

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

House of Representatives
January 5, 1994 to April 14, 1994

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
38th Legislative Day
Monday, April 11, 1994

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

Prayer by Honorable Donald A. Strout, Corinth.

Pledge of Allegiance.

The Journal of Friday, April 8, 1994 was read and approved.

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 Strengthen the Coordinated Delivery of Substance Abuse Services in the State" (S.P. 655) (L.D. 1824) 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 "B" (S-509) and Concur with Passage to be Engrossed as amended by Committee Amendment "A" (S-508).

That the House Read and Accept the Report.

(Signed) Senator BRANNIGAN of Cumberland, Senator HARRIMAN of Cumberland, and Senator HANDY of Androscoggin - of the Senate.

Representative GEAN of Alfred, Representative JOHNSON of South Portland, and Representative BRUNO of Raymond - 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 Committee Amendment "A" (S-508) in concurrence.

The Committee of Conference Report was read and accepted. The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-508) in concurrence. Ordered sent forthwith to engrossing.

ORDERS

On motion of Representative KILKELLY of Wiscasset, the following Joint Resolution: (H.P. 1486) (Cosponsored by Senator BEGLEY of Lincoln)

JOINT RESOLUTION COMMEMORATING THE BICENTENNIAL OF THE TOWN OF ALNA

WHEREAS, along the shores of the beautiful Sheepscot River, in the County of Lincoln, lies the Town of Alna; and

WHEREAS, the Town of Alna is truly a treasure of natural beauty, rich in history and tradition; and

WHEREAS, this community, formerly known as New Milford, in 1794 became the 92nd town in the State to be incorporated; and

WHEREAS, the historic development of this community will be celebrated by the good citizens of the Town of Alna during 1994, the bicentennial anniversary of the town; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature now assembled in the Second Regular Session, take this occasion to recognize the residents and officials of the Town of Alna and extend our best wishes as they celebrate this special occasion; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Was read and adopted and sent up for concurrence.

BILLS IN THE SECOND READING

As Amended

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. 1306) (L.D. 1761) (Governor's Bill) (C. "A" H-1081)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative JACQUES of Waterville, tabled pending passage to be engrossed as amended and later today assigned.

ENACTORS

An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board (H.P. 1434) (L.D. 1961) (H. "B" H-1084 to C. "A" H-861)

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.

An Act to Authorize Applied Technology Regions to Borrow Funds for Necessary Repairs to Existing Buildings (H.P. 1479) (L.D. 2005) (H. "B" H-1082)

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

On motion of Representative GRAY of Sedgwick was set aside.

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

Representative GRAY: Mr. Speaker, I would like to pose a question through the Chair, to the sponsor of this bill. I would like a couple of answers. One, on how these expenditures are normally paid for? And if the controls of these expenditures are by the same body if bonding were allowed? And, what is an Applied Technology Region?

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

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: In reference to the questions, as I understand it, this is the new name for the high school level regional vocational centers. This is a title that came in last week at the request of the one of the regional vocational schools, frankly, so they could fix their roof.

We allow those schools the ability to bond for capital construction, i.e., they could add a 20 foot addition to the back of the school under the present law but to replace an entire roof which may be a very sizable expenditure of funds in the case of the one that made the request (which happens to be in my district) they could be talking \$250,000. They do not, under present statute, have the ability to bond for that. They actually thought they did until they had bound council read the law. So, they made the request that we make a (I believe it is only a two or three line) change in the law that allows them the capacity to bond for major type repairs. It is not what is thought of as a significant difference since they already have bonding capacity. That is why the bill came in late, because they only recently discovered it.

I don't know if that sufficiently answers the questions or not.

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

Representative GRAY: Mr. Speaker, Men and Women of the House: I am curious about the control of the expenditures if that legislative body wouldn't be making this in the local area then I presume the school board would be making these expenditures?

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

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I can't speak to the controlling entities of other regional vocational centers. I know in this particular case the center is controlled by the various sending schools of which there are three in this unit. They ultimately are answerable to the local school boards. It is actually a very complex formula for control of the center.

In the instance with which this bill was generated the item is a non-controversial — literally you need to repair the roof of a building that is about 15 years old and you are talking about replacing the whole building. The control lies within the board of the controlling schools.

Representative Gray from Sedgwick requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present and voting. All 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.

ROLL CALL NO. 338

YEA - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Beam, Bennett, Brennan, Bruno, Cameron, Carleton, Carr, Carroll, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Foss, Gamache, Gean, Gould, R. A.; Greenlaw, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joy, Kerr, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Rowe, Rydell, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Sullivan, Swazey, Tardy, Taylor, Townsend, E.; Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Gray, Saxl, Tracy.

ABSENT - Bailey, R.; Barth, Birney, Bowers, Campbell, Caron, Cashman, Cathcart, Dexter, Fitzpatrick, Heino, Hillock, Joseph, Ketterer, Kutasi, Libby Jack, Libby James, Lipman, Martin, H.; Michael, Mitchell, J.; Nash, Ott, Pendleton, Rand, Richardson, Ruhlin, Saint Onge, Simonds, Stevens, K.; Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 114; No, 3; Absent, 34; Paired, 0; Excused, 0. 114 having voted in the affirmative and 3 voted in the negative, with 34 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 8, 1994, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

SENATE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (S-565) - Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (S.P. 717) (L.D. 1939) (Governor's Bill)

- In Senate, Majority "Ought Not to Pass" Report of the Committee on Appropriations and Financial Affairs read and accepted.

TABLED - April 8, 1994 (Till Later Today) by

Representative JACQUES of Waterville.
 PENDING - Motion of Representative CHONKO of Topsham to accept Majority "Ought Not to Pass" Report.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative CHONKO of Topsham to accept the Majority "Ought Not to Pass" Report and later today assigned.

Bill "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) (C. "A" H-951; H. "A" H-1063) TABLED - April 8, 1994 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Motion of same Representative to Reconsider Failing of Passage to be Engrossed.

Subsequently, the House voted to reconsider its action whereby the Bill failed of passage to be engrossed.

On motion of Representative JACQUES of Waterville, tabled pending passage to be engrossed and later today assigned.

An Act to Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education (EMERGENCY) (H.P. 1431) (L.D. 1956) (Governor's Bill) (C. "A" H-909) TABLED - April 8, 1994 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Passage to be Enacted.

On motion of Representative AULT of Wayne, under suspension of the rules, the House reconsidered its action whereby L.D. 1956 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-909) was adopted.

The same Representative presented House Amendment "C" (H-1092) to Committee Amendment "A" (H-909) which was read by the Clerk and adopted.

Committee Amendment "A" (H-909) as amended by House Amendment "C" (H-1092) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-909) as amended by House Amendment "C" (H-1092) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

Resolve, Authorizing the Examination of School Finance and Taxation Proposals (S.P. 776) (L.D. 2003) (Governor's Bill)

- In House, passed to be engrossed on April 6, 1994.
 - In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-590) in non-concurrence.
 TABLED - April 8, 1994 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

On motion of Representative JACQUES of Waterville, tabled pending further consideration and later today assigned.

Bill "An Act to Amend the Harness Racing Laws" (H.P. 1243) (L.D. 1670)

- In House, passed to be engrossed as amended by Committee Amendment "A" (H-948) as amended by House Amendments "C" H-999, "D" (H-1003), and "E" (H-1007) thereto on March 30, 1994.

- In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-948) as amended by House Amendments "D" (H-1003) and "E" (H-1007) thereto in non-concurrence on April 7, 1994.

- In House, House Receded and Concurred on April 7, 1994.

TABLED - April 8, 1994 (Till Later Today) by Representative ALIBERTI of Lewiston.

PENDING - Motion of same Representative to Reconsider Receding and Concurring.

Subsequently, the House voted to reconsider its action whereby the House voted to Recede and Concur.

On motion of Representative ALIBERTI of Lewiston, the House voted to Recede.

The same Representative moved that House Amendment "E" (H-1007) be indefinitely postponed.

Representative TARDY of Palmyra requested a division on the motion to indefinitely postpone House Amendment "E" (H-1007).

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: This is the most uncomfortable position I have been in in ten years. It no way takes away from the credibility, the respectability of the Joint Committee on Agriculture, which I hold in high esteem.

House Amendment "E" does the following; the current programing has generated a most credible source of revenue in jobs and income. The current programs have taken harness racing out of the doldrums and made all segments, including the fairs, the horsemen, the purse accounts, the breeders accounts, the General Fund, OTB, harness racing promotional funds and the Capital Improvement Funds, very profitable.

Now, House Amendment "E" targets and threatens the ultimate survival and success of a most productive segment, my constituent, Lewiston's Spare-Time Recreation, who has been a prime contributor to the above revenues. In testimony to that, last Friday I got home from this session, I found in the mail an up-to-date financial statement as of March 15, the Pari-mutuel Handling Statistics, from the Scarborough Downs Simulcast, \$3,607,000 plus. From the Scarborough live racing, \$355,353. Martin's Manor, \$1,884,720. Notice this one, please, Spare-Time Recreation, \$2,315,577. Champs Grill Tap from Presque Isle, \$170,000 plus.

This is an indicator of the successful entrepreneurship of my constituent. Please support the defeat of House Amendment "E" and avoid any unnecessary confrontation by this legislature.

I do not and did not choose to contest the loss of my House Amendment "C" and continuation of Committee

Amendment "A" but I urge you to defeat House Amendment "E" to guarantee the continuous success of live harness racing and OTB's.

There has surfaced here a concept that I found very obnoxious, the concept of a negative, negative type of lobbying. It is absolutely negative and it became more negative this morning than any other time, through a letter, that was delivered to each member of this House. Negative in what respect? It goes back three years ago to condemn my constituent and it doesn't give you all the facts. Negative in what other respect? It eulogizes a certain commercial track that have made racing conditions almost unbearable. Ask the horsemen to justify their existence at the track this winter without heat and without lights, ask them to justify that.

Also, speaking in a context of negatives (which I do not approve of) I have to make one statement, and that is a commercial tracks continuously in conflict and threat of suing the Harness Racing Commission which is the overall authority as far as racing is concerned.

Even though I said I didn't want to address negatives that is why this is so distasteful to me. To make my point clear to you, I have to bring to you what is truthful and I hope that you will understand it. Please notice also I have hardly ever lobbied a member of this House. I would not doubt your integrity to be able to read and understand if a certain premise is presented to you in an honest and fair way, you will answer it in that way. I anticipate that you will do that today.

There is a paradox in that letter that you received today and the paradox is asking you to go along with the amendments and the Committee Amendment and indicates that off-track betting is a potential threat to live racing. I say to you, bring us another thousand of those threats on the basis of revenues. That would be at the top of anything coming out of this would be — someday utilizing these very finances from off-track betting to address some of the shortfalls in education, it can be done. Look at that resume that I handed out to you on projections for this year, tripling the amount of revenues. The projections indicate a \$74 million return compared to almost never going over \$30 million.

There are other things that I will not linger at this time, unless I have to bring them up later. I ask you, in your good judgment not to jeopardize an existing successful enterprise, providing the greatest and the most sensitive kind of services to those people that enter this betting parlor. It is highly successful.

I feel that House Amendment "E" will jeopardize and restrict this parlor to the extent that you will not be sensitive to what it is doing for the racing community.

As I said, if necessary, I will address this further but I urge you to defeat House Amendment "E."

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: I am not rising to debate my learned colleague from Lewiston. Representative Aliberti has represented that committee and sat through probably more Harness Racing Commission meetings than any person that is around the State House today.

I don't have a constituency that is involved in OTB's or commercial tracks, my constituency are the

people that feed the horses and shovel the manure, train the horses and own the horses and drive the horses, and there are quite a few of them in my area. So, I have to pay attention to what the Maine Harness Horse Association and the Agricultural Fair Association says and they are in support of Committee Amendment "A" as amended by "D" and "E" in its present posture. There is one concern from an OTB in Bangor that we remove (and I will later if we survive this debate) we remove the emergency preamble because they are doing contracts that reference existing statute and they don't want to be in a position of hitting a moving target.

We thought there were some tradeoffs in this amendment and I believe there are. It takes away some of the litigiousness in the renewal process between a commercial track and an OTB and it goes to the crux of the problem of opening up an OTB facility in the Cook's Corner area, which people feel would be a good market area with overlapping veto powers. This isn't going to happen and, I can understand the Harness Horsemen's Association concern that if it opened up, it be opened up with some type of arrangement, contractual arrangement, with Scarborough Downs because the Harness Horsemen's Association has a contractual arrangement with the commercial track, they have a bargaining position and they have some protections.

