

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST REGULAR SESSION
24th Legislative Day
Wednesday, March 19, 1997

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

Prayer by Reverend Stan A. Moody, North Manchester Meeting House.

National Anthem by the Voices of Color, Oak Hill High School, Wales.

Pledge of Allegiance.

Doctor of the day, David J. Simmons, M.D., Calais.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The following Communication: (H.C. 90)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 460 An Act to Repeal the Laws That Pertain to the Licensing of Dogs

L.D. 800 An Act to Prohibit the Docking of a Cow's Tail

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marjorie L. Kilkelly S/Rep. George H. Bunker, Jr.
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 91)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 567 An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to the Livable Wage in Business Assistance Subsidies

L.D. 713 An Act to Change the Composition of the Loring Development Authority Board of Trustees

L.D. 1151 An Act to Require the Use of Safety Bars on Chairlifts

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John T. Jenkins S/Rep. Marc J. Vigue
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 92)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 232 An Act to Create the Class A Crime of Theft

L.D. 538 An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund

L.D. 652 An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against People

L.D. 910 An Act to Authorize Court-ordered Supervision of Juveniles

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Robert E. Murray, Jr. S/Rep. Edward J. Povich
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 93)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 443 An Act to Require Criminal Background Checks for Home Health Care Workers

L.D. 644 Resolve, to Require a Plan for a Register of Nonlicensed Persons Who Provide Health Care Services

L.D. 771 An Act to Require That the Department of Human Services Bring Criminal Charges

Promptly against a Custodian When a Child is Removed under Court Order
L.D. 1112 An Act to Require Mental Health Hospitals to Accept into Care Former Patients Who Refuse to Take Medication

L.D. 1369 An Act Concerning Due Process Regarding Certified Nursing Assistants

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis S/Rep. J. Elizabeth Mitchell
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 94)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 191 An Act to Require a Guide for Certain Nonresident Aliens Hunting in the State

L.D. 210 An Act to Allow Limited Hunting of Antlerless Deer with an Ordinary Hunting License

L.D. 439 An Act to Amend the Laws Governing Hunting Licenses for Residents 70 Years of Age and Older

L.D. 473 An Act to Amend Maine's Hunting Laws for Nonresidents

L.D. 610 An Act to Amend the Moose Hunting Permit Laws

L.D. 788 An Act to Ensure That Permit Requirements are Met before the Sale of Live Fish or Fish Eggs

L.D. 859 An Act to Exempt Hunters in Elevated Stands from the Blaze Orange Clothing Requirements

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marjorie L. Kilkelly S/Rep. Norman R. Paul
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 95)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 570 An Act to Clarify the Laws on Punitive Damages

L.D. 587 An Act to Provide Greater Public Notice of Complaints against Attorneys

L.D. 769 An Act to Limit Landowner Liability for Injuries to Independent Contractors Engaged in Harvesting Activities

L.D. 795 An Act to Expand Asset Forfeiture Provisions

L.D. 897 An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley S/Rep. Richard H. Thompson
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 96)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LABOR

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 336 An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage

L.D. 659 An Act to Authorize Members of the Maine State Retirement System to Combine Years of Service Under Different Plans

L.D. 909 An Act to Establish Mandatory Drug and Alcohol Testing of Emergency Vehicle Operators

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mary R. Cathcart S/Rep. Pamela H. Hatch
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 97)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 409 An Act Concerning Commercial Marine Fishing Licenses

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Jill M. Goldthwait S/Rep. David Etnier
Senate Chair House Chair
Was read and ordered placed on file.

L.D. 459 Resolve, to Study Sales Tax Exemptions
L.D. 478 Resolve, Requiring a Review of the State's Tax Policy

L.D. 655 An Act to Reimburse Certain Towns in Connection with the Maine Tree Growth Tax Law

L.D. 779 Resolve, to Establish a Commission to Study the Maine Residents Property Tax and Rent Refund Program and Make it More Accessible
L.D. 784 Resolve, Directing the Bureau of Taxation to Review Organizations Receiving Tax Exemptions

L.D. 880 Resolve, to Determine the Effectiveness of Economic Development Incentives in this State
We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlin S/Rep. Verdi L. Tripp
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 98)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 553 An Act to Clarify Certain Department of Environmental Protection Prohibitions

L.D. 554 An Act to Change the Definition of Pollutant in the Environmental Laws

L.D. 908 An Act to Amend the Definition of the Term Subdivision in the Site Location of Development Laws

L.D. 1035 An Act Regarding Board of Environmental Protection Reports

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Sharon Treat S/Rep. G. Steven Rowe
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 100)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1086 An Act to Amend the Laws Regarding Motor Vehicle License Plates for Legislators

L.D. 1123 An Act to Allow a Left Turn on a Red Light on One-way Streets

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. William B. O'Gara S/Rep. Joseph D. Driscoll
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 99)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TAXATION**

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 43 An Act to Decrease the State's Share of Real Estate Transfer Tax

L.D. 202 Resolve, to Establish the Commission on Comprehensive Tax Reform

L.D. 222 An Act to Exempt Public Water, Power or Light Systems from Municipal Taxation

L.D. 324 An Act to Decrease the State's Share of Real Estate Transfer Taxes

L.D. 414 Resolve, to Create a Commission to Study the Tax Implications for Municipalities Resulting from the Repeal of the Uniform Property Tax

The following Communication: (H.C. 101)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

March 17, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 366 An Act to Require Regular Disclosure of Low-cost Telephone Calling Plans to Telephone Customers

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Richard J. Carey S/Rep. Kyle W. Jones
Senate Chair House Chair
Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Business and Economic Development

Bill "An Act to Amend the Composition of the Information Services Policy Board and Establish a Clearinghouse on State Information and Information Technology" (H.P. 1133) (L.D. 1589) (Presented by Speaker MITCHELL of Vassalboro) (Cosponsored by Representatives: CARLETON of Wells, MURPHY of Kennebunk, SIROIS of Caribou, STEVENS of Orono, VOLENIK of Brooklin, WRIGHT of Berwick, Senator: RAND of Cumberland)

Criminal Justice

Bill "An Act to Require Post-release Supervision of Prisoners Who Are Identified as High-risk Offenders" (H.P. 1136) (L.D. 1592) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Representatives: McALEVEY of Waterboro, TOBIN of Dexter, WHEELER of Bridgewater) (Submitted by the Department of Corrections pursuant to Joint Rule 204.)

Health and Human Services

Bill "An Act Regarding Confidentiality of Information Concerning Residents of Certain Facilities" (H.P. 1128) (L.D. 1584) (Presented by Representative WINN of Glenburn)

Bill "An Act to Provide Additional Adoption Assistance to State Employees" (H.P. 1129) (L.D. 1585) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representatives: KNEELAND of Easton, TUTTLE of Sanford, WINGLASS of Auburn)

Bill "An Act to Ensure Safe Abatement of Lead Hazards" (H.P. 1137) (L.D. 1593) (Presented by Representative JONES of Greenville) (Cosponsored by Representative: BULL of Freeport) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.)

Reference to the Committee on **Health and Human Services** suggested.

On motion of Representative MITCHELL of Portland, tabled pending reference and later today assigned.

Inland Fisheries and Wildlife

Bill "An Act Concerning Rabbit Hunting with Dogs" (H.P. 1132) (L.D. 1588) (Presented by Representative PERKINS of Penobscot)

Judiciary

Bill "An Act to Establish Procedures for the Release of Confidential Information" (H.P. 1131) (L.D. 1587) (Presented by Representative BUNKER of Kossuth Township)

Labor

Bill "An Act to Give Fire Marshals the Same Retirement Provisions as Other State Law Enforcement Officers" (H.P. 1134) (L.D. 1590) (Presented by Representative PINKHAM of Lamoine) (Cosponsored by Representatives: CAMPBELL of Holden, FISHER of Brewer, JONES of Greenville, McALEVEY of Waterboro, Senator: RUHLIN of Penobscot)

State and Local Government

Bill "An Act to Amend the Washington County Budget Process" (EMERGENCY) (H.P. 1135) (L.D. 1591) (Presented by Representative BUNKER of Kossuth Township)

Transportation

Bill "An Act Regarding Reimbursement for Sand and Salt Storage Facility Construction" (H.P. 1130) (L.D. 1586) (Presented by Representative PIEH of Bremen) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: FULLER of Manchester, HONEY of Boothbay, RINES of Wiscasset, SAVAGE of Union, Senators: LONGLEY of Waldo, MILLS of Somerset, PINGREE of Knox, TREAT of Kennebec)

Bill "An Act to Transfer State Ownership of Certain Railroad Rights-of-way, Create the Calais to Eastport Rail Authority and Authorize a General Fund Bond Issue in the Amount of \$4,500,000 to Fund Establishment of Freight Rail Service between Calais and Eastport" (H.P. 1138) (L.D. 1594) (Presented by Representative GOODWIN of Pembroke) (Cosponsored by Representatives: BAGLEY of Machias, BUNKER of Kossuth Township, DRISCOLL of Calais)

Reference to the Committee on **Transportation** suggested.

On motion of Representative DRISCOLL of Calais, tabled pending reference and later today assigned.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

the Skowhegan School of Painting and Sculpture, of East Madison, founded by Willard Cummings, Henry Varnum Poor, Anne Poor and Sidney Simon 50 years ago. This summer art school, which is one of the most prestigious in the country, is the only art school in the nation that teaches the fresco painting technique. The South Solon Meeting House, which is open to the public, is a repository of fresco paintings by alumni of the school. We extend our congratulations on your 50th Anniversary and best wishes for the future; (HLS 180) by Representative RICHARD of Madison. (Cosponsor: Senator MILLS of Somerset)

On objection of Representative RICHARD of Madison was removed from the Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and later today assigned.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-31) on Bill "An Act to Raise the Fee for Congressional and Legislative Registration Plates" (H.P. 19) (L.D. 44)

Signed:

Senators: LIBBY of York

NUTTING of Androscoggin

Representatives: BUMPS of China

BAGLEY of Machias

GERRY of Auburn

FISK of Falmouth

AHEARNE of Madawaska

GIERINGER of Portland

SANBORN of Alton

LEMKE of Westbrook

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (H-32) on same Bill.

Signed:

Senator: GOLDTHWAIT of Hancock

Representative: KASPRZAK of Newport

Was read.

On motion of Representative AHEARNE of Madawaska, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-31) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, March 20, 1997.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-30) on Bill "An Act to Designate Square Dancing as the Official Folk Dance of Maine" (H.P. 111) (L.D. 135)

Signed:

Senators: NUTTING of Androscoggin

LIBBY of York

Representatives: BAGLEY of Machias

LEMKE of Westbrook

BUMPS of China

GIERINGER of Portland

KASPRZAK of Newport

DUTREMBLE of Biddeford

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

Signed:

Senator: GOLDTHWAIT of Hancock

Representatives: AHEARNE of Madawaska

FISK of Falmouth

GERRY of Auburn

SANBORN of Alton

Was read.

On motion of Representative AHEARNE of Madawaska, the Minority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Bill "An Act Regarding Opening Hours of Voting Places" (H.P. 216) (L.D. 280)

Signed:

Senators: DAGGETT of Kennebec

CAREY of Kennebec

FERGUSON of Oxford

Representatives: TESSIER of Fairfield

BIGL of Bucksport

GAMACHE of Lewiston

BELANGER of Wallagrass

GAGNE of Buckfield

TUTTLE of Sanford

TRUE of Fryeburg

FISHER of Brewer

CHIZMAR of Lisbon

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-12) on same Bill.

Signed:

Representative: LABRECQUE of Gorham

Was read.

Representative TUTTLE of Sanford moved that the House accept the Majority "**Ought Not to Pass**" Report.

On motion of Representative LABRECQUE of Gorham, tabled pending acceptance of the Majority "**Ought Not to Pass**" Report and later today assigned.

