B" H-672)

Was 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.

PASSED TO BE ENACTED

An Act to Provide Funds for Community Mental Health Services (H.P. 1174) (L.D. 1566) (Governor's Bill) (H. "A" H-710)

Was reported by the Committee on Engrossed

Bills as truly and strictly engrossed.

Representative Whitcomb of Waldo requested a roll call on enactment.

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

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

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

ROLL CALL NO. 232

YEA - Adams, Ahearne, Beam, Bowers, Brennan, Carleton, Cashman, Cathcart, Clark, Clement, Cloutier, Coffman, Coles, Cote, Daggett, Dore, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Johnson, Joseph, Ketterer, Kilkelly, Kontos, Larrivee, Look, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Norton, O'Gara, Oliver, Paradis, P.; Pineau, Pinette, Plourde, Rand, Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Simoneau, Skoglund, Stevens, K.; Strout, Sullivan, Tardy, Townsend, E.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Bennett, Cameron, Campbell, Carr, Clukey, Cross, Donnelly, Farnum, Foss, Gray, Heino, Kutasi, Lemont, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Robichaud, Small, Spear, Stevens, A.; Taylor, Thompson, Whitcomb, Young, Zirnkilton.

ABSENT - Aliberti, Bailey, H.; Barth, Birney, Bruno, Caron, Carroll, Chase, Chonko, Constantine, Dexter, Dipietro, Driscoll, Dutremble, L.; Farren, Gamache, Greenlaw, Hillock, Jacques, Jalbert, Joy, Kerr, Kneeland, Lemke, Libby Jack, Libby James, Murphy, Nadeau, Nash, Nickerson, Pfeiffer, Poulin, Pouliot, Reed, W.; Ricker, Saint Onge, Swazey, Townsend, G.; True, Tufts, Winn.

Yes, 73; No, 37; Absent, 41; Paired, 0; Excused, 0.

73 having voted in the affirmative and 37 in the negative with 41 being absent, L.D. 1566 was passed to be enacted, signed by the Speaker and sent to the Senate.

Committee of Conference

Report of the Second Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices" (S.P. 225) (L.D. 696) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Senator HANLEY of Oxford, Senator CAREY

of Kennebec, and Senator BUTLAND of Cumberland - of the Senate.

Representative Representative RAND of Portland, and Representative MORRISON of Bangor - of the House.

Came from the Senate with the Second Committee of Conference Report read and accepted.

The Committee of Conference Report was read and accepted in concurrence.

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

At this point, the Chair appointed the following members on the part of the House to wait upon his Excellency, Governor John R. McKernan, Jr., and inform him that the House is ready to receive any communication that he may be pleased to make.

Representative HICHBORN of Howland
 Representative MICHAUD of East Millinocket
 Representative RYDELL of Brunswick
 Representative FOSS of Yarmouth
 Representative MacBRIDE of Presque Isle
 Representative REED of Falmouth
 Representative RUHLIN of Brewer
 Representative PINEAU of Jay
 Representative COTE of Auburn

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

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

SENATE PAPER

Non-Concurrent Matter

Joint Order (S.P. 543) relative to recalling L.D. 751 from the Legislative Files to the Senate which was read and indefinitely postponed in the House on July 1, 1993.

Came from the Senate with that Body having adhered to its former action whereby the Joint Order was read and passed.

Subsequently, the House voted to Adhere.

SENATE PAPER

The following Communication:

Maine State Senate
 Augusta, Maine 04333

July 1, 1993

Honorable Joseph W. Mayo
 Clerk of the House
 State House Station 2
 Augusta, Maine 04333

STATE OF MAINE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE
 COMMITTEE ON AGRICULTURE

June 14, 1993

Dear Clerk Mayo:

Please be advised that the Senate today adhered to its previous action whereby it Failed to Enact Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State" (H.P. 1036) (L.D. 1388).

Sincerely,

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

Was read and ordered placed on file.