This is what they are looking for. So, I would simply ask that you defeat the motion to indefinitely postpone.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I will be the first one to tell the members of this House, this entire body, that anything about horse racing, I know very little of.

I would like to respond to a letter that was given to me this morning by the Maine Harness Racing Association which I take offense to because I happen to know the people in Lewiston, personally know them, and I know that they are good people and they had racing at their best interest. For this letter to insinuate that it was the reverse — all I can say to the members of this House the reason why Mr. Day decided to possibly close the track is that he was tired of being in litigation.

Any of you who have a business or know business people, if you are continuously in litigation and you have to completely fight the same problem over and over again after a while you just say to yourself, "I just can't afford it any more" and do what is right.

Now I would like to address Amendment "E" that is before the body. I would urge you postponing it.

If anyone knows, and I have nothing but high respect for the members of the committee and also my good friend, Representative Aliberti, he is very well versed on horse racing, he has spent a lot of time in it. I would take his recommendations very highly.

Representative Aliberti had his own amendment and the only thing that I can gather that took place in this whole thing is that an agreement was reached and then coming toward the end, Amendment "E" was put on.

Amendment "E" has tremendous impact upon the radius that was agreed upon over a year ago. I say, if an agreement was reached by these two tracks and by these people then we should let this system work.

If I had a chart and I was able to draw you the circles of the perimeter then I think it would be

much easier to understand. But, when you take away 15 miles from the Lewiston Raceway, which they only had 35, I think the agreement is being broken too quick. I would hope that you would listen to what Representative Aliberti had to say for I have nothing but high respect and I would hope that you postpone this amendment.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I beg to ask my fellow colleagues to allow me to make one further analysis for them. This current year, because of OTB and the successful contribution by my constituent, Scarborough Downs was able to receive \$130,000 plus dollars for simulcasting just four races. Four races. Bangor was excluded from that. Even excluded to the point of this year. This year it is guaranteed, almost, as a result of the success of off-track betting and the great contribution of the Lewiston Spare-Time Recreation, Scarborough Downs exclusively would have received and may receive over \$800,000. Think of that, people.

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

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to defeat the pending motion to indefinitely postpone House Amendment "E." If we remember, about two years ago, we faced quite a critical situation, the horse racing industry here in the State of Maine was headed downhill and was going downhill fast. We looked for a way to turn it around, one of these ways we decided was instituting the OTB (off track betting) parlors. It took quite a while to get this going but it has turned out to prove quite successful for everybody and it has been quite lucrative for the owners of OTB parlors. But, we must remember the real reason for the OTB parlors is to improve the harness racing industry here in the State of Maine. As we know, a certain percentage just goes to the fairs, goes to the horsemen themselves. We must look for ways that we can keep improving this system.

This particular amendment does address a situation in a coastal area, the Bath/Brunswick area, that right now there is no way that you can get an OTB parlor there because of the veto powers of both sides.

It is true that it will affect, in some ways, maybe, the Lewiston area. But, once again, they are gaining something out of this. We must remember they are gaining, right now, the Scarborough track has veto power annually over the Lewiston track because they are in the 50 mile radius.

Through this amendment they are giving that up and they are guaranteed, and that annual renewal will not come up. Once they get this through they will have it and they will not have to annually renew. So, they are gaining something out of this but they are giving up some mileage.

I think where these have turned out so lucrative for the OTB parlors I think it is a good offset and the horse racing industry can gain out of this tremendously, I believe, if we let this amendment go through.

Therefore I would urge everybody to defeat the pending motion to indefinitely postpone.

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

Representative CAMERON: Mr. Speaker, Ladies and

Gentlemen of the House: I am rather uncomfortable standing here opposing my good friend, Representative Aliberti. I have been involved in Maine Agricultural Fairs for in excess of 20 years now and we, as an association, are very concerned about the indefinite postponement of this bill may mean to us.

It isn't just the fairs that have harness racing that will be affected by this. Every single fair, all 24 throughout the state, (I think every one of you have one in your area), all 24 fairs will be negatively affected by this. The reason for that, I mentioned a couple of times that we will be affected but the reason that we will be affected is that there is a percentage of the income of harness racing that goes to support the fairs. Contrary to popular belief a very small number of the fairs can survive on their ticket admissions, on the gate admissions. It cannot happen, they will not be able to survive without this percentage that goes back to the fairs. There are one or two in the state that may well survive but they will be severely impacted by this.

I ask you please oppose the pending motion.

Representative Aliberti of Lewiston was granted permission to address the House a third time.

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: I appreciate the respect that the previous speaker accorded me but, he isn't there. He may be well acquainted with the fairs but when it comes to the revenues the fairs will get an increased amount, increased amount. You have that information in that packet I gave you as to what percent goes to the fairs. Keep in mind all of these areas are receiving revenues now. The fairs are not racing, they get a percent. Whatever segment was divided in that handout that I gave you, the Agricultural Fairs, the different segments that I previously listed to you, for you, all of them are receiving revenues now and most of them are not active in racing. Wouldn't you call that a bonanza to get these revenues without even providing a program or contributing to it at this time, except for the preparation of animals and the expenses that they incur? I understand all of that.

It is too bad to ask these knowledgeable people and respectable people to get up on their feet because of the pressure put on them by a lobby and not be that well involved in the actual problems that we are trying to identify at this time. I always believed in the spirit of compromise. I did not contest the loss of my Amendment "C" which definitely would have improved the revenues, positively improved the revenues but because it was targeted by this very heavy lobby it was defeated in the other body.

I kind of have a great deal of sensitivity to the members of this House because I don't feel they are knowledgeable enough or are being made knowledgeable enough to make the decision.

I will ask you for one more indulgence, originally the illustrious and respectable committee, the Agriculture Committee, was deeply in favor of revisiting this another year, not even addressing it.

I have talked to you about the sacrifice of Amendment "C" but, I also sacrificed the original amendment that came to this House. You look at it compared to what will be before the body as Committee Amendment "A" you will find that none of the major concerns that were in my original legislation exist in the Committee Amendment "A," even though we are not discussing that now, except as part of a package.

Who sacrificed? Now, we are asking them, the

opposition to take a position to allow us to continue under the existing conditions and then revisit which was the original premise on the Agriculture Committee.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House: To start with, I would like to tell my learned colleague on the Agriculture Committee I have not been lobbied but I have read practically everything that has been given to me. I came to the conclusion that this was a battle between those people who already have an OTB as versus those who don't have one. Again, an OTB in Brunswick/Bath area will, without a doubt, probably hurt the Lewiston OTB. From my standpoint as a member of the Agriculture Committee I feel that another OTB, the income from that, whatever the percentage is and I can't remember what those are, that go both to harness racing, live racing as well as to the Agriculture Fair is what I was interested in promoting. Therefore, I ask you all to vote against the indefinite postponement of Amendment "E."

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

Representative HEESCHEN: Mr. Speaker, Members of the House: As a member of the Agriculture Committee, I must confess to being ambivalent about House Amendment "E" — I have really mixed feelings.

On the one hand it does attempt to address some issues that we brought up in the hearing on this bill and related bills, which I think is important and perhaps worthy of our support. Nonetheless I think that if the committee had actually worked on these issues in the work sessions that we might have come up with a better more equitable solution.

There are a couple of things here that it addresses. One is application process. Currently there are no deadlines, no time certain, for the commission to act on those deadlines and that is proposed as a process. Although it is a little bit uncertain as to what triggers a deadline.

The other major issue is the overlapping veto powers of OTB's and live racing. Having listened to a lot of testimony and having looked at the language in the statutes it seems pretty clear to me that when the legislature initially created this veto radius they really weren't thinking about the implications of when you have overlapping radius' of tracks and betting parlors.

This amendment does go toward trying to resolve that. Although I am not sure it is the best way of doing it but it may be as good as we can do at this time.

I am not urging anybody to vote either way on this, just note that we brought some of these up in the hearing and I thought that a lot of them were going to be left to a task force this summer to resolve but, I see that there is felt that we have some what of an emergency situation which we may.

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

Representative TRUE: Mr. Speaker and Members of the House: In my district I have the largest Agricultural Fair in the state. They also do pretty well with their racing, and last year took in over \$1 million. Within the district we also have the smallest fair.

I am concerned about the never-ending battle and how it will affect the horsemen and also the 4-H

clubs and those people that get awards for working all year. If this battle continues then I am just afraid it is going to infringe upon some of those things.

Therefore, I would urge you to certainly vote against indefinite postponement of this particular amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Aliberti of Lewiston that House Amendment "E" (H-1007) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

23 voted in favor of the same and 66 against, subsequently, the motion to indefinitely postpone House Amendment "E" (H-1007) did not prevail.

On motion of Representative TARDY of Palmyra, tabled pending further consideration and later today assigned.

An Act to Clarify the Licensing Authority of the Department of Public Safety (S.P. 614) (L.D. 1712) (H. "A" H-933 and H. "B" H-1056 to C. "A" S-518)

TABLED - April 8, 1994 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Passage to be Enacted.

On motion of Representative DAGGETT of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1712 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-518) was adopted.

The same Representative presented House Amendment "C" (H-1093) to Committee Amendment "A" (S-518) which was read by the Clerk and adopted.

Committee Amendment "A" (S-518) as amended by House Amendments "A" (H-933), "B" (H-1056) and "C" (H-1093) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-518) as amended by House Amendments "A" (H-933), "B" (H-1056) and "C" (H-1093) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

An Act to Amend the Laws Relating to Potatoes (EMERGENCY) (H.P. 1273) (L.D. 1717) (S. "A" S-589 to C. "A" H-1059)

TABLED - April 8, 1994 (Till Later Today) by Representative TARDY of Palmyra.

PENDING - Passage to be Enacted.

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

BILL HELD

An Act to Establish an Ambient Water Toxics Program (H.P. 1080) (L.D. 1446) (C. "A" H-1072) - In House, passed to be enacted.

HELD at the Request of Representative MARTIN of Eagle Lake.

On motion of Representative MARTIN of Eagle Lake, under suspension of the rules, the House reconsidered its action whereby L.D. 1446 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1446 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-1072) was adopted.

The same Representative presented House Amendment "A" (H-1091) to Committee Amendment "A" (H-1072) which was read by the Clerk.

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

Representative MARTIN: Mr. Speaker, Members of the House: This basically does exactly what the Committee had intended to do. That is that the funds that have been generated through this process will terminate and the section is repealed in July of 1995, and the second is July of 1996.

Subsequently, House Amendment "A" (H-1091) to Committee Amendment "A" (H-1072) was adopted.

Committee Amendment "A" (H-1072) as amended by House Amendment "A" (H-1091) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1072) as amended by House Amendment "A" (H-1091) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

The following items were taken up out of order by unanimous consent:

ENACTORS

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Construct Water Pollution Control Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites (H.P. 1392) (L.D. 1890) (Governor's Bill) (H. "C" H-1086 to C. "A" H-963)

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. 102 voted in favor of the same and 10 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Encourage Municipal Investment in Local Economic Development Projects (S.P. 647) (L.D. 1806) (C. "A" S-468; H. "A" H-1077)

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 19 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify Agency Relationships in Real Estate Transactions (S.P. 616) (L.D. 1714) (H. "A" H-1036 and H. "C" H-1087 to C. "A" S-551)

An Act to Ensure Proper Funding of the Department of Environmental Protection (H.P. 1385) (L.D. 1884) (H. "A" H-1088, H. "B" H-1089 and H. "C" H-1090 to C. "A" H-1076)

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.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

The House recessed until 2:30 p.m.

(After Recess)

Under suspension of the rules, members were allowed to remove their jackets.

Bill "An Act to Amend the Harness Racing Laws" (H.P. 1243) (L.D. 1670) (H. "C" H-999, H. "D" H-1003, H. "E" (H-1007) to C. "A" H-948) which was tabled by Representative TARDY of Palmyra pending further consideration.

On motion of Representative TARDY of Palmyra, the House reconsidered its action whereby House Amendment "E" (H-1007) was adopted.

On further motion of the same Representative House Amendment "E" (H-1007) was indefinitely postponed.

The same Representative presented House Amendment "F" (H-1095) to Committee Amendment "A" (H-948) which was read by the Clerk.

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

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: I would like to ask a question. What does this do in relationship to the recommendation to do away with the Amendment "E"?