Divided Report

Majority Report of the Committee on **Utilities and Energy** reporting "**Ought Not to Pass**" on Bill "An Act to Require Approval of Municipalities for Construction of Natural Gas Pipelines" (H.P. 415) (L.D. 565)

Signed:

Senators: CAREY of Kennebec

CLEVELAND of Androscoggin

HARRIMAN of Cumberland

Representatives: JONES of Bar Harbor

KONTOS of Windham

USHER of Westbrook

O'NEAL of Limestone

LaVERDIERE of Wilton

COLWELL of Gardiner

BERRY of Belmont

JOY of Crystal

TAYLOR of Cumberland

Minority Report of the same Committee reporting "**Ought to Pass**" on same Bill.

Signed:

Representative: VEDRAL of Buxton

Was read.

Representative JONES of Bar Harbor moved that the House accept the Majority "**Ought Not to Pass**" Report.

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

Representative VEDRAL: Madam Speaker, Men and Women of the House. You will see that I am the only one on the Minority Report here. I believe this is an important issue with two natural gas pipelines coming through the state. Some of the gas will be served in the state and some will be going out of state. Along the whole process, I believe it is important that the municipalities are brought in on the decision making on where to route these gas lines. Fortunately, one of the gas line

companies is working very closely with the municipalities and routing so they might determine what environmental issues need to be considered and what economic issues need to be considered. Unfortunately, another gas pipeline company is taking the position that they intend to just put this through wherever there is a right-of-way without any consideration for the needs of municipalities.

I understand that is a more efficient way for them to do it, but it is not very considerate of the people who do live along the route that the gas pipelines would take. I encourage you not to approve the "Ought Not to Pass" and vote in the negative. Madam Speaker, I don't want a roll call, but I would like a division.

Representative VEDRAL of Buxton requested a division on the motion to accept the Majority "**Ought Not to Pass**" Report.

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

Representative COWGER: Madam Speaker, Colleagues of the House. Very briefly, I introduced this legislation not to discourage pipelines and introduction of natural gas throughout the State of Maine, but instead to encourage companies to work with municipalities through which they pass as my colleague, Representative Vedral has spoken to. While there is indeed a federal preemption to approve the final siting of gas lines, I felt that this bill sends a clear message that Maine communities want input into the siting of gas lines in their community. I also urge you to vote no and instead accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Madam Speaker, Men and Women of the House. This is federally preempted and it is pointless for us to pass a law that is federally preempted. As you know, this is a 12-to-1 report. We did send a strong message to the gas lines, Representative Vedral and myself and the rest of the committee did. We let them know that we weren't pleased with them running roughshod over our state. I would urge you to abide by the law and accept the Majority "Ought Not to Pass." Thank you.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I hope that you will vote to defeat the Majority Report so that we can go on to vote the Minority Report in this matter. As you know and as I am aware, federal law preempts municipalities from doing what is proposed to be done here. We do have natural gas pipelines coming through and some of these folks are big operators. In my particular town some of these folks have proposed to do something which is contrary to zoning with huge gas tanks in the western part of Wells. I think that there should be some message sent to them that they ought to be careful when they start messing around with the people of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Thank you Madam Speaker. We had lots of testimony on this particular bill and we were assured by all of the representatives of the natural gas pipelines that they had consulted as many communities as they possibly could in the time to date and would be consulting with others to try to work in the best interest of all of the people concerned. Thank you.

Representative CAMPBELL of Holden requested a roll call on the motion to accept the Majority "**Ought Not to Pass**" Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to accept the Majority "Ought Not to Pass" Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 20

YEA - Ahearne, Bagley, Baker CL, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brooks, Bunker, Cameron, Chizmar, Clark, Clukey, Colwell, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Joy, Joyce, Kane, Kasprzak, Kneeland, Kontos, LaVerdiere, Layton, Lemaire, Lemont, Mailhot, Mayo, McKee, Mitchell JE, Morgan, Murphy, Muse, O'Neal, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Poulin, Povich, Richard, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Sirois, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vigue, Volenik, Waterhouse, Watson, Winn, Winsor, Wright, Madam Speaker.

NAY - Baker JL, Barth, Belanger IG, Bodwell, Bragdon, Buck, Bull, Campbell, Carleton, Chartrand, Chick, Cowger, Cross, Dexter, Farnsworth, Foster, Gerry, Jones SL, Jones SA, Joyner, Labrecque, Lane, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McElroy, Meres, Nass, Nickerson, O'Brien, O'Neil, Pinkham RG, Pinkham WD, Powers, Rines, Savage, Shiah, Skoglund, Snowe-Mello, Stedman, Tobin, Underwood, Vedral, Wheeler EM, Wheeler GJ, Winglass.

ABSENT - Belanger DJ, Brennan, Bruno, Bumps, Cianchette, Fisk, Kerr, Lemke, Ott, Plowman, Quint.

Yes, 90; No, 50; Absent, 11; Excused, 0.

90 having voted in the affirmative and 50 voted in the negative, with 11 being absent, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Utilities and Energy** reporting "**Ought Not to Pass**" on Bill "An Act to Allow Certain Public Utilities to Extend Their Service into Areas Served by Other Public Utilities" (H.P. 592) (L.D. 783)

Signed:

Senators: CAREY of Kennebec
CLEVELAND of Androscoggin
HARRIMAN of Cumberland

Representatives: JONES of Bar Harbor
KONTOS of Windham
USHER of Westbrook
O'NEAL of Limestone
COLWELL of Gardiner
LaVERDIERE of Wilton
TAYLOR of Cumberland
BERRY of Belmont
JOY of Crystal

Minority Report of the same Committee reporting "**Ought to Pass**" on same Bill.

Signed:

Representative: VEDRAL of Buxton
Was read.

Representative JONES of Bar Harbor moved that the House accept the Majority "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Madam Speaker, Men and Women of the House. I feel compelled to speak on this bill although I probably will not change your minds. I submitted this for the Madison Electric Works and I think you need to look at

this as one of the reasons why perhaps the restructuring will be necessary. Madison Electric Works is a private industry that at one time was franchised to serve all of the Town of Madison. In 1967, this body passed a law, which said that if an area was not servicing all of the area that it was franchised to service, another company could move in and service that area. This happens in a large part of the Town of Madison. Another company is servicing that area now. Madison has the ability to service all of the area, which it was once franchised to do. However, this is what this bill was for to change that 1967 law to repeal it so that they could go out and serve all of the area, which they were originally franchised to do. I realize there is a lot involved here with all of the restructuring that is coming up and I just wanted to explain that this would have given Madison Electric the opportunity to service all of the area that it was originally franchised to service.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Madam Speaker, Men and Women of the House. A side light to this issue is it was taken to the Maine Law Court, the Supreme Court, that is where you take cases on appeal in Maine. It was beaten. I think there was a dissent by a member of the court, but it was soundly defeated in the Law Court, yet the person who lost in the Law Court came in front of our body and said, "That he couldn't get an up front answer from the highest court in our land, I want you to change the law." We are entering restructuring. It really doesn't need to be dealt with now. They got beat in the Law Court. This isn't the place or the time for dealing with restructuring. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. With a great deal of frustration I join my friend, Representative Richard, because this Madison bill applied to Kennebunk as well. We have a local electric company, nonprofit, which had its charter area given to it by the Legislature. The local water district located in that charter area has made the decision to switch from CMP to our local utility. Within its charter area, CMP raised the issue of stranded costs, which included a telephone pole and about 150 feet of wire. As Representative Richard has said, this issue was too close to the issue of deregulation. It got caught up in that, but the cost. We learned that a 1,000 pound gorilla can find its way to court and that electric utility has run up an estimated \$100,000 worth of legal costs dealing with one telephone pole and 150 feet of wire.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Madam Speaker, Men and Women of the House. One of the problems with this bill is that it is very broadly written and without knowing the consequences in other areas of the state, the committee was very reluctant to grant this privilege to Madison or Kennebunk. The committee is in the process of studying a bill, which will completely deregulate or partially deregulate the electric power business, which will solve the problem for these people and we feel that it is much better to go at this in an organized fashion than to pass a very broad bill with unknown complications in other areas of the state. Thank you.

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

Representative VEDRAL: Madam Speaker, Men and Women of the House. I agree this is an issue that would be better served under our discussions on restructuring. Unfortunately, in the rush to move things through, this bill did go further than I had hoped. I had hoped that this bill would stay in our committee and be dealt with along with the other

restructuring bills. Since it has come out way ahead of time, I urge you to vote nay on the "Ought Not to Pass."

The Chair ordered a division on the motion to accept the Majority "Ought Not to Pass" Report.

A vote of the House was taken. 83 voted in favor of the same and 42 against, subsequently, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Utilities and Energy** reporting "Ought Not to Pass" on Bill "An Act to Modify the Prohibition against Bathing in Sebago Lake within 2 Miles of the Intakes of the Portland Water District" (H.P. 760) (L.D. 1037)

Signed:

Senators: CAREY of Kennebec

CLEVELAND of Androscoggin

HARRIMAN of Cumberland

Representatives: JONES of Bar Harbor

KONTOS of Windham

USHER of Westbrook

O'NEAL of Limestone

COLWELL of Gardiner

BERRY of Belmont

JOY of Crystal

TAYLOR of Cumberland

LaVERDIERE of Wilton

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Representative: VEDRAL of Buxton

Was read.

Representative JONES of Bar Harbor moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of Representative MACK of Standish, tabled pending the motion of Representative Jones of Bar Harbor to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, March 20, 1997.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 70) (L.D. 95) Bill "An Act Concerning Prisoner Participation in Public Works Projects" Committee on **Criminal Justice** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-47)

(H.P. 209) (L.D. 273) Resolve, Directing the Commissioner of Marine Resources to Negotiate with the Passamaquoddy Tribe Regarding Fishing Rights Committee on **Marine Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-33)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 20, 1997 under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 190) (L.D. 608) Bill "An Act to Remove the State Prisoner Population Limit for Knox County"

(S.P. 34) (L.D. 32) Bill "An Act to Grandfather Ambulance Attendants from Additional Rulemaking" (C. "A" S-15)

(S.P. 55) (L.D. 165) Bill "An Act to Clarify the Right of Campground Owners To Evict or Deny Accommodations to Problem Guests" (C. "A" S-16)

(H.P. 222) (L.D. 286) Bill "An Act to Meet Federal Requirements Regarding Collection of Bias Motivation Data through Uniform Crime Reporting"

(H.P. 332) (L.D. 454) Bill "An Act to Amend the Drug Testing Program Approval Laws"

(H.P. 545) (L.D. 736) Bill "An Act to Abolish the Economic Development and Business Assistance Coordinating Council"

(H.P. 561) (L.D. 752) Bill "An Act to Include in the Legislative and Judicial Retirement Systems the Same Provisions for Post-retirement Divorce That Are in the Maine State Retirement System"

(H.P. 572) (L.D. 763) Bill "An Act to Amend the Procedure for Foreclosure by Publication"

(H.P. 617) (L.D. 842) Bill "An Act to Amend the Osteopathic Licensure Laws to Clarify the Appropriate Degree Required for Licensure"

(H.P. 619) (L.D. 844) Bill "An Act to Streamline the Process of Foster Child Placement"

(H.P. 680) (L.D. 932) Bill "An Act Regarding Foster Parent Insurance"

(H.P. 22) (L.D. 47) Bill "An Act Concerning the Responsibility of Prisoners for Family Support" (C. "A" H-18)

(H.P. 37) (L.D. 62) Bill "An Act to Change the Method for Setting Wages for Deputies" (C. "A" H-26)

(H.P. 61) (L.D. 86) Bill "An Act to Clarify Eligibility for State Employee Health Insurance Program Benefits" (EMERGENCY) (C. "A" H-11)

(H.P. 78) (L.D. 103) Bill "An Act to Make Legislative Information Available through the Internet" (C. "A" H-25)

(H.P. 109) (L.D. 133) Bill "An Act Regarding Qualifications for the Office of Sheriff" (C. "A" H-27)

(H.P. 121) (L.D. 145) Bill "An Act to Allow Independent Investigation of a Complaint against a Law Enforcement or Corrections Officer upon Request" (C. "A" H-20)

(H.P. 122) (L.D. 146) Resolve, to Establish the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings (C. "A" H-10)

(H.P. 127) (L.D. 151) Bill "An Act to Allow Municipal Law Enforcement Officials to Enforce Handicapped Parking Restrictions" (C. "A" H-29)

(H.P. 166) (L.D. 221) Bill "An Act to Amend the Charter of the Madison Water District" (C. "A" H-19)

(H.P. 206) (L.D. 259) Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1997" (EMERGENCY) (Governor's Bill) (C. "A" H-14)

(H.P. 233) (L.D. 297) Bill "An Act to Make Unlawful Possession of Firearms for Nonviolent Juvenile Offenses Either a Crime or a Juvenile Offense Depending upon the Age of the Violator" (C. "A" H-22)

(H.P. 237) (L.D. 301) Bill "An Act to Exempt the Dental Profession from the Reporting Requirements of the Maine Health Data Organization" (C. "A" H-9)

(H.P. 238) (L.D. 302) Bill "An Act to Study Job Creation for Welfare Recipients" (C. "A" H-17)

(H.P. 295) (L.D. 359) Resolve, to Establish a Study Group to Assess the Needs of the Office of the State Fire Marshal and Ensure Prompt, Effective Response to the Public's Fire Safety Needs (C. "A" H-21)

(H.P. 479) (L.D. 650) Resolve, Authorizing the Transfer of a Parcel of Land in Webster Plantation to Hazen and Theo Jipson (C. "A" H-28)

(H.P. 650) (L.D. 903) Bill "An Act to Maintain the Department of Transportation's Current Policy on Reimbursement of Consultant Costs" (C. "A" H-13)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman who wishes to address the House on the record.