The following items were taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE
 COMMITTEE ON AGING, RETIREMENT AND VETERANS

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Aging, Retirement & Veterans during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	39
Unanimous reports	28
Ought to Pass	0
Ought Not to Pass	19
Ought to Pass as Amended	9
Divided reports	3
Carried Over	8

Respectfully submitted,

S/Bonnie L. Titcomb
 Senate Chair

S/John Jalbert
 House Chair

Was read and ordered placed on file.

The following Communication:

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	23
Unanimous reports	21
Ought to Pass	0
Ought Not to Pass	6
Ought to Pass as Amended	15
Divided reports	1
Carried Over	1

Respectfully submitted,

S/Judy A. Paradis
 Senate Chair

S/Robert J. Tardy
 House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE
 COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

June 30, 1993

The Honorable John L. Martin
 Speaker of the House
 116th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	56
Unanimous reports	44
Ought to Pass	2
Ought Not to Pass	27
Ought to Pass as Amended	10
Re-referred	2
Pursuant to Jt. Order	3
Divided reports	8
(Pursuant to Jt. Order)	1)

LEGISLATIVE RECORD - HOUSE, JULY 1, 1993

Carried over 4

Respectfully submitted,

S/Michael D. Pearson S/Lorraine N. Chonko
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON AUDIT AND PROGRAM REVIEW

July 1, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Audit during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	4
Unanimous reports	2
Ought to Pass	0
Ought Not to Pass	1
Ought to Pass as Amended	1
Divided reports	1
Carried Over	1

Respectfully submitted,

S/John J. Cleveland S/Phyllis R. Erwin
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Banking and Insurance during the First Regular Session of the 116th Legislature has been completed.

The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	87
Unanimous reports	68
Ought to Pass	3
Ought Not to Pass	34
Ought to Pass as Amended	28
Re-referred	1
Pursuant to Jt. Order	2
Divided reports	10
Carried Over	9

Respectfully submitted,

S/Dale McCormick S/Edward L. Pineau
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON BUSINESS LEGISLATION

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Business Legislation during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	69
Unanimous reports	49
Ought to Pass	3
Ought Not to Pass	20
Ought to Pass as Amended	26
Divided reports	11
Carried Over	9

Respectfully submitted,

S/Alton E. Cianchette S/Annette M. Hoglund
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE

ONE HUNDRED AND SIXTEENTH LEGISLATURE
JOINT SELECT COMMITTEE ON CORRECTIONS

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Select Committee on Corrections during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	24
Unanimous reports	19
Ought to Pass	2
Ought Not to Pass	9
Ought to Pass as Amended	8
Divided reports	0
Carried Over	5

Respectfully submitted,

S/Beverly Miner Bustin
Senate Chair

S/Anne M. Larrivee
House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON EDUCATION

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Education during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	81
Unanimous reports	71
Ought to Pass	8
Ought Not to Pass	40
Ought to Pass as Amended	23
Divided reports	1
Carried Over	9

Respectfully submitted,

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Energy and Natural Resources during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	131
Unanimous reports	111
Ought to Pass	3
Ought Not to Pass	55
Ought to Pass as Amended	52
Re-referred	1
Divided reports	6
Carried Over	14

Respectfully submitted,

S/Mark W. Lawrence
Senate Chair

S/Paul F. Jacques
House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON FISHERIES AND WILDLIFE

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Fisheries and Wildlife during the First Regular Session of the 116th Legislature has been completed.

LEGISLATIVE RECORD - HOUSE, JULY 1, 1993

The breakdown of bills referred to our Joint Standing Committee follows:

June 14, 1993

Total number of bills received	61
Unanimous reports	54
Ought to Pass	1
Ought Not to Pass	37
Ought to Pass as Amended	16
Divided reports	5
Carried Over	2

Respectfully submitted,

S/M. Ida Luther Senate Chair	S/Dorothy A. Rotondi House Chair
---------------------------------	-------------------------------------

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Housing and Economic Development during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	37
Unanimous reports	30
Ought to Pass	0
Ought Not to Pass	8
Ought to Pass as Amended	20
Pursuant to Jt. Order	2
Divided reports	0
Carried Over	7

Respectfully submitted,

S/Rochelle M. Pingree Senate Chair	S/Rita B. Melendy House Chair
---------------------------------------	----------------------------------

Was read and ordered placed on file.