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

The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: This is the exact duplicate of House Amendment "E" with the exception of the emergency preamble, that has been taken out of it.

Representative ALIBERTI of Lewiston requested a roll call on adoption of House Amendment "F" (H-1095) to Committee Amendment "A" (H-948).

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "F" (H-1095) to Committee Amendment "A" (H-948). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 339

YEA - Ahearne, Anderson, Ault, Bailey, R.; Barth, Bowers, Brennan, Bruno, Cameron, Campbell, Carr, Carroll, Chase, Chonko, Clark, Cloutier, Clukey, Cross, Daggett, Dexter, DiPietro, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss, Gean, Gray, Greenlaw, Hale, Hatch, Heeschen, Heino, Hichborn, Hوجلund, Hussey, Jacques, Johnson, Joseph, Kerr, Kilkelly, Kneeland, Lemke, Libby James, Look, Lord, MacBride, Marshall, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nickerson, Norton, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Plourde, Reed, G.; Reed, W.; Richardson, Robichaud, Rotondi, Rowe, Ruhlin, Saxl, Simoneau, Small, Spear, Stevens, A.; Sullivan, Tardy, Taylor, Townsend, E.; True, Tufts, Vigue, Walker, Wentworth, Young, Zirkilton.

NAY - Adams, Aikman, Aliberti, Beam, Bennett, Birney, Carleton, Clement, Coffman, Coles, Constantine, Cote, Donnelly, Dore, Driscoll, Farnum, Farren, Gamache, Gould, R. A.; Holt, Jalbert, Joy, Kontos, Larrivee, Lindahl, Marsh, Martin, J.; Melendy, Michael, Murphy, Pinette, Plowman, Poulin, Pouliot, Ricker, Rydell, Saint Onge, Skoglund, Stevens, K.; Strout, Swazey, Townsend, G.; Tracy, Treat, Whitcomb.

ABSENT - Bailey, H.; Caron, Cashman, Cathcart, Hillock, Ketterer, Kutasi, Lemont, Libby Jack, Lipman, Martin, H.; Michaud, Nash, O'Gara, Pendexter, Rand, Simonds, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 85; No, 45; Absent, 21; Paired, 0; Excused, 0. 85 having voted in the affirmative and 45 in the negative, with 21 being absent, House Amendment "F" (H-1095) was adopted.

Representative TARDY of Palmyra moved House Amendment "C" (H-999) be indefinitely postponed.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I never intended to doubt the postponement of House Amendment "C" because House Amendment "C" was targeted right from the beginning. It happened to be the amendment that I submitted, which addressed the absolute continuance of the health of the harness racing community as addressed by the off-track betting committee.

I don't know whether you realize exactly what House Amendment "C" addressed. House Amendment "C" addressed a degree of fairness.

What was that degree of fairness? It said, very simply, if a commercial track simulcasts a program of

harness racing then the off-track betting community can simulcast that same program.

As it stands now, if a commercial track simulcasts a program, their program, you cannot use any other market. This has been so successful — I have it on good authority that as a result of this restriction the marketing area of off-track betting has decreased.

In other words, you go to a track and you would like to utilize the off-track betting of harness racing — it says you can't do that because the only program available is that of the commercial track and at this time it happens to be Scarborough Downs. Scarborough Downs is not providing a quality program at this time. Quality, how? The number of races that they are averaging are less than eight. The number of participants in the races are less than eight. So, you have a clientele that comes in there that would like to bet the harness racing program from Freehole, from Yonkers, from wherever and you can't do it because Scarborough Downs or any commercial track that runs has the opportunity to say I can run those programs but you can't.

My amendment says that if Scarborough Downs or any commercial track initiates a program, any off-track betting facility can do the same thing. And, if the occasion is like some evening where there are no thoroughbred racing and the only availability is Scarborough Downs you are saying to these off-track betting parlors, shut down, do not simulcast. What is the matter with us? Here is a successful enterprise that is bringing in dollars, incredible dollars, that have never existed before and we are saying restrict them. Something is wrong here.

We talk about revenues and everything else and these revenues go to the whole industry, the whole industry, without exception. To what extent? Let me see if I can find a little thing that may enlighten you a little bit. As a result of the existing program in simulcasting right now, Martin's Manor in Waterville handled \$2,300,000 as of January 19th. Of that handle, Martin's Manor got \$40,000. Spare-Time Recreation of Lewiston handled \$2,213,723 and received a return of \$40,201. Champ's Grill in Presque Isle simulcast \$13,000 and received nothing.

This is the important part of it. As a result of this off-track betting from October to January 19th, the General Fund received \$66,455.01. The Agricultural Fairs that have not produced any kind of racing at all received a bonanza of \$48,998. The Sire Stakes, in order to make you familiar with that this is a program that was installed about ten or twelve years ago to improve the breeding of the harness racing horse, and, as a result they received \$41,869. This is the most important issue right now that I want to present to you, the Horsemen's Association, the purse account — that means the amount of money paid to these horsemen for racing — received \$133,218. They are saying that this hurts them?

The promotional board was just established recently for the promotion of harness racing, received \$10,478. I have mentioned this before, the simulcast fund that went to the commercial track for simulcasting four races, four races, received \$137,462. What is wrong? Why can't I convince you that there is something wrong here? I was not convinced when the Agriculture Committee first suggested that perhaps we ought to have one year and look into these areas of concern and see if we can't improve them. I, for one, was against that because I

was adamant in presenting my amendment to help the harness racing industry. I was the first one to back-off and not pursue my amendment for the welfare of the harness racing industry. I did that. They clobbered me, put me in a corner, and now they are saying to me you will have no right to even come up with this amendment again.

I plead with you and beg you, this amendment doesn't hurt anyone. It helps everyone. This is just a targeted amendment to get at a position of strength, that is the only reason for doing away with this amendment. I have never pleaded with this body because I respect its integrity to make its own decision but you are wrong, you are entirely wrong because you don't know what is happening here. I ask you to please support the retention of House Amendment "C".

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: It might well be that Representative Aliberti is 100 percent correct and then again, it might not be.

The reason the Agricultural Fair Association and the Harness Horsemen's Association is opposed to this amendment is quite simply for an out-of-state simulcast you have to wager \$2 to equal \$1 wagered on an in-state simulcast to put the same money into the purse account in the Agricultural Fair stipend account. And, the commercial track is going to experiment with OTB's to do exactly what Representative Aliberti's amendment suggests happen and they are going to monitor this. If it proves to be profitable they will obviously continue it. Their concern is that if the numbers run against them that they not have to live with a losing proposition until May 1, 1995 which is the sunset date on this amendment. That is why I would urge you to indefinitely postpone House Amendment "C".

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: The very respectful Chair of the committee is right but, he doesn't go far enough. How in God's world can there be a lesser amount of money coming to the horsemen if by all projections from the State Budget Committee says that the projections are \$77,902,268 for 1994? How can it be possible for the horsemen to get less? I don't understand it.

The betting now approximates \$30 million or more. The projections are \$77 million. Even Amendment "E" caps it off at \$52 million. They are saying that we know it is going to go to \$52 million. So, how on earth can the horsemen say with credibility that they are going to get less? I cannot understand that.

The SPEAKER: The Chair will order a vote. The pending question is indefinite postponement of House Amendment "C" (H-999). Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative ALIBERTI of Lewiston requested a roll call on the motion to indefinitely postpone House Amendment "C" (H-999).

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

A vote of the House was taken and more than

one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Tardy of Palmyra that House Amendment "C" (H-999) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 340

YEA - Ahearne, Anderson, Ault, Bailey, R.; Barth, Bowers, Brennan, Bruno, Campbell, Carr, Carroll, Chase, Chonko, Clark, Cloutier, Clukey, Cross, Daggett, Dexter, DiPietro, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Hale, Hatch, Hichborn, Hogle, Hussey, Jacques, Johnson, Kerr, Ketterer, Kilkelly, Kneeland, Larrivee, Lemke, Libby James, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nickerson, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Plourde, Reed, G.; Reed, W.; Richardson, Robichaud, Rotondi, Rowe, Ruhlin, Saxl, Simoneau, Small, Spear, Stevens, A.; Sullivan, Tardy, Taylor, Townsend, E.; True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton.

NAY - Adams, Aikman, Aliberti, Beam, Bennett, Birney, Carleton, Clement, Coffman, Coles, Constantine, Cote, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Gould, R. A.; Heeschen, Heino, Holt, Jalbert, Joy, Kontos, Martin, J.; Melendy, Michael, Murphy, Pinette, Plowman, Poulin, Pouliot, Ricker, Rydell, Saint Onge, Skoglund, Stevens, K.; Swazey, Townsend, G.; Tracy, Treat.

ABSENT - Bailey, H.; Cameron, Caron, Cashman, Cathcart, Hillock, Joseph, Kutasi, Lemont, Libby Jack, Lipman, Martin, H.; Nash, Norton, Pendexter, Rand, Simonds, Strout, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 86; No, 43; Absent, 22; Paired, 0; Excused, 0.

86 having voted in the affirmative and 43 in the negative, with 22 being absent, House Amendment "C" (H-999) was indefinitely postponed.

Committee Amendment "A" (H-948) as amended by House Amendments "D" (H-1003) and "F" (H-1095) thereto was adopted.

Representative POULIOT of Lewiston moved that the Bill and all accompanying papers be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone the Bill and all accompanying papers.

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 Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I never thought it would come to this, I really didn't. I never thought that I would be supporting the indefinite postponement of this House Paper. Why didn't I think so? Because I

honestly believed that prior to coming to this critical moment that we could get together for the welfare of the Harness Racing Community.

Indefinite postponement means House Amendment "A," Committee Amendment there attached to it including House Amendment "E" — I honestly had an alternative to this and that was an opportunity to go back to the original posture of the Agriculture Committee. What was that? Let it go for a year and then come back with some real constructive way of addressing this great bonanza that we have before us.

It is kind of too bad — politically it took some of these other avenues before it has come to this. The Committee was in agreement to postpone any of these major areas and come back after a study. Now, how effective is a study? In 1990 I was a member of a study to study the harness racing industry, November, 1990. There were critical areas of concern at that time that needed to be addressed — drugs, changes in the laws, it went on and on and on. This study came back with a constructive direction of the Harness Racing Community. It was presented in November 1990 and it put us on the right track.

I hope that if you indefinitely postpone this you will understand what you are doing. You are saying the status quo will exist. The great area of controversy to the harness racing community will stay the same. It will not change at this time and the projections will be the same.

I wish that I could honestly say that I would vote against this. There is no alternative, no alternative, but to wake up the racing community and wake up the legislature in addressing a critical situation. I urge you to support the indefinite postponement of this document and all its accompanying papers.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Pouliot of Lewiston, that the bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 341

YEA - Adams, Aikman, Aliberti, Beam, Birney, Carleton, Clement, Coffman, Coles, Constantine, Cote, Dore, Driscoll, Farren, Heino, Holt, Jalbert, Joseph, Joy, Kontos, Larrivee, Marsh, Melendy, Michael, Murphy, Pinette, Plowman, Pouliot, Ricker, Rydell, Saint Onge, Skoglund, Stevens, A.; Stevens, K.; Swazey, Townsend, G.; Tracy, Treat.

NAY - Ahearne, Anderson, Ault, Bailey, R.; Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Campbell, Carr, Carroll, Chase, Chonko, Clark, Cloutier, Clukey, Cross, Daggett, Dexter, DiPietro, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heeschen, Hochborn, Hogleund, Hussey, Jacques, Johnson, Ketterer, Kilkelly, Kneeland, Lemke, Lemont, Libby James, Lindahl, Look, Lord, MacBride, Marshall, Martin, J.; Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Reed, G.; Richardson, Robichaud, Rotondi, Rowe, Ruhlin, Saxl, Simoneau, Small, Spear, Strout, Sullivan, Tardy, Taylor, Townsend, E.; True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Bailey, H.; Caron, Cashman, Cathcart,

Donnelly, Hillock, Kerr, Kutasi, Libby Jack, Lipman, Martin, H.; Nash, Rand, Reed, W.; Simonds, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 38; No, 94; Absent, 19; Paired, 0; Excused, 0. 38 having voted in the affirmative and 94 in the negative, with 19 being absent, the motion to indefinitely postpone the Bill and all accompanying papers did not prevail.

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

Representative DONNELLY: Mr. Speaker, my light turned itself off and I wish to be recorded as nay.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-948) as amended by House Amendments "D" (H-1003) and "F" (H-1095) thereto in non-concurrence and sent up for concurrence.