Representative PLOWMAN: On item (6-4), L.D. 565, on the "Ought Not to Pass" motion, I would like to be recorded as having voted nay.

The SPEAKER: The record will so indicate.

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

Expression of Legislative Sentiment recognizing the Skowhegan School of Painting and Sculpture, of East Madison, (HLS 180) which was tabled by Representative RICHARD of Madison pending passage

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Madam Speaker, Men and Women of the House. I rise today to share with you a portion of Arts Education Advocacy Day. From 2:30 to 4:00 this afternoon, the Skowhegan School of Painting and Sculpture is one of the groups that will be honored at the Blaine House.

Fifty years ago, four young artists founded an art school on a chicken farm, on a hillside overlooking beautiful Lake Wasserrunnett in East Madison. Williard Cummings, one of the founders whose family owned that farm became a well-known artist himself. One of his most famous and finest paintings hangs on the second floor of this building. It is the full length, life-like portrait of former Senator Margaret Chase Smith.

Another of his well-known portraits is that of actress Betty Davis, which is at the Colby College Art Center. This summer school in East Madison has attracted many well-known artists, including Alex Katz. We, who are fortunate enough to have cottages on Lake Wasserrunnett take our summer visitors to the nearby South Solon Meeting House to see those beautiful frescos. We take an annual boat ride to the head of the lake to observe the unique works of art and sculpture that is displayed, both on the shoreline and sometimes floating in the water by the cottages where the artists reside. You may wonder why the school has the name of Skowhegan, not Madison. As I understand it, the headquarters are in New York City and the founders did not want people to think this is a Madison Avenue venture.

They wanted the world to understand that this is a special school in a unique setting. There are many Madisons in the country, but there is only one Skowhegan and that is just down the road. I am honored to share with you a very small portion of the history of this internationally known part of the Cummings' family legacy, which is in my community. Two of the directors are, I believe, in the balcony and Willard Cummings' daughter will be here later today. Thank you.

Subsequently, was read and passed and sent up for concurrence.

The House recessed until 11:15 a.m.

(After Recess)

The House was called to order by the Speaker.

By unanimous consent, all matters having been acted upon, with the exception of matters being held, were ordered sent forthwith.

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

ENACTORS

An Act to Clarify the Territory Included within Lake Arrowhead Community, Incorporated (H.P. 168) (L.D. 223)

An Act to Classify Vehicular Homicide as a Class A Crime (H.P. 176) (L.D. 231)

An Act Concerning Defendants' Ability to Attack Orders of Restitution (H.P. 227) (L.D. 291)

An Act to Amend the Laws Governing Banking Institutions (S.P. 239) (L.D. 808)

An Act to Amend the Laws Pertaining to the Boarding of Dogs (S.P. 289) (L.D. 940)

Resolve, to Name the New Bridge over the Fore River in Portland (H.P. 720) (L.D. 984)

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (H.P. 832) (L.D. 1137) (Governor's Bill)

PENDING - Adoption of Committee Amendment "A" (H-15)

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I want to take the time, at this point, to discuss what is in Committee Amendment "A." Up until now we have been dealing with a series of amendments discussing what is or is not in or what we feel should not be in or should be in, but I want to take the time to say that I feel that this is a very good committee amendment. It is a good budget that I can stand behind and that I think is worth passing now.

This amendment does address the issue of tax relief. It creates a tax relief fund from future revenues to be distributed in a way determined by the policy committee, the Committee on Taxation. It addresses a number of immediate concerns. It continues along the road that we established two years ago of paying our bills, meeting our responsibilities. This amendment reimburses communities for tree growth, for community corrections, municipal revenue sharing and corrects the debacle that was passed early in the 1990s on the gross receipts tax. This budget contains additional monies for General Purpose Aid

to Education, including a \$6 million cushion over two years for those communities hardest hit by the formula. It contains forest fire control. It addresses the issue of teacher retirement so that that burden will not shift back to property taxes.

It meets a number of immediate needs that we heard from Maine citizens that are very important to them. This continues the program which allows citizens to attend medical school and reserve seats for them in order that they be able to do that. It continues funding for the Magnet School. It continues and increases funding for the university and technical colleges. A good significant increase that they have needed for some time. It contains funding for capital repairs. Unfortunately, one of the by-products of the hard times that we have been through in the 1990s is that we have done very little in the past few years to repair our buildings. We have all heard the impact in the highway fund of not repairing our infrastructure, the very same impact exists in state government. We need to take care of our facilities. I assure you that if we do not, they will cost us more in the long run. This budget makes an attempt to deal with capital.

This budget continues the Circuit Breaker Program, an important form of property tax relief for our citizens. One that I certainly heard loud and clear about in my campaign. It funds tourism, an aggressive tourism campaign for economic development for the state. It continues to meet the needs of Maine citizens. It will address a predicted shortfall in the area of child protection. It continues to provide Meals-on-Wheels and funding for long-term care for our most vulnerable citizens. This is a responsible budget and I think it is important that we pass it now so that we may assure our communities that they will receive their General Purpose Aid to Education and that we will be paying our bills to them. We can assure the technical college and the university that they will receive adequate funding. It is a responsible course and one that I feel extremely confident about and that I urge your support for. Thank you

Representative WATERHOUSE of Bridgton presented House Amendment "O" (H-51) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. During the committee hearing when the Attorney General's Department came before our committee, there was a request for 13 positions, assistant DAs throughout the state. It was not in the Governor's budget. The Governor decided not to fund this. It was the general consensus, almost a majority, I think, except for one Representative to not fund this because we didn't have the money. This did not get taken before the Appropriations Committee because the process that was set up in the 117th seems to not work in this session. We didn't have a subcommittee going back to the Appropriations Committee to give the committee recommendations on this issue and on several other issues. It may be a good idea to fund these two positions. I don't think so. Therefore, I hope that you will support this amendment. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Thank you Madam Speaker. I was able to obtain some information from the York County District Attorney's Office and this is dated June 28, 1996. "In regards to the two positions of County District Attorneys, these positions are very, very critical to the York County District Attorney's Office. Here are some figures for you to consider. The following statistics involving the cases of the York County DA's Office in 1995, they handle approximately 11,000 cases in Superior Court, Springvale District Court and the Biddeford and York Courts. They collected in fines and fees over \$2 million. They handle in

three courts, Springvale, Biddeford and York over 1,400 cases. There were 129 extraditions, detainers and fugitives from justice. They had appeals amounting to 32 in the Law Court, Superior Court and civil cases. Probation and revocation hearings were 200 in Superior Court. The above cited statistics do not include the thousands of traffic of motor vehicle civil infractions prosecuted by that office. Last year they prosecuted over 5,000 traffic cases which resulted in the collection of over \$652,000 in fines. Of great concern is the growing number of juvenile offenses referred to the District Attorney's Office. Not only are the numbers increasing through out York County, but they prosecuted 400 more juvenile cases in 1995 over and above the number in 1994, but the crimes are of a more serious nature. All to often, weapons are involved and more and more teenagers are resorting to violence to carry out their crimes. According to police, drug use and alcohol consumption among juveniles is on the rise. The arrest of youthful offenders in York County grew almost 9 percent in 1995. You can imagine it is a lot more than that now. Bringing those arrests to over 35 percent above the state average. The number of juvenile sex offender cases referred to the office of the District Attorney has risen dramatically over the past few years. Six years ago there were 23 juvenile sex offender cases referred to that office. In 1995, that number rose to 57. The fact that the rate of juvenile crime in York County is rising more rapidly than in the rest of the state is a problem. This is made worse by a lack of resources to meet this increase. This heavier case load has not been matched with an increase in the number of prosecutors. If York County is to respond adequately to this surge in juvenile crime, more resources will have to be devoted to address the problem." Thank you.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. I am not questioning the need for these two positions. There is a lot of need. There was 11 other positions that were requested that were not filled. What I am saying is that we should prioritize and send these two positions or this recommendation to the Appropriations Table to compete with other needy measures. We have a lot of needs in this state. That is not the reason for this amendment. I am a very strong supporter of law enforcement. I have a record on that from the 117th Legislature on the Criminal Justice Committee. To me, this has nothing to do with that particular need. It has to do with a lot of needs. All these needs should be competed with on the Appropriations Table. Madam Speaker, I ask for a roll call on this please.

Representative WATERHOUSE of Bridgton requested a roll call on adoption of House Amendment "O" (H-51) to Committee Amendment "A" (H-15).

Representative BERRY of Livermore moved that House Amendment "O" (H-51) to Committee Amendment "A" (H-15) be indefinitely postponed.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to indefinitely postpone House Amendment "O" (H-51) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "O" (H-51) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 21

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Carleton, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson,

Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Gooley, Green, Hatch, Jabar, Jones SL, Joyce, Joyner, Kane, Kerr, LaVerdiere, Lemaire, Lemke, Lemont, MacDougall, Mailhot, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Neal, O'Neil, Ott, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Honey, Jones SA, Joy, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Nickerson, O'Brien, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Jones KW, Kontos, Pendleton.

Yes, 91; No, 56; Absent, 4; Excused, 0.

91 having voted in the affirmative and 56 voted in the negative, with 4 being absent, House Amendment "O" (H-51) to Committee Amendment "A" (H-15) was indefinitely postponed.

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

The House Recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (H.P. 832) (L.D. 1137) (Governor's Bill)

PENDING - Adoption of Committee Amendment "A" (H-15)

On motion of Representative SAXL of Portland, tabled pending adoption of Committee Amendment "A" (H-15) and later today assigned.

Bill "An Act to Create the River Flow Advisory Commission within the Department of Defense and Veterans' Services" (H.P. 1112) (L.D. 1555)

(Committee on **Legal and Veterans Affairs** suggested)

TABLED - March 18, 1997 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Reference.

On motion of Representative TUTTLE of Sanford, the Bill was referred to the Committee on **Natural Resources**, ordered printed and sent up for concurrence.

Expression of Legislative Sentiment recognizing the Calais High School Lady Blue Devils (HLS 176)

TABLED - March 18, 1997 (Till Later Today) by Representative DRISCOLL of Calais.
PENDING - Passage.

Subsequently, passed and sent up for concurrence.

BILLS HELD

Bill "An Act to Amend the Qualifications for the Office of Sheriff" (H.P. 609) (L.D. 834)
- In House, Majority "**Ought Not to Pass**" Report of the Committee on **State and Local Government** read and accepted.
HELD at the Request of Representative MUSE of South Portland.

Representative MUSE of South Portland moved that the House reconsider its action whereby the Majority "**Ought Not to Pass**" Report was accepted.

On further motion of the same Representative, tabled pending his motion to reconsider and specially assigned for Thursday, March 20, 1997.