The following Communication:

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

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Human Resources during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	101
Unanimous reports	86
Ought to Pass	6
Ought Not to Pass	39
Ought to Pass as Amended	39
Re-referred	2
Divided reports	9
Carried Over	6

Respectfully submitted,

S/Judy A. Paradis Senate Chair	S/Sharon Anglin Treat House Chair
-----------------------------------	--------------------------------------

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	179
Unanimous reports	139
Ought to Pass	3
Ought Not to Pass	77
Ought to Pass as Amended	57
Re-referred	1
Pursuant to Jt. Order	1
Divided reports	6

LEGISLATIVE RECORD - HOUSE, JULY 1, 1993

Carried Over 34

follows:

Respectfully submitted,
 S/Gerard P. Conley, Jr. S/Constance D. Cote
 Senate Chair House Chair
 Was read and ordered placed on file.

Total number of bills received	143
Unanimous reports	112
Ought to Pass	5
Ought Not to Pass	66
Ought to Pass as Amended	35
Re-referred	3
Pursuant to Joint Order	3
Divided reports	19
Carried Over	12

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE
 COMMITTEE ON LABOR

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	57
Unanimous reports	45
Ought to Pass	3
Ought Not to Pass	27
Ought to Pass as Amended	15
Divided reports	12

Respectfully submitted,

S/James R. Handy S/Richard P. Ruhlin
 Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE
 COMMITTEE ON LEGAL AFFAIRS

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Legal Affairs during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee

Respectfully submitted,

S/Richard J. Carey S/Beverly C. Daggett
 Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE
 COMMITTEE ON MARINE RESOURCES

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	38
Unanimous reports	34
Ought to Pass	1
Ought Not to Pass	22
Ought to Pass as Amended	11
Divided reports	3
Carried Over	1

Respectfully submitted,

S/Harry L. Vose S/James Mitchell
 Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE
 JOINT SELECT COMMITTEE ON RULES

LEGISLATIVE RECORD - HOUSE, JULY 1, 1993

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Select Committee on Rules during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	1
Unanimous reports	0
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	0
Divided reports	0
Carried Over	1

Respectfully submitted,

S/Beverly Miner Bustin S/Charlene B. Rydell
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

June 30, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	156
Unanimous reports	109
Ought to Pass	18
Ought Not to Pass	52
Ought to Pass as Amended	29
Re-referred	3
Pursuant to Jt. Order	7
Divided reports	31
Carried Over	16

Respectfully submitted,

S/Georgette B. Berube S/Ruth Joseph

Senate Chair

House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON TAXATION

June 30, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Taxation during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	128
Unanimous reports	112
Ought to Pass	1
Ought Not to Pass	88
Ought to Pass as Amended	22
Re-referred	1
Divided reports	5
Carried Over	11

Respectfully submitted,

S/John E. Baldacci S/Susan E. Dore
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION

June 30, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received	77
--------------------------------	----

Unanimous reports		69
Ought to Pass	4	
Ought Not to Pass	44	
Ought to Pass as Amended	21	
Divided reports		5
Carried Over		3

Respectfully submitted,

S/Joseph C. Brannigan S/William B. O'Gara
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON UTILITIES

June 14, 1993

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities during the First Regular Session of the 116th Legislature has been completed. The breakdown of bills referred to our Joint Standing Committee follows:

Total number of bills received		73
Unanimous reports		51
Ought to Pass	5	
Ought Not to Pass	16	
Ought to Pass as Amended	30	
Divided reports		7
Carried Over		15

Respectfully submitted,

S/Harry L. Vose S/Herbert E. Clark
Senate Chair House Chair

Was read and ordered placed on file.

ORDERS

On motion of Representative HICHBORN of Howland, the following Order:

ORDERED, that Representative Theone F. Look of Jonesboro be excused July 1, 1993 for legislative business.