Objection was made to sending the matter forthwith.

An Act to Amend the Laws Relating to Potatoes (EMERGENCY) (H.P. 1273) (L.D. 1717) (S. "A" S-589 to C. "A" H-1059) which was tabled by Representative TARDY of Palmyra pending passage to be enacted.

On motion of Representative TARDY of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 1717 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-1059) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-589) to Committee Amendment "A" (H-1059) was adopted.

On further motion of the same Representative, Senate Amendment "A" (S-589) to Committee Amendment "A" (H-1059) was indefinitely postponed.

The same Representative presented House Amendment "A" (H-1096) to Committee Amendment "A" (H-1059) which was read by the Clerk and adopted.

Committee Amendment "A" (H-1059) as amended by House Amendment "A" (H-1096) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1059) as amended by House Amendment "A" (H-1096) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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. 1306) (L.D. 1761) (Governor's Bill) (C. "A" H-1081) which was tabled by Representative JACQUES of Waterville pending passage to be engrossed.

On motion of Representative MORRISON of Bangor, the House reconsidered its action whereby Committee Amendment "A" (H-1081) was adopted.

The same Representative presented House Amendment "A" (H-1085) to Committee Amendment "A" (H-1081)

which was read by the Clerk.

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

Representative MORRISON: Mr. Speaker, Men and Women of the House: As you will note from the green sheet that was just passed around, this amendment takes the \$320,000 that was allocated to the magnet school for start-up costs and returns it to the GPA.

I personally have no bad feelings about a magnet school. In fact, at one time, I taught for four years, and I taught advanced placement mathematics and science students. However, I think this is a poorly timed piece of legislation.

The problem is it costs \$320,000 this year but it has a price tag of a minimum of \$2 million per year on ad infinitum. That is the problem, it will become a line item in the budget and as a line item it is going to get first consideration and that money is going to come out of GPA. As a result of that coming out of GPA and we are already \$100 million short in that account so this will put us another \$2 million per year minimum behind. We are going to wind up spreading that cost amongst the local taxpayers because each individual community will be reduced by that proportion of the amount. So, once again, the local taxpayer, the property taxpayer, is going to bear the brunt of this change. One might even say that the local property taxpayer will also get to pay his local property tax but he will also get to pay that portion of the \$2 million that will be going to the magnet school.

Our constituencies back home have said loud and clear that there are two things they really don't want to see down here any more and that is increase in taxes and new programs.

You have an opportunity today to cast your vote to agree with your constituents back home that that is indeed the way you feel.

I urge you to support this amendment.

I request a roll call.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I move that this amendment be indefinitely postponed.

Mr. Speaker, Ladies and Gentlemen of the House: We had a long debate on this last week and so I am not going to debate it for a long time today.

I do want to remind you that you approved of this bill, this school, by a vote of 94 to 43 last week. I hope that you will keep that same vote today.

I think this is a really important bill, it is a really important school and it will do many things for many students. It will not be only those students who attend the school, but it will provide teacher workshops, it will provide shorter summer programs for students all over the state. I think that is tremendously important.

The \$320,000 that it is going to take to establish this school is a very small sum when it comes to education whereas \$320,000 isn't going to make a great deal of difference in the GPA budget that we do have.

For 1996 revenue at 150 students it would be a cost of \$1.1 million. However, you would have to take that minus the GPA savings from the sending districts which would be \$705,000 which would leave a net cost of \$465,000 for that year. As the school enrollment increases so does the price and so does

the savings.

I do want to point out to you that this school is tremendously important to this area. I hope none of you have to experience the loss of a defense facility such as we are losing Loring Air Force Base. It is going to mean the loss of millions of dollars to the state unless we can provide a reuse for it. We are trying very hard.

I think this school will play an important part in attracting businesses or a use for that base. As you know, whenever companies are going to move into an area they not only look at the work force that is so important to them, but they look at the schools to see what kind of education is provided for them.

I think this will go a long way to helping us sell a reuse for Loring Air Force Base. We need it. I hope you will support it, and, I ask you to keep the vote that you kept last week.

I have a sheet coming to be passed out to you but unfortunately it hasn't quite arrived yet, it will be along.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I have looked at the magnet program (so-called) and I really think it is a wonderful program. I would dearly, dearly, love to have it. I think it is something we need in this state. I think it is the future if we are going to have the quality of education as a leader school to get us where we should be approaching — as we move into the 21st Century we need that school. But, there is one overriding thing we have to think of today, I think, that we should not (if we have any fiscal prudence at all) we would not be funding new programs regardless of how attractive they are when we cannot even fund at a reliable and proper level the basic education that all the students in our state need and deserve.

I would ask that you vote against the motion to indefinitely postpone and go on to attach this amendment to this bill.

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

Representative YOUNG: Mr. Speaker, Men and Women of the House: I just want to speak briefly.

I want to support the pending motion and ask that you do so also.

I understand that we are asking a lot. There are other special programs in this budget. There are all kinds of things that people could pick apart and all kinds of amendments that people could offer and support. I am going to vote for the budget as it has been presented.

One of the things that was raised earlier today was an article from the Bangor Daily talking about the problem of attracting students to Limestone. I just want to, for a moment, present you with some additional testimony from other students from an article from the Maine Sunday Telegram from January 16th, 1994. Apparently the Bangor writers didn't check with these students. A young man from Deering High School, named Anderson, suggests that he wants more from his education. He says, "There are lots of times where I ask questions at the level I am at and the teachers say, you can't learn that until you get to calculus next year." He said, "It sort of makes me feel frustrated because I can't learn everything I want to."

Alex Terelle, a junior at top math student at

Bonny Eagle High School in Standish said he would go to Limestone for greater challenges and because it would look good on his resume. You have to sacrifice some things but I don't think it would be that bad.

"Despite the sacrifices, many parents would not hesitate to enroll their children," said Brenda Wilson, the co-founder of the Maine Parents for Gifted and Talented Youth. "Most parents are looking for resources, they would like to see their child's curriculum enriched." She said, "Here is an opportunity to have some of the latest technology and top-notch instructors and I think they would be pounding on their doors."

Ladies and gentlemen, we have received dozens of letters from young people and families all across the state, it is precisely in tough times that you have to do the most with the resources you can.

I want to say one last time, the wealthy can always send their children to their school of choice, this is an opportunity for children from any means, if they are competent to attend, to have that kind of opportunity.

Mr. Speaker, I would ask again that we support the pending motion, indefinitely postpone this amendment. I ask for a roll call.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: The faster we run, the behinder we get.

This is not a time for a new program. You look out in the halls and everyone is scurrying for more money for GPA. We will be lucky if we can come up with the \$7 million. We ought to have \$50 million or \$60 million more. We are underfunding the present programs at our home schools. Please, I beg you to defeat the motion to indefinitely postpone. This is not the right time to expand programs.

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

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: Just one comment. The previous speaker mentioned that this was not the right time, perhaps, for new programs. I will tell you this is the only time that the several million dollars will be available from the Limestone Community to be given to the state for this kind of program. This is the time when we have a facility that has wonderful equipment in their laboratory and has a beautiful physical plant. This is the time, this is the only time because of the transition with the loss of Loring Air force Base, that certain federal monies will be available for this project.

I would agree that there are other very important measures that deserving of funding but I would put forward to this body that if we are ever going to do this we are never going to get as good a financial package for everything that we are getting from the Limestone community, several million dollars as well as a fully equipped facilities.

I would urge you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, I would pose a question through the Chair.

On the point that Representative Robichaud just made, could anyone tell us what the deadline is for the federal funds? Is there a specific date by which we need to submit a plan from the State of Maine. Is there a specific date or a specific grant year by

which the funds are unavailable?

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

The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Men and Women of the House: I will answer the question as best I can. As I understand it there already has been a million dollar grant which has been let to the community for any purpose that the community would use it for. That money has to be used within a specific fiscal year time table. I am not sure about the details of that.

There is another contingent, almost a million dollars contingent upon this proposal and \$600,000 in housing which I believe is specifically tied to this proposal.

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 clear up one of the misconceptions that we always seem to get trapped in. Every time somebody says federal dollars we just jump at it full speed ahead. How many times have we, as members of this state, been suckered into federal programs only to find out that a short while down the road the funds are no longer available and guess who is going to pick up the tab. I think you need to consider that because this is a one-time allocation of federal funds or a one-time transfer of federal properties to the state. So, consider that.

I urge you to vote against the 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 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 Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House: The speakers before me have indicated that certainly this is not a time for new programs. I apologize for being away so that I did not hear the first speakers. However, I would like to remind people that we have been in this dilemma a number of years. Now, all of a sudden, people think that four or five more million is going to cure all of the evils and the restructuring within our schools in Maine. I don't think that is possible. I do think that we do need a study and a thorough study. Perhaps a study from people outside of the State of Maine to perhaps give us some ideas as to how we can fund education properly.

It was only a couple of years ago whereby the citizens of Maine said that education should have a priority. It seems to me that we, as a legislature, have ignored that. Here we are, in the final days of the session, and we are just trying to think in terms of finding money somewhere for education. If it was so prioritized by the citizens to be the number one thing, next to economics and jobs, it would seem to me that we would have done something some time ago.

I have read and heard people talk about a magnet school an elitist type school, and it is far from it.

Yes, the people that go to the magnet schools have an aptitude for whatever school that school presents and in this case it is math and science. This does not mean, necessarily, that it is the best students in our schools. In nearly four decades in education I have seen a lot of students who have had aptitudes in different areas but certainly had difficulties in others. In this particular type school maybe they might be in the first ten percent of the class, I am not sure, but it is not necessarily the top students of the school.

The Representative from Limestone has indicated that certainly the monies seem to be there except for this small amount. It seems, for this small amount, that it would be in our best interest, to perhaps taking a chance to offer this to approximately 150 of our students this year. From the indication of some of the students in the areas, they seem to be interested. I don't know of a school that, from my understanding as to the way that this will be constructed and the way it will be equipped, I don't know of many schools that will have the advantages that will be offered in this magnet school. I have visited magnet schools before. I have read about them and so forth and they seem to be quite successful throughout the United States. I see no reason why that they would not be successful here in Maine.

I urge you to certainly give the students who wish to go to this type of school the opportunity to do so.

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

Representative KILKELLY: Mr. Speaker, I would pose a question through the Chair.

The numbers that we have been hearing about, the \$400,000 that is necessary to come from state funds this year to match federal funds — what is the anticipated general fund impact over the following two years?

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

The Chair recognizes the Representative from Bangor, Representative Morrison.

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: To respond to the question, I believe that next year it is \$1.4 million and it could be as high as \$2 million for each succeeding year, depending upon how many students attend. Next years projection is for 150 students, the school is projected for 300 students.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: As has been said, they hope to have 150 in the year 1996. The cost of that will be \$1.1 million. However, that is minus the GPA saving from the sending districts which amounts to \$705,000, giving a net cost of \$465,000. When the school, in 1997, has an enrollment of 300 students the cost is \$2.3 million. However, that is minus the GPA savings from sending districts which is \$1.4 million and that gives a net cost of \$930,000 which I feel is a real bargain.

I hope today that you will support this school.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative MacBride of Presque Isle to

indefinitely postpone House Amendment "A" (H-1085) to Committee Amendment "A" (H-1081). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 342

YEA - Ahearne, Aikman, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Chonko, Clement, Clukey, Cote, Cross, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Farnum, Farren, Foss, Gean, Greenlaw, Hale, Hichborn, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Kneeland, Kontos, Lemont, Libby James, Lipman, Look, Lord, MacBride, Marsh, Martin, J.; Michael, Michaud, Mitchell, E.; Murphy, Nadeau, Nickerson, Norton, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pinette, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Robichaud, Small, Stevens, A.; Stevens, K.; Tardy, Taylor, Townsend, G.; True, Tufts, Vigue, Whitcomb, Young, Zirkilton.

NAY - Adams, Aliberti, Bowers, Brennan, Chase, Clark, Cloutier, Coffman, Coles, Constantine, Daggett, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gould, R. A.; Gray, Hatch, Heesch, Heino, Hoglund, Holt, Hussey, Ketterer, Kilkelly, Larrivee, Lemke, Lindahl, Marshall, Melendy, Mitchell, J.; Morrison, O'Gara, Pineau, Poulin, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Spear, Strout, Sullivan, Swazey, Townsend, E.; Tracy, Treat, Walker, Wentworth.