Bill "An Act to Designate Square Dancing as the Official Folk Dance of Maine" (H.P. 111) (L.D. 135)

-In House, Minority "**Ought Not to Pass**" Report of the Committee on **State and Local Government** read and accepted
HELD at the Request of Representative BROOKS of Winterport

Representative BROOKS of Winterport moved that the House reconsider its action whereby the Minority "**Ought Not to Pass**" Report was accepted.

On further motion of the same Representative, tabled pending the motion to reconsider and specially assigned for Thursday, March 20, 1997.

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

SENATE PAPERS

Bill "An Act to License Home Building Contractors" (S.P. 512) (L.D. 1595)

Bill "An Act Concerning Requirements for Payroll Processing Companies" (S.P. 511) (L.D. 1596)

Came from the Senate, referred to the Committee on **Business and Economic Development** and Ordered Printed.

Were referred to the Committee on **Business and Economic Development** in concurrence.

Bill "An Act to Authorize a Police Officer to Impound the Motor Vehicle of a Person Arrested for Operating Under the Influence or Driving with a Suspended or Revoked License" (S.P. 496) (L.D. 1527)

Came from the Senate, referred to the Committee on **Legal and Veterans Affairs** and Ordered Printed.

Was referred to the Committee on **Legal and Veterans Affairs** in concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 156) (L.D. 198) Bill "An Act to Amend the Permitting Laws for Septic Waste Disposal Sites" Committee on **Natural**

Resources reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-67)

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, March 20, 1997 under the listing of Second Day.

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

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (H.P. 832) (L.D. 1137) (Governor's Bill)

PENDING - Adoption of Committee Amendment "A" (H-15)

THE SPEAKER: The Chair recognizes the Representative from Portland, Representative Mitchell.

Representative MITCHELL: Thank you Madam Speaker. I am standing in support of Committee Amendment "A," the Majority Report for a number of reasons. I believe that this budget does everything that we considered most important in our committee. As the Chair of the Health and Human Services Committee, we deal with real life very, very difficult human issues. Our committee went through the budget process and we developed a unanimous committee report. I want you to know that your colleagues on both sides represented you very well and you can feel confident that they addressed critical issues with responsibility and fairness.

In this Committee Report, we funded cuts that had been made by the Governor for child development clinics, school based clinics, nursing services and we also refunded cuts to the local Area Agencies on Aging, Meals-on-Wheels, Legal Services for the Elderly, homemaker services, Alzheimer's services and respite for families who care for their family members with Alzheimer's. Every one of those restorations is reflected in the Majority Report. We didn't get everything we wanted, but we understand that compromise is necessary and that there are competing priorities. We got what we considered most important and it is in the Majority Report.

The Minority Report, on the other hand, ignored our unanimous committee report and, in fact, the budget they presented to the press cut the services that we all agreed were essential. I am proud to vote for the Majority Report because it reflects the will of my entire committee.

THE SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Men and Women of the House. I also stand in support of Committee Amendment "A." I would like to speak on a very important part of the amendment, which is the 60/40 split that the Transportation Committee was faced with. The Part I Budget amendment repealed a provision of law that requires the funding for the Bureau of State Police to be 50 percent from the highway fund and 50 percent from the General Fund. Since that provision's effective date in 1989, it has been used one year, FY 90. Since then, budget bills have set levels ranging from 74 percent highway fund to 26 percent General Fund to 88 percent highway fund and 22 percent General Fund.

The budget before you provides for 60-percent funding for the highway fund and 40 percent funding from the General Fund for the next biennium. In dollar terms this is \$16.6 million

highway fund and \$11.1 million General Fund for the fiscal year 1998 and \$15.7 million highway fund and \$10.5 million General Fund for the fiscal year 1999. It was felt that this percentage represents a fair distribution of expenditures for paying for the various state police operations, some of which are related to highway enforcement and some of which are related to other laws of this state. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I only want to say a few words concerning the Business and Economic Committee and to state how in the past years we have not adequately supported many of the economic, money generating things that we should do. This year, in this budget, we have included money for tourism, which has never been funded properly in the past. We have money for science and technology. If we had adequately done this in the last 10 or 20 years, we probably would be overflowing with money right now. In there, we have a good sum of money and we have money coming from both years. We also have money for research and development, which again, is going to generate money in the future. We have returned the seats that we have for the medical access, for the students that we try to help get to get into medical school coming from the State of Maine, where we do not, at the present time, have the facilities to take care of the students interested in going on to medical school. We have introduced the money that had been removed by the second floor. We also reintroduced money for the temporary housing for some of the poor people that might need this help. The budget does a great deal of good future earning dollars for the state. I would ask you to please consider this and please vote accordingly. Thank you very much.

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

Representative TRIPP: Madam Speaker, Ladies and Gentlemen of the House. I also rise in support of this budget before you. I find a very unique part of it called the tax relief fund. You can find it on page 221, if you would like to refer to it. It is a very unique way of using the extra money that is available to the overage of the income tax cap area. The tax relief fund in the budget provides genuine tax relief for Maine citizens. The tax relief fund does not establish an arbitrary cap that reduces the money available to run state government. This is extremely important because the tax cap did not take into account the effects inflation has on the budget. This tax relief fund does not jeopardize the state's AA bond rating, the way the cap does. This is extremely important because any downgrade in our bond rating adds millions of dollars of interest to the state's debt. This becomes an indirect tax brought about by irresponsible fiscal policy. The tax relief fund is responsible because it requires the state to pay its bills before we reduce our income. The tax relief fund allows for input by Maine citizens as how best to target tax relief and reduces our tax burden.

Finally, this money or any money will be discussed by the Taxation Committee, which is the policy committee that deals with tax relief for our people. I urge you to support this budget.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Madam Speaker, Men and Women of the House. As House Chair of the Criminal Justice Committee, I urge your support for the majority budget for the following several important reasons. It proposes an additional \$7.7 million in net funding for critical needs within the correctional system. A large portion of these requests is due to the change in the Good Time Law, made by the 117th Legislature that that is keeping offenders in prison longer and

making the overcrowding situation worse. It is important to note that the Corrections Department found significant savings to offset a good portion of their funding needs. These funding priorities include \$3.7 million over two years for the Northern Maine Regional Juvenile Detention Facility. This helps the counties to bring home property tax relief. You can take that home with you.

There is \$914,000 over two years for the additional support in improved services for juvenile offenders at the Maine Youth Center. There is \$877,000 over two years to move adult females requiring minimum and medium security from the medium security facility in Windham to Charleston. That is taking them out of a dangerous situation and opening up space in Windham to reduce the significant overcrowding that has occurred there. It is going to save a lawsuit. It is going to save a consent decree. There is \$1.2 million over two years to establish a mental health stabilization unit that will address the needs of a growing number of adult prisoners who suffer from mental illness. It is going to save a lawsuit. It is going to save a consent decree.

The budget provides language to require full reimbursement for the housing of state prisoners in county jails. The Criminal Justice Committee identified \$700,000 in savings in the Governor's Part I budget to increase funding for community corrections over the biennium. You can take that home with you. The budget also includes language and shifts the responsibility for juvenile detention from county government to the Department of Corrections, thereby, reducing a burden on the property taxes. You can take that home with you. These are unanimous bipartisan, unanimous bipartisan, unanimous bipartisan recommendations of the Criminal Justice Committee as accepted by the Appropriations Committee.

We have gone a long way toward improving the safety of our correctional system, while working especially to improve preventive rehabilitative services at the Maine Youth Center. They are not all the funding that we wanted or that was requested by the Governor. They meet the most crucial current needs as identified by the Criminal Justice Committee. I implore your support for the Majority Report. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Madam Speaker, Colleagues of the House. I rise to thank all of the members of the Education and Cultural Services Committee for the long arduous hours spent in bipartisan debate on our recommendations for school funding. The Appropriations Committee also worked hard to try to adhere to our recommendations in the budget and they do reflect the substance of our requests to make education a top-funding priority. Not everyone agrees that cushioning is a good idea in GPA and we spend hours and hours and hours debating cushioning and debating a formula for cushioning so that we could come up with something that would be as equitable as possible for as many schools in the state. The Appropriations Committee has agreed to fund the recommendations that we made. This budget does take a step forward toward improving the condition of education in the State of Maine today. I would urge your support for Committee Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I serve on two committees, Marine Resources and Health and Human Services. I am a new legislator and I have been very impressed by the process of decision making and working through problems and issues that I have seen on those two committees. When we made unanimous reports to the Appropriations Committee on our budget, I was very proud of the work that we had done. You

have heard from other committees about their unanimous report and I know that Agriculture and Inland Fisheries and Wildlife also had a unanimous report. I feel that we all participated in working out a difficult and challenging, but fair budget. As I sat here yesterday and today, I feel that we are mocking that process. I think that we are putting individual and partisan agendas in front of some hard work that we all did together. I think that we should compromise, but we should compromise fairly and well. I urge your support of Committee Amendment "A." Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. Let me begin by thanking the members of the Joint Standing Committee on Inland Fisheries and Wildlife for all the time and energy they have put into this budget. We have worked very hard to find savings in a difficult budget climate. I believe that we have succeeded and I also want to thank the Appropriations Committee for accepting our recommendations for all the hard work they have put into this budget. I believe that this budget is a good document for the Inland Fisheries and Wildlife Department. We are confident that our budget discussions with the department have resulted in a new outlook on fish and wildlife issues, one that plans on meeting future costs by creating new hunting and fishing opportunity rather than simply charging more for the same services and incorporating some business practices in the administration of its program. We strongly feel that these new opportunities and administrative changes will put the department in a much firmer long-term position. The new revenues will allow the department to invest more in marketing Maine's fishing and hunting opportunities with the goal of expanding the number of people who buy fishing and hunting licenses. These revenues also allow the department to invest in much needed capital improvement and repairs to department facilities and to cover the cost of collective bargaining agreements over the biennium.

In closing, I would like to point out that contrary to the suggestions that this budget is more just tax and spend, the Appropriations Committee has agreed with our suggestions to cut almost a half a million dollars from the personal services General Fund. We have achieved real savings in this budget without compromising the mission of the department. This budget is the right thing for the State of Maine. I urge my colleagues to support the Majority "Ought to Pass" Report. Thank you..

Representative DONNELLY of Presque Isle presented House Amendment "J" (H-43) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. We thought we might change the landscape a little bit from last night and I will be speaking to this motion. Last night we talked some about the legislative budget and this particular amendment "J," we are deallocating \$1 million from the legislative budget, \$500,000 each year and restoring fully, tree growth. We are taking that million dollars and putting it into tree growth. We have all talked about property tax relief. We have all talked about helping our communities and this is a real opportunity to be able to do that. Tree growth, as we discussed the supplemental budget, was very important to many members of our caucus and your caucus, so the body, I think, would be delighted to, in this case, restore that tree growth and I really encourage you to support the amendment and get this on the budget as soon as possible. Thank you.

Representative TOWNSEND of Portland moved that House Amendment "J" (H-43) to Committee Amendment "A" (H-15) be indefinitely postponed.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. We have visited both of these issues already, although on separate amendments. As was pointed out last night, we have nonpartisan staff working day and night, at this point, to draft these amendments. There are 66 so far in the House. Jim Clair, who I think must be the hardest working man I know, went to bed last night at 2:00. He does that on a regular basis. Fortunately, he lives near the State House. He is only one of a number of staff who work that hard for us. Taking this \$1 million would be a cut in the direct service that we receive in this body. We depend on their work. To cut their salaries, their benefits and the numbers of staff would be grossly unfair to them and would result in lesser service for us.

On the issue of tree growth as we noted last night, tree growth has been increased in this budget by \$6 million. It is a tremendous growth over recent years. Furthermore, when it comes to budgeting for a tax relief program, it is not necessary to budget as if every last person who qualified for it would participate. We know from the Circuit Breaker Program that not everyone who qualifies takes advantage of the program. Therefore, we can spare the million dollars from tree growth, which has been cut in the Majority Report, Committee Amendment "A." I urge you to join me in defeating this amendment. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. Tree growth, even in my own town, might not be so important, but in all the towns that surround me, it is important. I am from the coast. You think of tree growth as a program for the people in the northlands. It isn't. It affects the people all along the coast, down east, up north and all over this whole state. I think we owe it to these towns to live up to this commitment. I know we in the Taxation Committee and we just heard a few moments ago about all the good work the committees have done and it has come to this unanimous vote. Well, here is an example that our committee came to a unanimous vote that we should fund tree growth to its fullest extent. The reason is that if we do not fund this to its fullest extent, it puts a heavier burden on the remaining taxpayers in the towns that participate in this program.