Was read and passed.

At this point, the Chief Executive of the State of Maine, Governor John R. McKernan, Jr., entered the Hall of the House, amid applause, the members rising.

Governor MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I have been warned not to say "Good Morning" because that means you get an extra day's pay, so let me just say "Good Evening."

I will quote Winston Churchill who once said that "history would be kind to his administration because he intended to write it." Well, I don't know who is going to write the history of Maine during the first part of the 1990's or even the decade of the 1990's but I can tell you that I think when they do, they will say that 1993 was the year that Maine turned the corner. I think when they write that they will point to the accomplishments that you have had during this session of the 116th Legislature. I think they will point to the \$100 million dollar tax cut that we have been able to give the people of Maine and I assume they will also have a footnote to say that some of us wanted to give \$268 million but that we did accomplish a great deal with the budget that finally passed. I say that because I believe they will also point out that, for the first time in a number of years, we have a budget that is in balance, not just for the coming biennium, but for the biennium after that.

I think the historians will say that this is the year that we finally got hands around some of the cost centers in government which are going to keep government spending under control and under the guidance of the legislature, rather than having the legislature have to respond to cost-driven formulas over which they have no control.

I hope that historians will also say that this was a year that we began to, once again, improve the working conditions of our state employees through having a labor contract that is fair and through Total Quality Management, which will involve all of our employees in making the delivery of services more efficient.

Finally, I think historians will also say that this was the year that we began to get serious about addressing the problems with the business climate in this state and this will be the year that we demonstrated that we are serious about jobs here in Maine.

Perhaps most importantly for our representative democracy form of government, this may well be viewed as the year that we began to restore the people's confidence in their government and that too is a tribute to the way all of you have conducted yourselves during this six and a half months.

To the Democrat leadership, I want to say that I have appreciated, not only the tone, but what I think has been an improved working relationship throughout this session.

To the Speaker, I want to thank him for his suggestion that we in our office do a better job of communicating with joint leadership — that resulted in weekly breakfast or lunches that I think set the right tone and enabled us to come together and make tough decisions when the decisions were in fact very difficult to make.

To our Republican leadership, I thank you for all the time, the advice, the guidance and the counsel as we have gone through some of the most difficult decision making that any administration has had to face from a fiscal standpoint. You have always been

there before the session and after and we appreciate all of your help.

To the Appropriations Committee with whom we have worked for so many months, I want to thank you for your dedication and the long hours that you have put in.

To those of you on both sides of the aisle have taken the time to make sure that you understood the issues and articulated your positions and this state would be far worse off if it had not been for the amount of time you invested in this process.

I have been listening as you have talked about all the people that make the legislative branch of government function and I can't stop tonight without singling out some people on my staff as well, who just as you and your staff have been putting in long hours, we, too, have been here for every waking hour that you have been here. To Sawin Millett especially, our Commissioner of Administrative and Financial Services, who has put in such incredibly long hours; my Chief of Staff, Sharon Miller; my legislative counsel, Abby Holman; my legal counsel, John Devine; Andy McLean, another one of our legislative liaisons and Kim Russell, who have done, I think, the best job that we have done since I have been in office in communicating with all of you through the committee process here in the final days of the session.

Finally to all of you as members of the 116th House of Representatives, I congratulate you on the civility of your debate, I congratulate on your ability to disagree, for the most part agreeably, and for the tone that you have set because that is what has allowed us to achieve the successes that I believe of this session of the legislature has achieved. You have every reason to leave here and go back to your districts proud of what you have been able to accomplish. I think that this session will go down as the most productive in making the decisions that are important for the future of this state. I congratulate you and I wish you a good summer and I hope that we will be able to keep the session on the 14th of July on veto day at least fairly short. Thank you very much.

At this point, the Governor withdrew from the Hall amid applause, the members rising.

On motion of Representative Strout of Corinth,
Adjourned at 11:59 p.m. pursuant to Joint Order
(S.P. 544).