ABSENT - Bailey, H.; Caron, Cashman, Cathcart, Hillock, Kutasi, Libby Jack, Martin, H.; Nash, Rand, Simonds, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 81; No, 55; Absent, 15; Paired, 0; Excused, 0. 81 having voted in the affirmative and 55 in the negative, with 15 being absent, House Amendment "A" (H-1085) to Committee Amendment "A" (H-1081) was indefinitely postponed.

Representative BOWERS of Washington presented House Amendment "B" (H-1094) to Committee Amendment "A" (H-1081) which was read by the Clerk.

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

Representative BOWERS: Mr. Speaker, Men and Women of the House: This amendment increases the tax on lodging from seven to ten percent, from June 30, 1995 until May 31, 1995, to produce \$7,370,000 for the general fund and \$396,000 for municipal revenue sharing. Of the additional amount to the general fund, \$4,597,000 goes to GPA for the School Year 1995 and, \$2,775,000 is appropriated to the Maine Health Program for the rest of 1994 and fiscal year 1995.

I urge you to adopt this amendment. I have talked to people in the lodging industry and they tell me that when people call for their reservation they don't ask what the tax is. We have the lowest tax in New England.

I know that when people are sitting down there in Worcester, Massachusetts and planning their vacation to Sugarloaf or anywhere in the state, they are not worrying about what their lodging tax is. I don't even think they know what it is. People from Maine go on down from New York City and they pay over 19 percent in lodging tax. Yes, this is a one year fix, this helps us out of a situation, helps us move closer to the plan where we can have the 70/30 plan or the 60/40 plan for education for GPA. It also gets us out of the hole and funds the Maine Health

Program for the next year.

I urge you to vote green.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against this amendment and I am going to tell you why.

To begin with, I am going to ask the courtesy of any member of this House who has an additional tax amendment proposal to please notify me in advance so that I will be better prepared to address your particular amendment. However, I am confident that I can address this amendment at this time. I would consider that a courtesy to me as the Chair of the committee.

Let's begin with whether or not we are likely to pass this tax. We are not likely to pass this tax. There are simply not going to be the votes to do it. So, what are you doing by having a roll call on this item? You are accomplishing absolutely nothing for education. You are accomplishing absolutely nothing for the Maine Health Care Program.

I am interested in voting for some amendments that might restore some money to GPA. I am interested in voting for some amendments that might restore the Maine Health Program, but you are going to have to do it without increasing taxes. Not just because it is an election year but because we are just coming out of the recession and the tourism industry is just getting on its feet.

I remember seeing Representative Kerr last summer in his resort community and how we discussed the fact that even though there were now tourists returning to his community, revenues in businesses in general were down about 30 percent.

I don't know which of you, in your own business, can sustain a 30 percent reduction in revenues for many years. But, I would suspect very few of you.

So, although I would argue that there is some benefit to taxing lodging and although I am usually very comfortable in taxing lodging (you can check, there aren't many hotel's in my community so it isn't a very hard vote for me to cast) I would suggest that this is not the time — just coming off this recession, and, when we have just invested some money in increasing our tourism promotion in Maine to add this additional tax burden to Maine.

I think that you can comfortably vote against this amendment and still be pro education and still be pro health care.

I would move that you indefinitely postpone House Amendment "B."

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

Representative KERR: Mr. Speaker, Men and Women of the House: I think it is an admirable task to go ahead and look and try to fund the programs that the good Representative has tried to do, but, when you are taking a tax from seven percent going to ten — and as Representative Bowers did indicate in the Statement of Fact sheet, it does say May 31, it does not say June 30. There is no guarantee that this tax will be taken off.

I believe a year ago when Taxation policy was that we used to have a liquor tax that was at ten percent. It became hard to figure when you had various tax percentage and they were much different and they were looking for uniformity. I think that we are deviating from the original tax plan of this

state. If you are going to implement a program of this (June 1st), people that are in the hospitality industry have already set their rates based on what we all believed that would have stayed at seven percent sales tax.

I just think that this modification so quick gives no planning and we shouldn't just be looking where the tax structure in other states — people in Maine like to visit other places in the State of Maine and we would also be hurting Maine people by implementing this tax.

I also would urge you to vote against this amendment and support the motion for indefinite postponement of this amendment.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Here at the eleventh hour of the Second Regular Session of the Legislature, I think, is too late to be proposing a tax on an industry who has not been able to have a public hearing, has not been notified of the tax. I think this is just the wrong way to go. If we were thinking of raising a tax on the tourist industry I think it is only fair to them that we have a public hearing on this bill and that we let the industry know so they can come in with their concerns.

At this time I hope that you would indefinitely postpone this amendment.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House: I disagree with the contention of the good Representative from Washington that tourists do not know what the tax rate is and would not know the difference between seven and ten percent.

Down in my area there are a great number of places that are rented for a week, a couple of weeks, and sometimes even more. They do get, the people who rent them, do get a good rent for them. These places are in competition with other places in New Hampshire, Cape Cod and other places.

You start talking about three percent on a dollar or \$50 or \$100 and maybe you don't notice it but I can assure you that those people who come to Maine to rent are sure going to notice ten percent as opposed to seven percent and some of them, I believe, are going to stay away because of it.

It is going to be an iffy season, the tourist season is going to be iffy this year. Part of the problem is the Canadian trade. In case you don't know, the Canadian dollar has lost its value. The discount is about 30 percent. To add this on top of that is going to have a very detrimental affect on the tourist industry.

I wonder whether or not by raising the tax you are actually going to gain revenue because you are going to drive people away.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: In a tax environment it is always important to point out the comparative nature of raising the revenue and where it would go, what is it on the other hand, reality.

We have in front of us a clear "on the other hand." We have a lodging industry that is the very low part of taxes and revenues on lodging. Boston is 13 percent. The previous speaker mentioned Cape Cod,

I think it is 12. New York is 19. Some places in the midwest are at 15 percent. Tourist destination places are between 12 and 15 percent.

So, we have an amendment here, on the one hand, reduces property taxes by its support of General Purpose Aid to Education or provides us up into the bottom echelon of tourist destination taxes.

We have an amendment that provides for insurance for poor people so that they in effect aren't on the burden of the local hospital raising health care costs or we have raising the taxes on lodging paid overwhelmingly by tourists at the low end of the industry.

We have support for local schools, children, our future or we raise taxes on the low to the very low end of the tax rate on tourist destination environments.

To me to point out the choice in that for us is almost to answer the question. The industry routinely collects 12 or 15 percent as a way of funding local projects and when Mainers travel elsewhere than Maine that is what they pay.

It is only reasonable that a tourist destination environment like Maine, our resource, with relatively few people passing through to go to other locations which have that resource cannot utilize it by taking the tax to the low end of the destination range to the support of education, property tax reduction, insurance at the very poorest in our society, to relieve the burden on our health care system, essential demands that are pressuring this budget.

To me that tension to ask it, to point it out, is to answer the question. Nobody wants taxes but if every there was a fair basic way to place it in the State of Maine, this is the way.

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

Representative FARNUM: Mr. Speaker, Members of the House: I am going to give you an example of high taxes on tourism. Take one look at Canada. Canada, just a few years ago, raised it taxes on motels and on food, and what has happened? Tourism stopped in Canada. Canada now has the highest debt on North America. People stopped going to Canada. I traveled through Canada last summer, I saw motel after motel had been opened, now closed. I saw stores that were open in towns going across Canada, they are closed. There are no tourist people there to take care of it. Money is hard. We want to do the same in Maine, it appears, right now.

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

Representative BOWERS: Mr. Speaker, Men and Women of the House: My apologies to my colleagues on the Taxation Committee, but we have discussed this issue before. This was discussed in one caucus on Friday, very briefly, of course.

This is not a tax on the industry, this is a tax on people that use services from the industry.

I don't suppose that people are going to go hang around Portsmouth Circle and use the nine percent rate to save just a few pennies and then drive another 30 miles to the beach or use those crowded ugly beaches down in New Hampshire.

I don't suppose that there is really going to be any drop-off or any decrease in the people that are renting rooms in this state.

I do suppose that a few people in Maine, including myself, when I go and use lodging in other places in

Maine, when I am going up to Bar Harbor to visit, when I am going to Sugarloaf to ski. I don't begrudge that if I know that almost \$400,000 is going to municipal revenue sharing. I don't begrudge it if I know that \$7 million is going to go and help fund GPA to education and help on the Maine Health Program.

I urge you to vote against the motion to indefinitely postpone.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I am not standing here to argue against education or against health care. I am arguing for tax policy.

It is quite apparent that one of the problems we have in this state is the hodgepodge of taxes and at some point we are going to have to address that. But, here we are on the floor of the House suggesting that we change a tax. I don't believe it is going to be paid by all tourist. I do think in some cases it is going to be a tax on the industry.

I would use for example the schooners in Rockland and Camden and Rockport Harbors. Now that may not apply to them but certainly the example applies to other tourist industries. They have already sold their tours (or what have you) for the year at a fixed price. If anyone is renting a facility at a fixed price, they have a contract and all of a sudden we are going to increase the three percent sales tax on them. Who is going to absorb that? The industry.

We can also use the example of the Samoset Hotel. You all see the ad and commercials on television. "Spend the weekend at the Samoset." Who is that geared to? That is geared toward the Maine resident and not the tourist.

Last year Taxation held some pretty extensive hearings on various exemptions and the tax rates of different industries. And, for very good reasons, left it where it was.

I just think it is a bad idea to impose a tax or to change a tax at the last moment on the floor of the House. All we are going to do is add to the confusion that we already have with the Maine tax structure.

I ask you to defeat this effort.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I think once again we are looking at policies that will be looked at as anti-business. Anything we do in Taxation like this gives us the same end result, that we are not looking at jobs, we are driving them. They are leaving the southern part of the state to go across the border.

This is another nail in the coffin.

Look at Canada, what has happened in Canada — a previous speaker mentioned that. I enjoyed going to Canada for a number of years. Five years ago I went to St. Andrews, a beautiful summer resort, nice golf course, spent three days there. When I got done they charged me a tax for the county (equivalent of a county), the equivalent of a district, so, I ended up paying \$127 more in taxes for having stayed in a hotel. I swore right there I will never go back to Canada to stay. I was in Canada yesterday. I went to the Sugar House and believe me, one day was enough. Every item that you buy you end up having to pay a special tax and it has driven people away from a very lovely country.

I ask you to go with the proposal to indefinitely postpone Amendment "B."

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I think this debate is wrapping up, maybe, maybe not. I have some optimism.

I would just like to encourage you again for a good strong vote for indefinite postponement so that we do not discuss adding revenues at this time in terms of future amendments to the budget.

If we could just avoid further discussion about additional taxes in trying to solve the budget crisis, I have every confidence that people in this room will come up with an adequate and humane solution to the remaining dilemma in the budget crisis.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I too, as House Chair of the Economic and Development Committee, have to get up and oppose this particular tax.

If I can just add a little bit to what others have said about what happened in Canada, increasing their taxes and so forth, yes, it has hurt them. To the point that now what they are doing is they are offering people, that leave their country, the ability to stop in at their exit and pick up the money that they paid in taxes.

I just spent one night up there and rented a couple of rooms and I was able to pick up \$20 on my way out to reap what I had paid them in taxes, they are now refunding it. So, I don't think this is the way to go.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Mr. Speaker, Men and Women of the House: When we came down here you figure you are going to have some highs and lows. One of the low's we have is when we start to suggest that we are going to tax people. We came down here not to tax.

Some of the high's that we had was in the paper when some of my opponents, if you will, of those on the other side of the fence, suggested that we ought to do something for business instead of taxing them. I thought we had that problem licked when I read that in the paper.

This is not the way to fund education, through more taxes. My people don't want it, your people don't want it.

I urge you to vote to indefinitely postpone this amendment.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: I agree that we should indefinitely postpone this bill, now is not the time to tax.

If education is indeed our number one priority, which I think it should be, then we need to adequately fund it up-front, then prioritize the rest of the budget and eliminate those programs that we deem unnecessary so we have the money to pay for it.

Representative SIMONEAU of Thomaston requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-1094) to Committee Amendment "A" (H-1081).

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 Dore of Auburn that House Amendment "B" (H-1094) be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 343

YEA - Ahearne, Aikman, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Cross, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Hale, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Murphy, Nadeau, Nickerson, Ott, Paradis, P.; Pendexter, Pendleton, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Ruhlin, Saint Onge, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Taylor, Townsend, E.; Tracy, Treat, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirkilton.