We have found that for a number of years that this is a real worthwhile program. I know it is a good program and these towns and the taxpayers in these towns that don't participate in the program deserve to get this money back. We talk about tax relief and this is the perfect way to do it. I would sincerely hope that this amendment, in my opinion, makes a lot of sense. We are putting it back to the people and I realize we are taking some money away, but we have a legislative budget here that is more than fully funded. It is quite a percent higher than last year, which we had a surplus in. I think that we can live without that money here. Let's send it back to the towns that really deserve it and have earned it. Thank you.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. In regards to this particular bill, we made a promise two years ago and that promise, this year, was to fully fund tree growth reimbursement. During the last election, many of us campaigned on an effort to cut taxes and cut the size of the Maine State Legislature. We can do this very simply. We

can cut \$500,000 from the legislative budget in both years. This returns \$1 million to the towns for tree growth reimbursement. When tree growth started and over the years, it went from 20 percent to 90 percent return. It stayed at 20 percent all the time that I was a town manager. If we are ever going to have a chance to make good on a promise that we made to the people of the State of Maine, this is the year to do it. You have increased the budget by \$250 million for this year and next year. We are saying, let's give \$1 million back to the town, which a gain in tree growth reimbursement is a direct hit on property taxes. I urge you to back this particular amendment. Thank you very much.

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

Representative VEDRAL: Madam Speaker, Men and Women of the House. I want to fill you in a little bit on why I ran for office this year. The reason is because I was a little upset that this body would make promises over and over again, year after year. The frustration level got quite high. Here I see a chance for us to live up to the promises that we have made where we have established a program and now to fund it and give that property tax relief to the towns that we have promised and to make sure that we are not forcing other property owners in the town to pick up the cost of this program. I hear that we have some very hard workers in our committees that have put out wonderful recommendations to the Appropriations Committee to produce a perfect budget that needs no amendment, but I do differ with you on this. In this case, I believe that we should fund our promises to the full amount that we promised and I urge you to vote against this motion to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. I don't think anybody in here that has been around a couple of years is going to disagree that I am a firm supporter of tree growth and as a matter of fact, I had a lead bill in this House to fully fund tree growth. I am also the guy that stood up here more than one time in the past and said that we are going to pay our bills first before we move on and cut any taxes or do anything else. We want to pay our bills and our commitment to the people now and first. I am very proud to say that we have done great things in the last few years to deal with that. This budget goes leaps and bounds over the budget we had two years ago to, again, try to fully meet the commitments that we have to the people and our communities. I am very proud to go back and say that we have put another \$6 odd million into tree growth and brought it from 34 percent up to about 88 or 89 percent, not the 90-percent level. Also, that we stripped the language in the second part of this biennium that says that from this day forward, this is going to be fully funded. We have done our work on tree growth ladies and gentlemen, let's defeat this motion and move on and adopt the budget.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Madam Speaker, Men and Women of the House. I rise to ask you to defeat the motion on the floor. I wish to reiterate what Representative Spear had to say. Communities all over the State of Maine, coastal towns with high land values and many acres in tree growth and small towns with low evaluation which cannot afford to do without tax refunds are affected by tree growth bills. In my own town, if we get our full refund, we would be paying our one town clerk's salary. Towns who are eligible and this was mentioned earlier, not all towns participate, sometimes do not participate because they do not expect to get anywhere near what is due them. I would ask that you defeat the motion on the floor and go ahead and pass

this amendment as presented. On the vote, I would ask for the yeas and nays.

Representative STEDMAN of Hartland requested a roll call on the motion to indefinitely postpone House Amendment "J" (H-43) to Committee Amendment "A" (H-15).

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I don't think the issue is if anybody up here works hard. I think we all work hard. I know a lot of people back home work hard. I know my wife works hard. I certainly work hard when I am at my regular job and at this one too, when I am shingling a work or whatever. This has to do with priorities. It doesn't have to do with funding it at the 35-percent level, the 45-percent level or the 85 percent. It has to do with funding it at the full level. I have towns in my area that are now saying that people who have shorefront property and a little acreage of land behind them to make the 10 acre or whatever threshold, putting their property into tree growth. These small towns and this property is assessed at a very high level. I have one town that has property that was assessed at \$120,000 and I think the tax was \$1,020 or something like that. When they put it in tree growth it got assessed way, way down and now they get \$12. These small towns can't afford to do this. This is a case of priorities. We ought to put this money where it belongs and make our commitment full and not at a certain percentage below that full amount. I urge you to defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Madam Speaker, Men and Women of the House. One of the earlier speakers impressed upon us how hard the staff worked. We all agree with that. We do thank them from the bottom of our heart. I know in our committee room our staff has worked very hard for us in Transportation. Back home in my district, there are people who are working very hard. There are people who are working two jobs to pay their taxes. This is one step that we can take to help those people who are working two jobs to pay their taxes. Thank you.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "J" (H-43) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 22

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, LaVerdiere, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevy, McElroy, Meres, Murphy,

Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bruno, Cameron, Ott.

Yes, 77; No, 71; Absent, 3; Excused, 0.

77 having voted in the affirmative and 71 voted in the negative, with 3 being absent, House Amendment "J" (H-43) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative LEMONT of Kittery presented House Amendment "K" (H-44) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative LEMONT: Madam Speaker, Ladies and Gentlemen of the House. I am concerned about the Magnet School being able to maintain its excellent level of education. Unfortunately, in this budget, the Magnet School is underfunded greatly and creates a hardship for the students and administration at this fine school. If this amendment is successful, it takes the defunded money of the Magnet School and this money will follow these students back to their public schools, because, as you probably know, the GPA has one of its components is the student population. This amendment would obviously return a small portion of this money directly to the school districts that had lost these students. All the money would go to GPA.

This money would allow the public school districts to continue to offer the programs and courses, which they now have, for example, weighted classes, honor classes, independent studies, gifted and talented, science Olympics and the math leagues. These are all programs that would directly benefit these exceptional students. I hope you will join me in passing this amendment. Thank you.

Representative STEVENS of Orono moved that House Amendment "K" (H-44) to Committee Amendment "A" (H-15) be indefinitely postponed.

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

Representative STEVENS: Madam Speaker, Ladies and Gentlemen of the House. I see this amendment as a win, win situation. When we received the Chief Executive's budget on our Appropriations Committee table, we were really in a tough decision deciding about this Magnet School for science in Limestone. In deference to some of our friends in this chamber who represent areas that service the Limestone facility and for those of us who have students who attend the Limestone School, we did include it back into our budget. I will be voting against this amendment and I will be interested to see how this body does.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Madam Speaker, Men and Women of the House. I don't know if you all realize this, but if you have degrees in nuclear physics and have been teaching or working in the field of physics for 20 years, you can't get a job in the public schools unless you have taken basic education courses one, two and three? You probably already know that, but the question is, I wonder how many of you have ever taken any of those courses, basic education one, two and three. I support the Magnet School for one major reason. You can get a job up there with these kinds of qualifications. You don't have to take those courses. That is enough for me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative O'NEAL: Madam Speaker, Men and Women of the House. The Maine School of Science and Mathematics is a practical, cost efficient way of offering high quality education to bright and gifted students, no matter their social or economic background. Continued state support for the MSSM is an investment in the future of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Madam Speaker, Men and Women of the House. I also am in favor of the Magnet School. I am going to vote against the pending motion to Indefinitely Postpone. I urge my colleagues to join me. Even though I do favor the Magnet School, my honorable colleague from Kittery deserves his amendment to be voted on, so we can vote on his amendment and then debate the Magnet School.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "K" (H-44) to Committee Amendment "A" (H-15).

Representative BARTH of Bethel requested a roll call on the motion to indefinitely postpone House Amendment "K" (H-44) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "K" (H-44) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 23

YEA - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Buck, Bull, Bumps, Bunker, Campbell, Carleton, Chartrand, Chick, Chizmar, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Layton, Lemaire, Lemke, Lovett, Madore, Mailhot, Mayo, Mitchell JE, Morgan, Murphy, Muse, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Perkins, Perry, Pieh, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Winsor, Wright, Madam Speaker.

NAY - Berry DP, Bigl, Bodwell, Bragdon, Cianchette, Dexter, Fisher, Foster, Goodwin, Kasprzak, Labrecque, Lane, Lemont, Lindahl, MacDougall, Mack, Marvin, McAlevey, McElroy, McKee, Meres, Nass, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Snowe-Mello, Stedman, Tobin, Treadwell, Underwood, Vedral, Wheeler GJ.

ABSENT - Bruno, Cameron, Winglass, Winn.

Yes, 113; No, 34; Absent, 4; Excused, 0.

113 having voted in the affirmative and 34 voted in the negative, with 4 being absent, House Amendment "K" (H-44) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative DONNELLY of Presque Isle presented House Amendment "L" (H-45) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I will bring you back to the debate of last night when someone talked about setting funding priorities and some things that were not being done in this budget that ought to be done. This is an issue that I have heard a lot about from

colleagues on both sides of the aisle. It is not an easy issue to deal with. It is not an easy one to talk about because it is part of the shame of Maine. We have some lawsuits that have occurred in the State of Maine because of the way that we treat our most vulnerable citizens. We have been sued and we are under court consent decrees for Pineland and AMHI. While some of the class members, as they are frequently called, are being provided a particular level of service, it is a continuing concern of many has been those who did not have the good fortune or misfortune, depending on how you look at it, of being in those institutions at the time when the lawsuits came. They are not covered by those consents and there are many vulnerable citizens who do not have their community-based services.

This amendment deappropriates \$500,000 in FY 1997-98 from the Maine Economic Improvement Strategy and appropriates the same amounts for additional community-based services to children with mental retardation and children with mental health needs. The amendment also removes the authority for the Maine Economic Improvement Strategy to receive up to \$2 million from available balances at the close of the fiscal year 1997-98 and substitutes the funding for additional community-based services to children with mental retardation and children with mental health needs. This is an amendment that I hope that we can join together and support. It is a small amendment to a big budget, but it will mean a lot to some of our most vulnerable citizens and I hope that we can work together on this. Thank you.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I am thrilled to hear of the concern for the children and people with mental illness and mental retardation. That is priority for our committee and we have been working on this issue for months and will continue to do so. I am now very encouraged that you will support a number of these bills. However, I would like to ask Representative Donnelly if this is such a priority, why did he cut funds for the Department of Mental Health and Mental Retardation in the Republican budget?

The SPEAKER: The Representative from Portland, Representative Mitchell has posed a question through the Chair to the Representative from Presque Isle, Representative Donnelly. The Chair recognizes that Representative.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I am always glad to talk about anything you would like. To answer Representative Mitchell from Portland's question, in the revised version of the Republican budget, which is not before us and is not an issue to us right now, this was funded. The Minority Report, once again, the only thing that is in the Minority Report that is on our desks tonight is General Purpose Aid to Education at the same funding levels as the majority party. Again, we share that major piece of common ground and continue to hope that we can work together to finish this budget together. Thank you.

Representative BERRY of Livermore moved that House Amendment "L" (H-45) to Committee Amendment "A" (H-15) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Madam Speaker, Men and Women of the House. The Representative from Presque Isle, Representative Donnelly mentioned that we had spoken where they would prefer to spend money on mental health and mental retardation over other programs. I believe I was one of those folks that said that and I still believe that. However, I heard that last night too, in our committee as we took our vote on the committee, on bills regarding this account, there is very little

support from the folks that were on the Minority Report. I didn't see where there was a lot of concern on that committee for these folks. We know the issue here is the budget and we want to pass a budget. I am going to move Indefinite Postponement of House Amendment "L" to Committee Amendment "A."

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

Representative WATERHOUSE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Thank you. It is my understanding that this is a pool of money that is set aside by the administration for the possibility of the state to buy Sears Island if they wanted to go ahead and do something with a deepwater port and further, the second part of my question is, is there an organization now looking at developing Mack Island to do the same thing?

The SPEAKER: The Representative from Bridgton, Representative Plowman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. I am as delighted as Representative Mitchell to hear Representative Donnelly express his advocacy and commitment to the mental health of children. I spent 35 years of my professional life serving the mental health needs of children here in Maine and to hear the leadership of the Republican Party now expressing this kind of commitment makes me feel that maybe the mental health needs of children will be well addressed in the next session of the Legislature. I think, at this point, we are, like everyone else, having to work within the limitations of resources available and must defer getting everything that we would like to get. I surely look forward in the future to the kind of bipartisan collaboration for mental health that is in evidence this evening. Thank you Madam Speaker.

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

Representative KERR: Madam Speaker, Men and Women of the House. Representative Waterhouse posed a question. I didn't have the amendment or else I would have risen much quicker. This does not take the money from Sears Island. This takes the \$2 million from the research and development piece.

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

Representative PLOWMAN: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative PLOWMAN: Thank you. Would someone please explain to me the specific purpose and expense of the R & D Program and what it means to the State of Maine, so that when I make a choice, I can look past all the good warm fuzzy feelings and find out where the money is going. Thank you.

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I am disappointed to see that Indefinite Postponement has been moved on this issue, but I understand that may be an agreement where you just don't accept any amendments. I understand that. What I would hope we would do as we talk about how we want to help the population we are talking about now, our children with mental health and mental retardation needs that we can clearly and succinctly, not just stand up and talk about how next session when there is no money left, because we have already finished out budget, we are

going to take care of these needs. I think we need to be aware here that there have been enough empty promises to our most vulnerable population.

The budget is here and the budget is here now. There is no money after this. This is a balanced budget to the best of my knowledge, which does not leave surplus funds over and above, I believe, \$300,000 for the table. The amendment before us does not cure all the needs, but it is a choice between an ongoing need, an obligation and a new program, which I might add, has not had a public hearing yet. It is a real choice. It is a serious amendment and if you don't like the Representative who is presenting it, please kill it and have somebody on your side of the aisle put it forward. Thank you.

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

Representative KERR: Madam Speaker, Men and Women of the House. I think that this \$500,000 that is being deappropriated in FY 97-98 is real money. The other portion of this amendment removes the authority of the Maine Economic Improvement Strategy to receive up to \$2 million from available balances. This amendment is predicated on possible surplus revenues. For those people in this chamber that would want to support this amendment, rather than the Indefinite Postponement of this amendment, I want you to feel at ease, because as you learn more about the Democratic budget before you and as the night gets later, you will see that yes, this report was built around bipartisan support and it does take care of the most vulnerable people in this state given the limited resources that we do have.

As I said to you yesterday, it addresses not all the needs, but generally most of the needs in many of these areas that we are all concerned about. Let's not use these amendments to say that you want to put more money in these different agencies and departments and that is being predicated on surplus revenues. This Majority Report is not predicated on balancing the money on surplus revenues. For those of you who talk about a Minority Report from the other side of the aisle, I welcome to read that document. Maybe there is continued common ground, but without a document to debate and only looking at General Purpose Aid to Education funding at 2 percent and 3 percent with a \$3 million cushion each year of the biennium, we don't know what the other two-thirds of your budget looks like. The budget that is before you was built amongst us collectively and the committee process in public and we welcome that. This budget does provide tax relief and I hope that you vote for the amendment that will be forthcoming that will also earmark a dollar amount for tax relief. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. Earlier we had listened to speeches by the chair and I am in total agreement with what those chairs said. As a former member who returned, who remembers a very poisoned atmosphere in this chamber and I am very concerned about what direction this chamber is moving. I was very pleasantly surprised that in committee after committee Republicans and Democrats worked together and we are beginning to see those reports begin to come out on the floor. The difficulties working in committee aren't just partisan differences, they are rural versus urban, north versus south, as my seatmate is continually reminding me, as well as our philosophical differences. My concern is that the process has stopped. That same willingness to work together to identify those priorities and to work through our differences, has stopped. I, for one, don't understand why that happened.

I didn't come to Augusta to create a shutdown. I didn't come to Augusta to be someone that would obstruct a budget. I have seen historically, even in a poisoned atmosphere, this Legislature reach a two-thirds consensus. I read a clipping today of the politicians in Massachusetts saying . . .

The SPEAKER questions the germaneness of the topic.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I think the remarks that have been made so far are all really interesting and very much on target. I will rejoice if we can reach a two-thirds budget, particularly if it includes funding for these programs. The difficulty that I have come to appreciate as a member of the committee is that each one of us could find a source of funding for a program that we care very much about. I, for one, could have funded this program from the cut proposed in House Amendment "K," the Maine School of Science and Mathematics. However, that program had overwhelming support in this body and I recognized that in order to pass the budget, we needed to go ahead and fund that program.

While I appreciate the desire on all sides to fund the programs related to people with mental retardation and mental health and would very much like to work toward finding a solution to those, what I cannot support is the proposed amendment, which takes them from a very important program, a very worthwhile program and would endanger the health and future of the budget. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Madam Speaker, Men and Women of the House. As you may know, I serve on the Health and Human Services Committee and I enjoy doing so. I see there is a tremendous financial need for community-based services to children with mental retardation and children with mental health needs. Many of the constituents of my constituency work in this field. I really feel that I have to speak for them. Since I do not know what the economic improvement strategy will do precisely, I do know what will happen if we fund this noble cause. I feel that we need to put money to help our constituents who do need our help. I urge you, fellow members, to vote for House Amendment "L" and against Indefinite Postponement of this amendment. Thank you.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I have asked the question as to what this very important program is? I haven't received an answer. I don't know what it does for the State of Maine. I don't know why we are going to let it have \$2 million, if we have it, without even knowing what might be that much more important at the end of 1998. I do know that cutting your nose off to spite your face is not a good way to do business. I do know that if you walk out of here and you can justify to your constituents that it was on principle that you turned down this much money and I am sorry, but we are sticking together and we are saying no. That is wonderful. We can work on this later. That is great, but why should these kids have to wait when a program that we haven't even decided we like, by the way, having been told by the majority of a nonpolicy committee, that I am going to love this program, doesn't convince me that one, I am going to love it and two, that I should fund it. It has not been voted on. You are deciding policy in the committee, which was pointed out to us some time ago when we decided to go to this format.

Everyone has become an advocate for the programs that come before their committee and the only thing we have to do is

overcome the Appropriations Committee policy making. I am not a member of the Appropriations Committee. I am a member of the House of Representatives. I am a member of the Judiciary Committee and I will come to you and tell you how I feel about the policy decisions before the Judiciary Committee and I will put it out to you to vote on the policy, just as Human Services will come to you and just as Criminal Justice will come to you, but there has not been a public hearing. You cannot gauge the level of public support. You cannot gauge the support of this body. You are going to take weeks because, no matter what I say, I have to live with your budget. I know that and everybody here knows that. The people of the State of Maine know that. We have to live with that budget. The children with special needs have to live with your budget and your decisions because the minute it comes out of here, you can hold up a roll call all you want, but we are all tarred with the same brush. We all suffer from the public image of us and sometimes as my uncle says, "Somebody just has to be the big man and stop."

Maybe this is the amendment. Personally, I thought the education one was good along with several other ones, but boy, when the rubber hits the road, this is the one that I cannot understand. All partisanship aside, everything aside, I know that I am not getting anywhere because I see heads shaking and people laughing and grinning because it doesn't matter. Well, to me, it matters. It is going to matter to the people in my district and to the people all over the State of Maine who have emotionally handicapped children and mentally handicapped children that a partisan battle to save a program nobody has ever heard of or espoused, that has been offered up for sacrifice, is going to be turned down because you can. If you are proud, God love you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. I am touched by the outpouring of caring I am hearing here tonight. If I thought for a moment that the passing of one of these amendments would get the votes of the Republican Party on this budget, I would start thinking about it. Let's tell the truth all around the room. What we have here is a series of amendments to get roll call votes and nothing more.

If I thought that voting against the Indefinite Postponement of this amendment would result in the passage of Committee Amendment "A," I would be right there with you, but I know and you know, it is not going to happen. Let's call it what it is. Thank you Madam Speaker.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "L" (H-45) to Committee Amendment "A" (H-15).

Representative BARTH of Bethel requested a roll call on the motion to indefinitely postpone House Amendment "L" (H-45) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "L" (H-45) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 24

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe,

Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bruno, Cameron.

Yes, 78; No, 71; Absent, 2; Excused, 0.

78 having voted in the affirmative and 71 voted in the negative, with 2 being absent, House Amendment "L" (H-45) to Committee Amendment "A" (H-15) was indefinitely postponed.

The House recessed until 7:00 p.m.

(After Recess)

The House was called to order by the Speaker.

Representative DONNELLY of Presque Isle presented House Amendment "N" (H-50) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. House Amendment "N" simply removes the language from the budget that establishes a blue ribbon commission to study the last blue ribbon commission and the last blue ribbon commission on the funding of education from the budget. That is as simple as it gets. That is what it does. There is a study in this budget that asks for a commission to read the report of the former commissions and this removes that. Thank you.

Representative STEVENS of Orono moved that House Amendment "N" (H-50) to Committee Amendment "A" (H-15) be indefinitely postponed.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "N" (H-50) to Committee Amendment "A" (H-15).

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative LINDAHL: Thank you Madam Speaker. I don't recall having had any debate on this blue ribbon commission on the floor of the House. Could I have an explanation of some sort? Was this heard through committee? Has the committee voted on it or is this just included in the budget with no input in the matter?

The SPEAKER: The Representative from Northport, Representative Lindahl has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: This is a very difficult issue. There are some wordings here that were not worded exactly as it was meant to be and some things that weren't exactly as they were meant to be. I don't really know how to explain all of this. We have been working on another amendment that I think will cover all of this satisfactorily. It would actually cover everything. I think the problem that is trying to be covered in this particular amendment, but it will do some other things too, but I can't talk about that because it is not before us. I would urge you to defeat this amendment and feel assured that the concern that you are expressing in this amendment will be taken care of later.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Madam Speaker, Men and Women of the House. In answer to Representative Lindahl's question, no, this did not come before us on Education. We did include in our original budget the amount of money that was set aside for this particular item as a direct funding for the study that we wanted done. It did not include a blue ribbon commission wording. That money was taken out of that particular presentation and put into this item. Thank you.

Representative STEDMAN of Hartland requested a roll call on the motion to indefinitely postpone House Amendment "N" (H-50) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement House Amendment "N" (H-50) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 25

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Garnache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Belanger DJ, Bruno, Cameron, Dutremble, Kontos, Saxl JW.

Yes, 78; No, 67; Absent, 6; Excused, 0.

78 having voted in the affirmative and 67 voted in the negative, with 6 being absent, House Amendment "N" (H-50) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative WATERHOUSE of Bridgton presented House Amendment "P" (H-52) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. Like a lot of people in here, I had this budget document put on my desk yesterday morning. I went through it as fast as I could before we went into committee so I could read as much of it as I could to see what was in it. I happened to come upon this item which funds the Family Law Court Division. It is a new program that we just happened to be having a hearing on that afternoon at 1:30. I thought that was quite amazing. I couldn't understand why it was already funded when we hadn't even had the public hearing. We haven't had the work session. We haven't voted on it. The House hasn't debated it. The other body hasn't debated it. Usually the process, this is my second term in the 117th, we set a policy that the committees of jurisdiction would have an input into the budget process. This, I feel, circumvented that. When we had bills that had fiscal notes, as I mentioned earlier today, those bills went on the Appropriations Table and competed with other worthy projects or legislation that we later on decided were worth funding.