NAY - Adams, Aliberti, Bowers, Brennan, Daggett, Gean, Hatch, Heeschen, Mitchell, J.; Morrison, Norton, O'Gara, Oliver, Pfeiffer, Richardson, Rotondi, Rowe, Rydell, Townsend, G.; Wentworth.

ABSENT - Bailey, H.; Caron, Cashman, Hillock, Jalbert, Kutasi, Libby Jack, Martin, H.; Nash, Rand, Simonds, Tardy, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 115; No, 20; Absent, 16; Paired, 0; Excused, 0.

115 having voted in the affirmative and 20 in the negative, with 16 being absent, House Amendment "B" (H-1094) to Committee Amendment "A" (H-1081) was indefinitely postponed.

Representative COFFMAN of Old Town presented House Amendment "C" (H-1099) to Committee Amendment "A" (H-1081) which was read by the Clerk.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is to ask for your consideration of (once again) funding the Veterans Financial Assistance Program. This program has been in existence in this state since 1947, all the way to 1991, when, because of the budget crisis we have in the state, it was decided that funding was to be cut to this program.

This program, when it was in place, assisted between 200 and 400 veterans on a short term basis each month. The average length of time that they received temporary assistance was six weeks. Most of the assistance was provided to disabled veterans,

their widows or the spouses and children of disabled veterans. Right now there are 250 to 300 requests state wide each month for assistance under this program but they are turned away because there are no funds available.

This program exists in the Bureau of Veteran Affairs, so this request is not asking for staff, it is not asking for any support services at all. This would be direct assistance to those veterans, widows, and spouses and children of those veterans that need temporary assistance.

The reason I brought this forward is because a constituent of mine, Greg Allen, from Old Town, is in a position where because he is 20 percent disabled, judged 20 percent disabled by the Veterans Administration, he receives from them \$166 a month. If he would have been 50 percent disabled he would have received in excess of \$1,000 but because of the 20 percent it is \$166 a month.

You might not consider the 20 percent as much of a whole body disability but it just so happens that Greg was an industrial construction foreman, his injury, which he received in service, was to his leg. So, that leg injury, according to his doctor in judging his work capacity and the job that he is trained for and that he has done all his life makes it impossible for him to perform his duties. So, with that job description that he is trained for he is 100 percent disabled.

He was receiving \$2,500 to \$3,200 a month when he was working. Now he is down to \$166. He is in the process of having his home foreclosed and the list goes on with what is happening here. He is trying to find another job and he is looking every day. This assistance, when it is there, provides temporary help to people like Greg.

I have received letters here. Because of the lack of the time and things I am involved in, I made him one of my Legislative Aids so he has been out there doing the footwork for this. I have received letter faxed here today in support of this measure from the state organizations of the Veterans of Foreign Wars, (VFW), who — I won't read all these letters but — "There are veterans throughout this state that come upon hard times and need temporary assistance. There is a program in place that could be providing this assistance. We needed them then and they need you now." The VFW.

"The Maine veterans have supported Maine, let's all support our veterans." That is from the Disabled American Veterans of Maine.

The American Legion, "Since the discontinuance of the previous fund of this type a strain has been seen in the resources of many organizations and in some cases there has been no assistance available at all."

The AMVETS wrote a letter and Lucian Deschane, representing the Maine POW's, they are all in support of this measure and they are asking you to please consider this appeal for a reinstatement of the funding of this program.

Veterans that apply to this program area asking for temporary assistance. These are people that, in Greg's case, he refuses to reach out for any public assistance. These people, as a whole, don't want to ask for welfare, they don't want to ask for town assistance, they don't want food stamps, they feel that if there is a Veterans Financial Services Program available that they can apply to that because they are entitled to it.

I think we would be saving money here because we

would provide that temporary assistance to get them over the hump where they can, the organizations try to help them find employment if that is what needed, but they need that temporary assistance immediately when they apply for it. Otherwise we are going to force them on the public role, we are going to increase welfare costs, we are going to increase the amount of psychological trauma that is going to happen when they lose everything and there is no assistance available or they are forced to take public welfare money is of concern here.

From what I see of this program and the need here we could be saving the state some money by putting these funds in place. All these veterans groups are asking is your consideration to do just that and I would appreciate your consideration.

Representative CHONKO of Topsham moved that House Amendment "C" (H-1099) to Committee Amendment "A" (H-1081) be indefinitely postponed.

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: There is no one that could agree with the Representative more than I, on this issue. Unfortunately this amendment has a severe problem, it will leave the budget unbalanced by \$175,412.

For those reasons I ask you to join me in indefinitely postponing this amendment.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I wish to thank my good friend, the Representative from Old Town, for presenting this amendment. The very thing which has been predicted for the last 15 years, that the veterans are being shoved out and out and out. When this happened back in the 1990's I felt it was a travesty of justice. It is always the ones that can't defend themselves that get shoved out. If it isn't the senior citizens or the disabled or the people in the mental institutions or the veterans — that is what they do.

Most of these people do not have lobbyist. They cannot come and fight the way others do. The veterans groups don't have high paid lobbyist which you see floating around in the corridor out there when you have trouble getting in, getting around them, because they don't have the money.

I think rather than just say, "I am sorry, that is the way the ball bounces" — this reminds me of what happened in Washington on the Social Security issue. They found out that there was not enough money for what they had promised and they came up with what they called notch babies. I was one of them, so was my wife. She paid for years and years and years. We both got cut \$100 a month because (as one of our Senators said) what else could we do.

What is happening here, we are saying to the veterans, I am sorry but you are going to have to be shoved to one side because somewhere down the line there is some other pet project which is more important.

You can't tell me that there are some pet projects that couldn't be put to one side so that we can take care of the ones who served in this country in a time of need and we said to them, as a result of that we will take care of you later on. They become totally disabled.

They are saying to someone who sleeps in the streets we are sorry they closed the factory you

worked at but come along, we will support you. But, never mind the veteran who was injured and now old and cannot work. "Sorry, that is the way it is." "That is where the ball bounces." "Tough luck."

I don't go along with that. I, myself, am getting along in years and I can't defend myself. That isn't the reason I walk around with a cane and get sympathy. I am not in a position where if I wake up tomorrow morning and find out that they have taken the veterans exemption away from me or they are going to close Togas or close the veterans homes, I am in no position to come and fight. That is exactly what has happened. The younger people from the Vietnam era or even the ones from Desert Storm and so on, they are to busy raising a family. Some day they will need help and I hope we don't do to them what is happened in Canada.

Even last year there was an attempt to revise the Bureau of Military Services in this state which in that part would have taken the Bureau of Veterans Affairs in this state and shove it over here, possibly in the basement, I don't know, as secondary to possibly the administration. Those are the things I think we should be careful of and we should worry. If you say it is going to unbalance the budget — it can be balanced if they want to.

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

Representative COFFMAN: Mr. Speaker, Men and Women of the House: I would like to thank Representative Jalbert for his excellent points in this matter. I would like to mention here that in case some people don't realize that we have cut general assistance by 70 percent over the past years, past three years in this state. Where are these veterans going to go for assistance if they did reach out that far and had to.

Plus, many of you are probably not aware that one-third of the homeless in this state are veterans. That is shocking.

We have historically honored our veterans, all the way back to the Civil War, that is part of our heritage and our history. For us to not honor them now in a time of need I think would be shocking. I can't believe that we won't do that. I ask you for your consideration on this matter and so do the veterans of this state.

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 "C" (H-1099) to Committee Amendment "A" (H-1081) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative JALBERT of Lisbon requested a roll call on the motion to indefinitely postpone House Amendment "C" (H-1099) to Committee Amendment "A" (H-1081).

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Chonko of Topsham that House Amendment

"C" (H-1099) to Committee Amendment "A" (H-1081) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 344

YEA - Adams, Aikman, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Brennan, Bruno, Campbell, Carleton, Carr, Carroll, Chase, Chonko, Coles, Constantine, DiPietro, Donnelly, Dutremble, L.; Farnsworth, Fitzpatrick, Foss, Gamache, Gray, Greenlaw, Hale, Heeschen, Heino, Hichborn, Hoglund, Jacques, Joseph, Kerr, Ketterer, Kontos, Larrivee, Lemont, Lindahl, Lipman, MacBride, Marsh, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plowman, Poulin, Pouliot, Reed, G.; Richardson, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Small, Spear, Taylor, Townsend, E.; Treat, Walker, Wentworth, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Ahearne, Aliberti, Anderson, Ault, Beam, Birney, Cameron, Cathcart, Clark, Clement, Cloutier, Clukey, Coffman, Cote, Cross, Daggett, Dexter, Driscoll, Erwin, Faircloth, Farnum, Farren, Gean, Gould, R. A.; Hatch, Holt, Hussey, Jalbert, Johnson, Joy, Kilkelly, Kneeland, Lemke, Libby James, Look, Lord, Marshall, Martin, J.; Morrison, Nickerson, Norton, O'Gara, Plourde, Reed, W.; Ricker, Robichaud, Rotondi, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Townsend, G.; Tracy, True, Tufts, Vigue.

ABSENT - Caron, Cashman, Dore, Hillock, Kutasi, Libby Jack, Martin, H.; Michael, Nash, Rand, Simonds, Tardy, Thompson, Townsend, L.; Winn.

Yes, 79; No, 57; Absent, 15; Paired, 0; Excused, 0.

79 having voted in the affirmative and 57 in the negative, with 15 being absent, House Amendment "C" (H-1099) to Committee Amendment "A" (H-1081) was indefinitely postponed.

Representative STROUT of Corinth presented House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081) which was read by the Clerk.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I offer this amendment to restore the Property Tax Relief Fund that was put in place in 1989. This amendment would remove Part N that repeals the Property Tax Relief Fund. Last year the fund paid \$3.1 million to municipalities and local property taxpayers at the end of fiscal year 1993. The first time since enacted in 1989. This money went to every city and town in Maine. The money, as many of you know, was targeted to local government infrastructure costs, water, sewer, roads and public work projects. Because it is paid with surplus revenues, the amount (if any) available for local property tax relief in any year is problematic. But, it is an important indication of our commitment to stabilizing local property taxes. Repealing the fund sends a strong negative message, in my opinion, to city and town and local property taxpayers that property tax relief is not as important as it was last year. Putting this fund back in the law by adopting this amendment sends a positive signal to local property tax payers that tax relief remains a high priority.

This amendment does not change the Appropriations Committee's decision to fund the Maine Quality

Centers Program from the unanticipated surplus to the tune of \$2.6 million. The property tax relief fund would get the amount in excess of \$2.6 million if there was any.

What I am saying in this amendment that once these funds come in and we have a surplus over and above the programs that have been funded we would get the relief, the same as we did last year.

Neither does this impact on transfers of portions of the surplus of the Rainy Day Fund. By voting for this amendment you are saying that property tax relief is important to you and your constituents.

I would just add, finally, that if you look at the amendment it says that this amendment will have no negative effect on General Fund appropriations or revenue and a balanced budget is maintained for fiscal years 1993-94 and fiscal years 1994-95.

I urge adoption of this amendment.

Representative WHITCOMB of Waldo requested a roll call on adoption of House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081).

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 345

YEA - Adams, Ahearne, Aliberti, Anderson, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Carleton, Carr, Carroll, Cathcart, Chase, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gamache, Gean, Gould, R. A.; Hale, Hatch, Heeschen, Heino, Hoglund, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Ketterer, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, Marsh, Marshall, Martin, J.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nickerson, O'Gara, Oliver, Pendleton, Pineau, Pinette, Plourde, Plowman, Poulin, Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth.

NAY - Ault, Bruno, Cameron, Campbell, Chonko, Constantine, Foss, Gray, Greenlaw, Hichborn, Holt, Kerr, MacBride, Michaud, Norton, Ott, Paradis, P.; Pendexter, Pfeiffer, Pouliot, Reed, G.; Simoneau, Skoglund, Tardy, Taylor, Whitcomb, Young, Zirnkilton.

ABSENT - Aikman, Caron, Cashman, Hillock, Kilkelly, Kutasi, Libby Jack, Martin, H.; Nash, Rand, Simonds, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 108; No, 28; Absent, 15; Paired, 0; Excused, 0.

108 having voted in the affirmative and 28 in the negative, with 15 being absent, House Amendment "D"

(H-1100) to Committee Amendment "A" (H-1081) was adopted.