There was a lot of people up there during the public hearing, some for this bill and some against this bill. We have not had the work session on it yet. We have not voted on it yet. What this amendment will do is cut this money out. It will be \$453,264 in General Funds over two years that will be allocated to surplus revenues. This money could go on the Appropriations Table and compete with the other bills that we have before us that will be on the Appropriations Table with that \$300,000 some odd dollars to compete for this money. That is the way it should be as far as I am concerned. If we decide not to vote for this Family Law Court Division legislation, we can put that money into the surplus revenue fund and use it to bring down the tax burdens on the citizens of the State of Maine. So, not only is it a process situation, I think it is a fiscal, prudent and responsible way to do business. I hope you vote for my amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative LANE: Thank you Madam Speaker. Could I ask someone from the Judiciary Committee to explain this bill? I think they heard it yesterday. Could I have someone explain that to me please?

The SPEAKER: The Representative from Enfield, Representative Lane has posed a question through the Chair to anyone who may care to respond.

Representative THOMPSON of Naples moved that House Amendment "P" (H-52) to Committee Amendment "A" (H-15) be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "P" (H-52) to Committee Amendment "A" (H-15).

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I just have to say, personally, I am very, very interested in the idea of the Family Law Court. For several years, I have followed, I have thought about this concept and I have read a lot on it. I think it has some real potential to deal with many of our issues regarding domestic abuse, divorce and child abuse, but I have to go on record as saying that I will vote against the motion to Indefinitely Postpone because, as my esteemed colleague, Representative Waterhouse has said, I have a real problem with the process. I think that this did not get the full hearing and full work. Many of these issues haven't and I have a real problem with that. Although I fully support the study

of the Family Law Court, I need to go on record as saying that I can't support this amendment. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. I want to go on record, too. I am not saying that I am against this legislation. I don't know yet. I heard the public hearing the other day. We have not had the work session. That is the whole point. Until we have the work session and have done the research on this legislation to see if one, we can afford it, two, if it's necessary, three, if it is redundant and so forth and so on. It has nothing to do with whether this legislation is good or bad. We haven't found out yet. Those of you who support this and have done the research, before it came to our public hearing, you know about this proposal. Some of us don't and that is the crux of the situation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I, too, am very interested in such a system being set up. I know our judicial system is very much overcrowded and I am sure most of you know too. I am very sad that it has to happen this way because it is a piece of legislation that I would have loved to have followed, sat in the work sessions and asked a lot of questions. There is an awful lot of questions that I am not being allowed to ask. Again, it certainly isn't because this is a bad idea. I think the idea that the concept of it is a very good one. I am not sure who is going to be appointed, who they are accountable to, how much it is going to cost and where they are going to be assigned. I am not sure if DHS is going to hire them. I don't know about you, but I have heard a lot of complaints about DHS since I have been in this office. I think probably more complaints concerning DHS than anything else. This piece of legislation is a crucial piece of legislation that needs very careful, thorough review. I ask you to defeat the impending motion, which is to Indefinitely Postpone this amendment. Thank you.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative PLOWMAN: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative PLOWMAN: Thank you Madam Speaker. This is an honest to goodness quandary I am in. If we don't pass these, can you tell me where the money in the budget goes to. Does it go to the table or are we committed to implementing these, even if we don't pass them on the floor here? I am really confused about the process. Could someone explain it to me? Thank you.

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to anyone who may care to respond.

A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "P" (H-52) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 26

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee,

Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bruno, Cameron, Dutremble, Lemke.

Yes, 78; No, 69; Absent, 4; Excused, 0.

78 having voted in the affirmative and 69 voted in the negative, with 4 being absent, House Amendment "P" (H-52) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative BARTH of Bethel presented House Amendment "Q" (H-53) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. What does this amendment do? It deletes the blue ribbon commission from the Committee Amendment "A" language in that document, which is under discussion tonight. That includes language that gives people the impression that we are doing away with learning results and the assessment of learning results and that certainly is not the intent. We are taking that language out of the budget bill so that it will avoid confusing the facts. What it does is it restores \$75,000 for the study of essential services, which is already begun by the state board at the direction of the 117th Legislature. That committee has not been able to meet for a long time now and myself being a member of it, I know that because of the lack of funding. Most of that money will go for the research necessary and the data necessary to establish exactly what essential services are that every school unit should provide across the State of Maine so that we will be able then to fund essential services across the state to ensure or to help ensure that every child has an equal opportunity for their education. In doing that, this will necessarily impinge on the funding formula and the amount of money that we put into the formula.

For those of you who have concerns about the funding formula, it will be addressed in part by the study of essential services. Why is this language in here and why do we need another blue ribbon commission to study such things as essential services, I have already said that is already being done, and the funding formula? My feeling is that it is in there solely for political purposes. Now, in terms of the formula, we will get to that. The Education Committee is committed to looking at that and we will have an answer for you fairly shortly on whether or not that is flawed or not. That is another issue and we need real data in order to allow us to make that assumption. My biggest objection to having this kind of language in the budget that this amendment takes out is that we are putting into a budget document educational policy that the committee of jurisdiction has not yet had the opportunity to explore fully. We are committing ourselves to educational policy without the review of the committee of jurisdiction. For that reason, ladies and gentlemen, I hope you will support this amendment. Thank you.

Representative BERRY of Livermore moved that House Amendment "Q" (H-53) to Committee Amendment "A" (H-15) be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "Q" (H-53) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Madam Speaker, Men and Women of the House. This is that same issue that I spoke about just a few minutes ago. Once again, it is a difficult issue. It is a difficult issue for me to oppose because this is not something we discussed in committee. The whole thing has kind of got a little bit out of hand. During the break, we tried to come up with something that would put it back in hand. I would urge you to defeat this motion and wait for that one that I keep saying is coming. This deletes the blue ribbon commission. That is not bad. This also deletes some other things and that is not good. I would urge you to defeat this motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "Q" (H-53) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 27

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevy, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Cameron, Dutremble.

Yes, 80; No, 68; Absent, 3; Excused, 0.

80 having voted in the affirmative and 68 voted in the negative, with 3 being absent, House Amendment "Q" (H-53) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative MURPHY of Kennebunk presented House Amendment "R" (H-54) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I want to assure members of the House that this amendment is not a game. As I have come to know many of you over the last few weeks as I have talked with the folks on Appropriations, Education, the driving force in my life is education. For the last month in every conversation I have been talking about school construction. What does the amendment

do? I guess if we are looking for a handle on this amendment, it would be get them out of the trailers. The first step to take is to close state liquor stores. It takes the school construction account, which has been flat funded for the last four to five years and the state begins to make a commitment to move this gridlock forward. An expert on this issue likened it in a very effective analogy, I thought, the effects of this flat funding. I teach in a trailer. It would be very easy to get up and talk about the failure to meet our obligations and what that has done to Maine school children. We are looking for solutions, not confrontation.

The money from the liquor stores would be applied, \$1.2 million in 1998 to increase the legislative cap. In 1999, increase the legislative cap by another \$3 million. In the year 2000, an additional \$4.5 million. The analogy that was used by that expert on school construction was that we have a bridge, and an oversized trailer that he has tried to get through that bridge and it has jammed. It can't back up and it can't get through and all the traffic is piling up behind it. We have gridlock. If we do not do anything in this session, we will not be funding, shared funding, of school construction until the next century. In my school district, 25 percent of all children, K-12, go to school in a trailer. You can drive out back behind almost every school building in this state and all these trailers are kept out in back. They are not put out on the front law. They are put out back in the parking lot. Maine school children troop off by the tens of thousands to trailers, temporary classrooms because we haven't met our obligation.

If we don't act on this this evening and the \$3.5 billion budget moves through, there will be no additional monies for school construction to meet that obligation. One superintendent has testified that he can no longer guarantee the parents in his district that a youngster in his high school during their four years at that high school will ever spend a day in a real classroom. He is looking to buy two-story modular interlocking units because he doesn't have enough room to spread the trailers out for his entire school.

We talked about common ground and issues that we share. I think in our campaigns we talked about education and we also talked about economic development. I think for many of us they are interrelated. I learned about governing from an old-time selectman. I didn't say politics, I said governing. That gentleman said that when politicians begin to talk about what they are going to do, ignore them. When they give you campaign literature about what they promise to do, tear it up. He said that what you do is you follow the money. You will find out where the heart is on how they vote and where their priorities are. Your priorities this evening, on one hand, as we heard the other night, are maintaining state liquor stores. Ladies and gentlemen of the House, this is history. That is the past. In the other hand, you probably have 120,000 or 125,000 students in this state who are in a trailer at some part of their school days. I am asking you to weigh that. The path, maintaining 100 jobs that have gone by and you know that or putting Maine kids into a real classroom. If you pass this amendment, we will begin to move through the process and most of the construction won't start until the next century because we delayed too long.

I am unblocking that jammed up bridge with this amendment. It will benefit SAD #20, Fort Fairfield; SAD #21, Dixfield; SAD #15, Gray; SAD #60, Berwick; Raymond; SAD #51, Bridgton; Westbrook, SAD #34, Swanville; SAD #5, Rockland; SAD #40, Warren; SAD #75, Topsham; Orrington; Westbrook; Bucksport; Falmouth; Maranacook; Winthrop; Winslow; Deer Isle; Stonington; Camden and Rockport. Kennebunk is not on that list. This amendment is not for my constituents. We are so far down the list that if this got unblocked tonight, we wouldn't see approval probably until 2007 or 2008. One out of four children in

the school district in which I teach, go to school in trailers. That is intolerable for us. The state didn't keep its promise so now we are going to build the school and we are going to pay for it ourselves. This amendment won't benefit Kennebunk, but for many of these districts, let's unjam this gridlock and let's meet our commitment and move forward. Otherwise, if you decide that those 100 jobs that have gone past are more important than children and how we are going to school them, then we better take that state seal and make room for a trailer on it because that will be the symbol of education in the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Men and Women of the House. I think the best thing that we can do for revenues and the overall picture here is to defeat this amendment to stabilize our revenue base and begin getting back those sales that we have lost over the recent years from other states. I think to close our stores and lose another \$6 to \$8 million in sales harms this budget process more than it will help it. I respectfully disagree with my good friend from Kennebunk, Representative Murphy. We have agreed with many issues over the years. We have served in previous legislatures together. We represent the same county and live only a few miles apart.

Speaking to the amendment before us here tonight, we respectfully disagree on the issue. The issue is not liquor stores versus school debt service. The issue is protecting and increasing a General Fund revenue source representing a significant portion of General Fund revenue, currently \$23 million. If we market it correctly, that will substantially improve in the years ahead. What we should do is accept the Education Committee's recommendations included in the majority budget and allow the Legal and Veterans Affairs Committee to deal with these issues in depth and I would ask that you would allow us to do that.

Representative TUTTLE of Sanford moved that House Amendment "R" (H-54) to Committee Amendment "A" (H-15) be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "R" (H-54) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Men and Women of the House. I guess probably I have been in education nearly as long as most people here have, with the exception, possibly, of Representative True. He has been in education forever. I highly endorse the comments that were presented by my seatmate. I only wish that I had his eloquence when it comes to stating my position. The thing that bothers me is that so many of these issues that are coming forth have no foundation in a budgetary process. I understand that there is \$3 million in anticipated increase revenues, which is a paper chase through the use of the revenues from the liquor stores' increased sales. I wonder what segment of our population is going to be targeted for these increased sales. We already know that the surveys that have been conducted indicate that the increased use of alcohol, tobacco and drugs in our young people is reaching epidemic stages. I would certainly think that that money that is allocated to maintaining liquor stores in this state could be much better used in providing sound educational facilities for our children.

As I said a few moments ago, I have developed many, many budgets in my time. The network behind this particular Amendment "A" that is being proposed in which we have offered many amendments to make specific expenditures on it. It is

sadly lacking. Whenever I build a budget, I did it knowing exactly what every dollar was going to be expended for, with the exception of a contingency fund. That was a very difficult thing to get by local school board members as I am sure any school official in here will remember. I have seen many of these trailers, modular classrooms and many other types of things that have been established to be temporary classrooms for our children. Even the best of them are totally inadequate. I urge you to defeat the pending motion and pass this amendment. Thank you very much.