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

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

On page 129 of the Committee Amendment, if you have it in front of you, there is a provision in there that deals with certain suits arising from the use of motor vehicles. It seems to imply that if a state employee were using his or her own car and were involved in an accident then the person that would perhaps be involved on the other side — and it were the fault of the employees, that you could only sue to the extent of the coverage that is in that policy. As you know the many people who carry insurance to the minimum level, whether they be state employees or otherwise, it appears to say that the state then would be immune from any further suit or liability. It seems to me, if that is true, to leave a gaping hole for those people who might be injured, following such an accident — I may be reading it wrong but I would wonder where that came from? Why it is here if that is what it does?

I would ask someone to just explain — perhaps to ask who requested that G-8 be placed into the budget act? Maybe then we can find out who is responsible. Then if that is the case, if that is what I am reading, if that is to be correct I have some real concerns about protecting the average citizen on the street.

The SPEAKER: Representative Martin of Eagle Lake 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: To answer the Representative from Eagle Lake, the proposal came to us from the administration and I can't remember the exact details but I would be glad to look into it and let him know.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: While the language here may be a little bit confusing, it is intended to mean that when the person, the employee's, liability insurance is inadequate and does not provide the coverage that would be necessary, that the governmental entity would remain responsible for any further liability. So that first it is the employees liability coverage but we recognize that there are some employees who might carry only the minimum and since the state does not cover the cost of insurance for these employees they may not be able to afford more than that but the State would remain liable for any additional necessary coverage.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: To try to answer why this is here, originally the way it used to work is the individual was responsible for X-amount of dollars. After that if there is any additional cost then the state would be liable for the additional cost. There was a court case that reversed that and said the state is primarily responsible, first. What this language is supposed to do is put it back the way it

was before that court case overturned the way it was initially ran by the state.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I hadn't seen that language until just now in the budget but that subject matter came before the Judiciary Committee, and, it is true there was a court case, but it was not clear to me that the average employee was aware that their own insurance was the primary coverage for any accident while they were using a private vehicle in the course of state employment. To put that back, to me, may well be a major change in the minds of most employees. It was our impression, in Judiciary, as I recall, that if the state expects or asks an employee to use their own vehicle in the course of their work that the state should be responsible for that.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: Just a statement for the Record regarding the appropriation on page four, for the Potato Quality Control Program, the industry wants us to make it perfectly clear that this appropriation is to subsidize the program in general and is not pointed specifically at the — for example, the Maine Bag Program. Our intent is to maintain a state federal inspection service without increasing the cost of inspection to the packers, processors and others who use that service.

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

Representative COLES: Mr. Speaker, I would pose a question. On the same page, 130, there is a repealer, Section G-9, which appears to repeal the protection governmental employees have against liability suits. I was wondering if someone might explain the reasoning for repeating this section of law?

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

On motion of Representative JACQUES of Waterville, tabled pending adoption of Committee Amendment "A" (H-1081) as amended by House Amendment "D" (H-1100) and later today assigned.

The following items were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Statutes

Representative ERWIN from the Committee on Audit & Program Review on Bill "An Act Regarding State Government Evaluation and Justification" (EMERGENCY) (H.P. 1485) (L.D. 2011) reporting "Ought to Pass" Pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Report was read and accepted. The bill read once. Under suspension of the rules the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill

was passed to be engrossed and sent up for concurrence. Ordered sent forthwith.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

ENACTORS

Emergency Measure

An Act to Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education (H.P. 1431) (L.D. 1956) (Governor's Bill) (H. "C" H-1092 to C. "A" H-909)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish an Ambient Water Toxics Program (H.P. 1080) (L.D. 1446) (H. "A" H-1091 to C. "A" H-1072)

An Act to Clarify the Licensing Authority of the Department of Public Safety (S.P. 614) (L.D. 1712) (H. "A" H-933, H. "B" H-1056 and H. "C" H-1093 to C. "A" S-518)

An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State (S.P. 655) (L.D. 1824) (C. "A" S-508)

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.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

SENATE PAPERS

Non-Concurrent Matter

An Act to Ensure Proper Funding of the Department of Environmental Protection (H.P. 1385) (L.D. 1884) (H. "A" H-1088, H. "B" H-1089 and H. "C" H-1090 to C. "A" H-1076) which was passed to be Enacted in the House on April 11, 1994.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

Representative MARTIN of Eagle Lake moved that the House Insist.

The SPEAKER: The Chair recognizes the

Representative from Eagle Lake, Representative Martin.
 Representative MARTIN: Mr. Speaker, Members of the House: I would just like to relate the history of this legislation so that there is no confusion as you hear rumors up and down the hall. This is the Governor's bill which funds the positions in the Department of Environmental Protection, in particular, originally intended to fund the Bureau of Land and the Bureau of Water.

What transpired was that the public hearing was held prior to my becoming Chair, it was held when the Representative from Waterville was Chair. The need was demonstrated, and, at that point the amount of money that was necessary for funding, the figure was \$540,000. The Committee felt very strongly and basically decided that we should not be raising fees in that amount. We went to the Appropriations Committee and the Committee gave \$300,000. Then that left, at that point, about \$240,000 to be funded.

We cut that down to \$184,000 and the bill came out with fees which raised fees in the Department of Environmental Protection for personnel in the Land Bureau for \$184,000.

When it came to the floor there were many members in this body and in the other body who felt that fees should not be increased over what they were. So, I offered House Amendment "B" to the bill or actually to Committee Amendment "A" last week (or was it this morning, I have lost track of it) which in effect took the money from the unappropriated surplus if there were to be one at the end of the year. Some members of the Appropriations Committee at the other end of the hall disagreed with that. Subsequently, that amendment was indefinitely postponed and then people realized that they had now just voted or were about to vote for straight fee increases. That is when the Senate Chair of the Committee moved indefinite postponement.

I need to just lay out two factors to you. One, is that if we do nothing those positions will be lost in the Land Bureau. We are talking specifically about site location law. The permitting process has changed a great deal. You may remember in 1987 there were 1,400 pending applications before the department, today there are 170. What will transpire is that the averaging time for processing will go from about four and half months to nine months, which will delay construction, especially at this point during this season.

The second point about this legislation that this is the Governor's bill, not that that should make any difference with some of you but I want to make that point, that the Governor originally funded the entire shortfall in the DEP with fees. We, in effect, have been successful between Appropriations and this body and the Energy Committee to cut that down at this point to 184 — that is the shortfall.

We have two options, one is to do nothing and lose those positions and the result will be postponement of the applications being processed for and site selection law permitting.

The second is to put fees in order to get that necessary money.

There are other suggestions about how to get that money and based on all that now that you have heard the history, I would ask the Majority Floor Leader to please table until later today so that hopefully the administration will give us a solution to the problem.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative MARTIN of

Eagle Lake that the House Insist and later today assigned.

On motion of Representative Gwadosky of Fairfield, the House recessed until 6:45 p.m.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following item which was tabled earlier in today's session:

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. 1306) (L.D. 1761) (Governor's Bill) which was tabled by Representative JACQUES of Waterville pending adoption of Committee Amendment "A" (H-1081) as amended by House Amendment "D" (H-1100).

Representative GOULD of Greenville presented House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081) which was read by the Clerk.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I, briefly, would like to explain my amendment.

This does not in any way cast any aspersions on the Reading Recovery Program, it is simply a reflection of what I consider to be the best and highest use of this money.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" (H-1101). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative SMALL of Bath requested a roll call on adoption of House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081).

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

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

The SPEAKER: A roll was has been ordered. The pending question before the House is adoption of House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 346

YEA - Adams, Ahearne, Beam, Brennan, Cathcart, Chase, Clark, Clement, Coffman, Coles, Constantine, Cote, Daggett, Dexter, DiPietro, Dore, Driscoll,

Erwin, Faircloth, Fitzpatrick, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Johnson, Joy, Kilkelly, Lindahl, Lord, Martin, J.; Melendy, Mitchell, E.; Mitchell, J.; Morrison, O'Gara, Oliver, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Ricker, Rotondi, Rowe, Rydell, Saxl, Skoglund, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Tracy, Treat, Walker, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carleton, Carr, Chonko, Cloutier, Clukey, Cross, Donnelly, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Gamache, Greenlaw, Jacques, Kerr, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lipman, Look, MacBride, Marsh, Marshall, Michaud, Murphy, Nadeau, Nickerson, Norton, Ott, Paradis, P.; Pendexter, Plowman, Pouliot, Reed, G.; Robichaud, Simoneau, Small, Spear, Tardy, Taylor, True, Tufts, Young, Zirkilton, The Speaker.

ABSENT - Aliberti, Birney, Bowers, Caron, Carroll, Cashman, Hillock, Jalbert, Joseph, Ketterer, Kutasi, Martin, H.; Michael, Nash, Richardson, Ruhlin, Saint Onge, Simonds, Thompson, Townsend, L.; Vigue, Whitcomb, Winn.

Yes, 68; No, 60; Absent, 23; Paired, 0; Excused, 0. 68 having voted in the affirmative and 60 in the negative, with 23 being absent, House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081) was adopted.

Representative RYDELL of Brunswick presented House Amendment "F" (H-1102) to Committee Amendment "A" (H-1081) which was read by the Clerk.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: It is with reluctance that I ask you to amend the budget but there are certain aspects of this budget which, as a member of the Appropriations Committee, I did not feel I could support. I believe there are other priorities which deserve the use of our scarce resources.

I would ask you to very seriously consider that with this amendment we can add just under \$3 million to General Purpose Aid, to provide additional state support for education. That by adding this amount of money we can make it possible to implement the plan recommended by a majority of the Education Committee and this will help to keep our local property taxes down in many communities across our state.

With this amendment we can continue the Maine Health Program, albeit in a scale-down fashion and give ourselves another opportunity to try to work out a way to fund this program beyond next March, this amendment would continue the program for the 5,600 working adults through March 31, 1995.

We will do this by getting our federal government match at the rate of \$2 to every \$1 spent by the state. Without this program the health needs of these individuals will be met in the most expensive fashion in the hospital emergency rooms only and they will continue to need these services but they will not be able to get them on an out-patient basis. Many people with chronic illness will not be able to get the prescriptions that they need nor the other kinds of health services which can and must be given outside a hospital.

I remind you again that the taxes that fund this

program that were originally intended to fund this program are still being collected and will generate about \$10 million in FY '95. We will need just under \$1.4 million to continue the program.

This amendment also continues the housing special needs allowance at \$75 rather than reducing it to \$50. This program provides relief to 5,000 poor families with children on AFDC whose housing costs absorb three-quarters of their monthly income. This \$75 is scheduled to be reduced to \$50 on July 1st. Twenty-five dollars to these families means a great deal and, for many of them would mean a difference between being able to retain their home or possibly having to resort to living in a shelter.

We will also draw down about \$900,000 of federal funds to help us offset the extra housing costs of these individuals.

With this amendment — we will also be able to pay the bills for Child Development Services. This program provides special education services to children ages three through five with disabilities. The program is a federal mandate — we must pay these bills, these children are entitled to these services. It has been determined by their individual family service plan that the services are necessary and these bills must be paid.

This amendment would allow us to pay these bill.

Now, you will ask how are these additional programs funded? Well, they are funded by, frankly, moving funds around within our current budget.

If you look on the fact sheet that was provided to you you will see that we have made some priorities and changed some priorities from those that are in the budget. I have decided that the Maine Health Program, \$3 million in additional GPA, the Housing Special Needs, Child Development Services, are top priorities, that they should receive priority over, for example, the performance standard study that could be put off for another year or perhaps could apply for private foundation funding.

This program also would take funds from the Reading Recovery Program. In fact, it would follow the Educations Committee recommendations, the unanimous recommendation of the Education Committee. It would also use a smaller amount of money from the Youth Apprenticeship Program and from the High Risk Insurance Reserve and from the minimum school subsidy. Everyone is going to take a little bit of a reduction. It also takes a very small additional amount from Total Quality Management. And, it uses funds from Education Restructuring Grants which were not utilized by the department. I believe that is probably because school districts must think of funding their teachers and their core programs before they can write grants for restructuring. So, it moves that money into GPA to help schools pay for the teachers and basic education programs.

It also uses \$2 million from the Risk Management Reserve. It allows us to repay most of that with \$1,350,000 that would (under our present budget proposal) would have first gone to the quality centers, now it would go towards replenishing that Risk Management Account. The rest of that account would be replenished in FY '96.

I know this is not an easy decision to make. I know for many people it will be difficult to think about changing the budget in this fashion. But, I ask you to think about the people back home. To think about the children and their parents. To think about, particularly, families that have very little.

We have severely reduced our AFDC grants in the past two years but we made a decision that for some people with very high housing costs we ought to take advantage of federal funds to enable these people to pay those housing costs and not have to go the General Assistance Office. In fact, funding the Housing Special Needs in this fashion follows the Majority Report of the Human Resources Committee's recommendation to the Appropriation Committee.

There is also a small amount taken from the Youth Apprenticeship Program, but not the whole thing. They can either serve a smaller number of students or perhaps make better use of their remaining funds and serve the same number of students. At \$7,000 per student I believe that they ought to try to make more efficient use of the funds and stretch those funds a little further.

It also takes some funds from the Maine Training Initiative. But, I have checked and made sure that the \$21 million this year and the \$22 million next year of Job Training Partnership Fund remain in tact, those are federal funds and those will remain there allowing us to make a small reduction in the state funds that we use for that training program and to put those funds, again, into programs, general education programs.

I have talked to people in my district and you have talked to people in yours. I think we all know where the priorities are of the people of the State of Maine.

I believe that this amendment represents a better picture of those priorities than the current budget amendment.

I would ask you, please, to vote for this amendment.

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

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: I would pose a question through the Chair. To representative Rydell, did you make this presentation to the Appropriations Committee? And, did you present the same type of facts that you have made available to us? And, would you describe to us a little bit as to what went on if you did attempt to do that?

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to Representative Rydell of Brunswick, who may respond if she so desires.

The Chair recognizes that Representative.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I think I can tell all the men and women of this house, all my colleagues, what a difficult last few days in Appropriations, that those days were very difficult for me, and in particular those last hours. We discussed these particular needs with the exception of the Child Development Services which was not brought to our committee and which we learned about afterward through the Education Committee and only through the Department of Education after the budget was completed.

The other pieces of this amendment, the Maine Health Program, General Purpose Aid, the Housing Special Needs, they were all discussed in our committee. Decisions were made different from what I felt were appropriate decisions. I know how difficult these decisions were for the other members of the committee. But, for their own reasons they chose to take a different path from what I chose. I chose not to sign the budget but to offer an

amendment on the floor. I chose not to offer a minority budget because I felt it was better to acknowledge that much of what is in the budget I do accept. The majority of what is in that budget I do accept. But, that there were items where I felt very strongly that my responsibility as a Representative (not only to my district but of every one in this state) was to present an alternative which I believe better reflects the needs of our state and the needs of the individuals who will be receiving services under the changes as proposed in this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "F" (H-1102). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative ZIRNKILTON of Mount Desert requested a roll call on adoption of House Amendment "F" (H-1102) to Committee Amendment "A" (H-1081).

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "F" (H-1102). Those in favor of that motion will vote yes; those opposed will vote no.

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

Representative CAMPBELL: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Townsend of Canaan. If she were present and voting she would be voting yea, and I would be voting nay.

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

Representative CARLETON: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Richardson of Portland. If he were present and voting, he would be voting yea, I would be voting nay.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "F" (H-1102). Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 347

YEA - Adams, Ahearne, Aliberti, Anderson, Bailey, H.; Bailey, R.; Beam, Bowers, Brennan, Cathcart, Chase, Clark, Clement, Coffman, Coles, Constantine, Cote, Daggett, Dexter, DiPietro, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lindahl, Lord, Martin, J.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Tracy, Treat, Tufts, Vigue, Walker, Wentworth, Young.

NAY - Aikman, Ault, Barth, Bennett, Bruno, Cameron, Carr, Carroll, Chonko, Cloutier, Clukey, Cross, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Greenlaw, Heino, Hichborn, Joy, Kerr, Kneeland, Lemont, Libby Jack, Libby James, Lipman, Look, MacBride, Marsh, Marshall, Michaud, Murphy, Nadeau, Nickerson, Ott, Pendexter, Plowman, Pouliot, Reed, G.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Taylor, True, Whitcomb, Zirnkilton, The Speaker.

ABSENT - Birney, Caron, Cashman, Hillock, Joseph, Kutasi, Martin, H.; Nash, Ruhlin, Simonds, Thompson, Winn.

PAIRED - Townsend, (Yea)/ Campbell (Nay); Richardson (Yea)/ Carleton (Nay).

Yes, 85; No, 50; Absent, 12; Paired, 4; Excused, 0.

85 having voted in the affirmative and 50 in the negative, with 12 being absent, and 4 paired, House Amendment "F" (H-1102) to Committee Amendment "A" (H-1081) was adopted.

Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101) and "F" (H-1102) thereto was adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Representative FOSS of Yarmouth requested a roll call on passage to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101) and "F" (H-1102) thereto.

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

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is passage to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendment "D" (H-1100), "E" (H-1101), and "F" (H-1102). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 348

YEA - Adams, Ahearne, Aliberti, Anderson, Bailey, H.; Beam, Bowers, Brennan, Cathcart, Chase, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lindahl, Lord, Martin, J.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Ricker, Robichaud, Rotondi, Rowe, Rydell, Saxl, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Tracy, Treat, Tufts, Vigue, Walker, Wentworth, Young.

NAY - Aikman, Ault, Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Chonko, Clukey, Coffman, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Greenlaw, Heino, Joy, Kerr, Lemont, Libby Jack, Libby James, Lipman, Look, MacBride, Marshall, Michaud, Murphy, Nickerson, Ott,

Pendexter, Plowman, Pouliot, Reed, G.; Saint Onge, Simoneau, Small, Spear, Stevens, A.; Taylor, True, Whitcomb, Zirnkilton.

ABSENT - Birney, Caron, Cashman, Hillock, Joseph, Kutasi, Marsh, Martin, H.; Nash, Richardson, Ruhlin, Simonds, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 87; No, 48; Absent, 16; Paired, 0; Excused, 0.

87 having voted in the affirmative and 48 in the negative, with 16 being absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101) and "F" (H-1102) thereto and sent up for concurrence. Ordered sent forthwith.

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

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-613) on Bill "An Act to Establish the Project Opportunity Demonstration Program" (EMERGENCY) (S.P. 729) (L.D. 1950) (Governor's Bill)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-613) as amended by Senate Amendment "A" (S-626) thereto.

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-613) was read by the Clerk. Senate Amendment "A" (S-626) to Committee Amendment "A" (S-613) was read by the Clerk and adopted. Committee Amendment "A" (S-613) as amended by Senate Amendment "A" (S-626) thereto was adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-613) as amended by Senate Amendment "A" (S-626) thereto in concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

The Chair laid before the House the following items which were tabled earlier in today's session:

An Act to Ensure Proper Funding of the Department of Environmental Protection (H.P. 1385) (L.D. 1884) (H. "A" H-1088, H. "B" H-1089 and H. "C" H-1090 to C. "A" H-1076) which was tabled by Representative JACQUES of Waterville, pending the motion of Representative MARTIN of Eagle Lake that the House Insist

-In House passed to be Enacted on April 11, 1994.

-In Senate Bill and accompanying papers indefinitely postponed in non-concurrence.

Subsequently, on motion of Representative MARTIN

of Eagle Lake, the House voted to Insist and ask for a Committee of Conference. Ordered sent forthwith.

SENATE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (S-565) - Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and Improve the State's Distance Learning Infrastructure" (S.P. 717) (L.D. 1939) (Governor's Bill) which was tabled by Representative JACQUES of Waterville, pending the motion of Representative CHONKO of Topsham to accept the Majority "Ought Not to Pass" Report - In Senate, Majority "Ought Not to Pass" Report of the Committee on Appropriations and Financial Affairs read and accepted.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the "Ought Not to Pass" Report so we can go on and consider an amendment to this interactive telecommunications bill. This has been tabled for several days, there has been an effort to present an amendment that will increase the amount going out to bonding but reduce the annual operating costs. Once we reject the motion to "Ought Not to Pass" we can go on to debate that amendment.

Mr. Speaker, I request a roll call.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I hope you will support the Majority "Ought not to Pass" Report. It is not because the majority of the Appropriations Committee doesn't support distance learning because we do. We all support it very strongly. We just feel that it is a bit early to put out to the voters of the State of Maine a bond issue in the amount of \$10 million or even more for the following reasons: There is a bill before Congress now which is likely to pass in some form, it will provide tens of millions of dollars to the state for just this purpose, for interactive television and other aspects of distance learning, for connecting schools and libraries to each other, for connecting them to the technology superhighway.

Secondly, the University of Maine Trustees have charged the University of Maine at Augusta, President George Connick, who is the person who will put together our current ITV system, they have charged him to present by July, a technology plan that could link schools, businesses, hospitals and other institutions. An interim report will not be due until May and the final report due in July. In that report we will be able to determine what should be done at the University with its present appropriations, with its present equipment and what else might be needed and what plan ought to be presented that could be appropriate for our state.

Thirdly, the company, the telecommunications company, the fiber-optic companies are around this country actually coming forward and determining how much they are going to assist states and assist schools and libraries, not only with laying fiber-optic cables to the doors of these institutions but perhaps even with helping with monthly costs and

with some of the internal wiring and internal equipment that is necessary to run these programs. This is a very important step for us to be taking as a state.

We have already voted on and passed a number of bond issues that really is about the limit of what we can afford with debt service this year. I believe that we should put this bond issue off for one year. That we should allow the university plan to be finished. We should allow the federal law to be passed. We should allow the fiber-optic companies to determine what they can do within that federal law and then we will be able to determine how much should go out in bond, how much in operating costs can this state bear. We would be able to determine a plan that would be appropriate and affordable for our state and would send us on the next stage of this technology superhighway.

I would ask you to accept the Majority "Ought Not to Pass" Report for this year.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I think the ITV system is critical to rural schools in Maine so that they have access to the same classes that students in the more urban areas have. I think this is an important bond.

The mention was made that Congress may act to put some money aside. We discussed last week or the week before, the Brady Bill, which has \$200 million put aside in Washington and we haven't seen a dime. I don't expect to see anything on this issue either for several years. I think it is important for the kids in Maine to have access to the classes that will be on the system. I urge you to reject the "Ought Not to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of 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 to accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 349

YEA - Adams, Beam, Bowers, Brennan, Cathcart, Chase, Chonko, Clark, Clement, Coffman, Coles, Constantine, Daggett, Erwin, Faircloth, Farnsworth, Gould, R. A.; Gray, Hale, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Larrivee, Marshall, Martin, J.; Michaud, Mitchell, J.; Morrison, Madeau, O'Gara, Paradis, P.; Pineau, Pouliot, Rand, Reed, G.; Rowe, Rydell, Saxl, Sullivan, Swazey, Townsend, E.; Tracy, Treat, Walker, Wentworth, The Speaker.

NAY - Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Cloutier, Clukey, Cote, Cross, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Farnum, Farren, Fitzpatrick, Foss, Gamache, Gean, Greenlaw, Hatch, Heeschen, Joy, Kneeland, Kontos, Lemont, Libby Jack, Libby James,

Lindahl, Lipman, Look, Lord, MacBride, Marsh, Melendy, Michael, Mitchell, E.; Murphy, Nickerson, Norton, Oliver, Ott, Pendexter, Pendleton, Pfeiffer, Plourde, Plowman, Poulin, Reed, W.; Ricker, Robichaud, Rotondi, Saint Onge, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Townsend, G.; True, Tufts, Vigue, Whitcomb, Young, Zirkilton.

ABSENT - Aliberti, Birney, Caron, Cashman, Hillock, Kutasi, Lemke, Martin, H.; Nash, Pinette, Richardson, Ruhlin, Simonds, Stevens, K.; Thompson, Townsend, L.; Winn.

Yes, 55; No, 79; Absent, 17; Paired, 0; Excused, 0.

55 having voted in the affirmative and 79 in the negative, with 17 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" Report was accepted. The Bill read once. Committee Amendment "A" (S-565) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-565) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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

SENATE PAPER

Bill "An Act Relating to the Definition of Passamaquoddy Indian Territory" (S.P. 780) (L.D. 2010)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

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

Representative SAXL of Bangor objected to suspension of the rules to read the Bill without reference to a Committee.

The SPEAKER: The Chair will order a vote. The pending question before the House is First Reading of the Bill without reference to a Committee. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

68 voted in favor of the same and 39 against, subsequently, the rules were suspended.

Without reference to a Committee, the Bill was read once. The Bill was assigned for second reading Tuesday, April 12, 1994.

On motion of Representative CHASE of South China, adjourned at 8:50 p.m., until 11:00 a.m., Tuesday, April 12, 1994.