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

Representative McALEVEY: Madam Speaker, Men and Women of the House. I am not a very passionate speaker, but I have to reiterate what has been said tonight to try to help put things into perspective. In 1987, I took my first elected office in public service, which was our local school board, SAD #57, Waterboro, Limerick, Shapleigh, Alfred and Lyman. There are 3,500 children. We need two schools then, junior high and an elementary school. We went on the list. We are number 17. It is now 1997 and we are still number 17 on the list. Where we are is no different than were dozens and dozens of our schools are. Some things transcend politics and this is an item that transcends politics tonight. Thank you.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative LINDAHL: Thank you Madam Speaker. Is there anyone from the committee of jurisdiction over liquor stores that can explain to this body what plan there is to increase this revenue from liquor stores that will benefit us better than privatizing them? Thank you.

The SPEAKER: The Representative from Northport, Representative Lindahl has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Madam Speaker, Men and Women of the House. I will explain part of the intention of this money. It is similar to the Productivity Realization Task Force where we saved money. The Governor went to the Legislature and said that you are going to save this money. They had the task force that studied that and they showed savings. Some of those savings were not planned all that well as we have seen in some of the corrections issues. That is what has been ordered. Part of the order is to make that department show these savings. I was handed a report a few days ago on a study 25 years ago. Here we are talking about how the liquor stores weren't stocked properly so they could do business properly. Many people feel that is part of the problem today. I will leave it at that. Thank you.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. I feel impelled to contribute to the very eloquent remarks of the Representative from the great Town of Kennebunk, Representative Murphy. Ladies and gentlemen, I, too, have seen educational facilities that bordered on the medieval. I do believe that it is part of the incumbent duty of this body to support the educational structure of this state. In my experience in the food service and hospitality industry, which is now spanning more years than I care to relate given the depth and perimeters of my education and formal training, I have been responsible for the dispensing of a great deal of alcohol under a licensed establishment. In those years, I have never witnessed a

liquor inspector. The problem, therefore, I think, is one which could be akin to the sleeping dragon analogy. If, under the offices of a state liquor store and a liquor enforcement structure we lack the resources to enforce those laws, which we now have, to remove all impediment would render any enforcement merely preemptory. While I log my colleagues empathy for education, I must defer with him on the issue of liquor. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Thank you Madam Speaker, great honorable Men and Women of the House: This issue hits close to home to me. My father's fiancée is a school teacher in a public school and she teaches in one of these trailers. I went to speak to their class and I saw the awful conditions of these trailers. I saw these children's little faces crammed into this small building going back and forth in the bad weather from the building to the trailer. We force our kids to go to the public schools. They don't have a choice to pick up and go to another school. In essence, we are forcing these children to learn in trailers. I must ask where are our priorities. Let's think of the children. Please support the amendment and vote no.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "R" (H-54) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 28

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bruno, Cameron, Dutremble.

Yes, 77; No, 71; Absent, 3; Excused, 0.

77 having voted in the affirmative and 71 voted in the negative, with 3 being absent, House Amendment "R" (H-54) to Committee Amendment "A" (H-15) was indefinitely postponed.

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

Representative WINSOR of Norway presented House Amendment "S" (H-55) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative WINSOR: Madam Speaker, Men and Women of the House. This amendment, I am presenting this for very, very serious reasons. In some ways I am kind of sad to have to do it. The discussion that we are having tonight, I really wished I had had an opportunity to have in the committee level because I believe a budget is a matter of choices. The choice that I am trying to offer this body this evening is to choose between funding in the health and human services area to avoid what they call spousal impoverishment. I will try to define that in a moment. I propose to pay for that by the closing of the liquor stores. The spousal impoverishment is really becoming a more serious problem for us now as we change the manner in which we provide care for our elderly.

As you are aware, we are now or have made a public policy decision to make it more difficult as they age to be cared for in a nursing facility. We are now offering and creating more community housing options. The problem with those is that the rules for Medicare assistance are very different between nursing homes and residential facilities. In a nursing home, the spouse that remains in the residence is allowed to keep a significant amount of money. I think it is \$1,500 to live on. There is also some other rules about transfer of assets and so on. These are the federal rules and the State of Maine honors them. However, when a spouse goes to a boarding home, we don't have those rules. The situation is if you have a married couple on social security and if one spouse's income is \$1,000 a month and the other spouse, generally the female, is \$500 a month and the spouse that goes into the boarding home, the income actually goes to that spouse, leaving the spouse at home with only the check that they normally get of some \$500. We discovered this issue during a hearing early on and I believe the committee in the majority budget did appropriate \$100,000 to begin to deal with this issue.

I would debate that because I don't remember really debating that in the Appropriations Committee and I think it is really an issue that is worth debating. If I am going to look at a budget which we expend \$3.8 billion, this issue becomes a priority to me. It is in that spirit that I am offering it to you today to consider. I hope you will look at this and you will support the motion that I am presenting. Thank you very much.

Representative TOWNSEND of Portland moved that House Amendment "S" (H-55) to Committee Amendment "A" (H-15) be indefinitely postponed.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. Two components of this amendment are something that we have explored fully already in the past two days. I don't think there is another word that I can say on the issue of liquor stores that won't bore you all to tears. On the issue of tree growth, I just want to assure you that I am extremely confident that the amount of money contained in the majority budget is sufficient to meet the needs. We do not need to budget for 100 percent participation. As we have learned in the Circuit Breaker Program, we never have 100 percent participation, no matter how good the program.

On the issue of spousal impoverishment, I am an enthusiastic supporter of the program. I am a cosponsor of the legislation and I argued passionately for its inclusion in the budget. I don't recall any sort of debate except that I argued strenuously that we ought to include the amount of money proposed by the administration. Should we find additional funds, I will be an enthusiastic supporter of adding more to that as Representative Winsor has outlined. It is an important component of the piece of public policy we have established in this state to steer more toward community types of care. We

know that our elders prefer to be served in their homes whenever possible. This Majority Report makes a good faith effort to begin to fund that policy. We simply didn't feel that we had enough money to fund it to any amount beyond that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative LANE: Thank you Madam Speaker. To the good Representative Townsend, I am not sure I understood what she meant when she said there was not full participation in the tree growth. I am not sure if that is from the towns or from the landowners, but I would ask her to clarify that please.

The SPEAKER: The Representative from Enfield, Representative Lane has posed a question through the Chair to the Representative from Portland, Representative Townsend. The Chair recognizes that Representative.

Representative TOWNSEND: Madam Speaker, Ladies and Gentlemen of the House. I would be happy to answer. I don't believe that there would be full participation from the landowner. This very same issue has been extremely well portrayed in the press regarding the Circuit Breaker Program, for reasons I cannot fathom. Not every person in the State of Maine who qualifies for property tax relief under the Circuit Breaker Program chooses to apply for that relief. Therefore, we had surplus money in that account, which we used to balance the budget. I think the same can be said about the Tree Growth Program. I can't fathom why not every person will participate. I certainly hope every person will participate, but in the past, not everyone who has qualified for that program has chosen to participate and there has been a surplus. I feel that we can safely budget the amount proposed in the Majority Report.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. I just need to explain after this last comment how tree growth really works. Back in the 80s when the Tree Growth Program was put into effect, it allowed people to put their land into the Tree Growth Programs and towns were promised that they would be refunded for the lost revenue for people who put it into the program. When a town has lost revenue and the state does not make it up, then it falls onto the rest of the taxpayers. Anybody who has 10 acres or more can participate if they so qualify in tree growth. What I am trying to say is that there is a commitment when you participate that the state does have a responsibility to the towns to pay that money back that is lost from the people participating. What is not made up from the state, the other taxpayers in that town make up. That is why I fully advocate funding tree growth to 100 percent to keep up with our promise that we made to these towns. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. I am going down this list and here we are revisiting the same kind of issue again. I think we ought to go back and reflect how a budget process is done. Obviously we have talked about the committees of jurisdiction and in this case an amendment. We are talking about an amendment again. We are talking about liquor and tree growth. As you know, tree growth is pretty dear to my heart. We all know that when we go through the budget process the committees of jurisdiction have input and then we give it to Appropriations and there is a lot of give and take there and things are voted in a bipartisan manner,

page by page, line by line. Then they finally come up and add up all of the totals. Here we are.

We added up all the totals and we found that we are short about \$30 million. What do you do? Whether you are a Republican or a Democrat, you are \$30 million short, you have to have a little give and take. This is the normal budget process that we do every year. There is not anybody in this chamber that wouldn't be able to issue one of these blue sheets and add 151 amendments including your individual item because you wanted that million dollars and somebody else got it or we had to give and take a little bit. Here we are revisiting this. This is very clear to me when you look down this list ladies and gentlemen that there is no consensus on where that \$3 million ought to go. There is no doubt in my mind that when the Legal and Veterans Affairs decide where that money goes and in the direction that this agency needs to go, if there is any savings, we are all going to be in the pie to decide whether it goes to education, trailers or whether it should go to tree growth or whether it ought to go here.

This is the budget process, ladies and gentlemen, and here we are wasting time going through the amendments when every member on that Appropriations Committee, in a bipartisan manner, after our committees of jurisdiction voted each and every one of the Governor's proposals up or down, in or out. This is clearly one of the Governor's proposals that was decided by Appropriation to vote it out. This is where we want to go in the temporary. Why are we here debating this? We could be here in June, ladies and gentlemen, doing the same darn thing on the first of June and we all would be going to cut me a deal and let me go home. There is no doubt in my mind that if somebody in the back room right now found \$10 million in tax reductions, this whole blue sheet would disappear. I think it is time we move forward. Thank you.

Representative CAMPBELL of Holden requested a roll call on the motion to indefinitely postpone House Amendment "S" (H-55) to Committee Amendment "A" (H-15).

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, Men and Women of the House. Bear with me. I know I am belaboring a point here, but I voted against the emergency budget because of this very issue. I am concerned that tree growth is beginning to crumble. I will tell you why. I believe it was brought into existence in the first place to encourage landowners to manage their land properly and to discourage development. I had a letter here from a landowner in Freeport who said if they were not in tree growth, their taxes would be \$18,165 for four years. It is something they absolutely could not afford and that is why they are in tree growth. We recently made the decision that landowners have to hire a forester, which is another cost and I am getting more and more calls about how much it is going to cost landowners who are not certified foresters to have a forester approve their land.

Unfortunately, these landowners cannot get out of tree growth. So you see there is a lot of cracks. The cracks on this whole foundation called tree growth that might pull it all down could be the fact that our towns lose interest in tree growth. If the towns lose interest, it is because they are not fully funded and they are losing money and property tax payers are having to pay the difference. We know that. Given the fact we have come off a very emotional debate about forest practices, about keeping our land pure, about how to cut, about saving land for development and overcutting, it is important that we at least begin to shore up the foundation. I really believe a good way of doing that is to do what we promised our towns. Simply fulfill a promise. We have new programs in this budget, new programs. We have things in this budget we haven't even heard. We have

had things in this budget we haven't debated. Here is an old promise that we can keep. Every dollar we put toward helping property tax relief in our towns, every dollar we put toward fully funding tree growth, we will help to save a tree. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I support this amendment and hope that you will vote against Indefinite Postponement. I would like to make a comment about a comment made earlier by Representative Bunker. The reason we are here spending time on this is because this is a deliberative body. This is where we debate the different items within a budget. This is not a 13-member body. This is not an executive body. This is a deliberative body, for those of you that were here in the 117th Legislature.

The SPEAKER: Would the gentleman please defer. For what purpose does the Representative rise?

Representative POVICH: Thank you. I don't believe the speaker is addressing the amendment.

The SPEAKER: The Representative from Ellsworth, Representative Povich has expressed a point of order. The Chair would apologize. As I would understand it you were digressing a bit from the amendment and the Chair would direct your attention back to the substance of the amendment. As she would to all members of this body, please, address your remarks to the substance of amendment. I will pay better attention next time. I will apologize to the Representative.

Representative POVICH: Thank you Madam Speaker. I was digressing. I was just responding to previous speakers. You are right. I have digressed so I will hope that you will support this amendment and vote against Indefinite Postponement. Thank you.

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

Representative WINSOR: Madam Speaker, Men and Women of the House. I will try to be very brief. We hope to generate the money here by completing the executive's plan for getting the state out of the retail sale of liquor. I would like to think just for a second about that issue. The way the budget process works is that we can only use money that has been identified and accepted by the Offices of the Budget. They have said that you can close liquor stores. They have done rather extensive analysis. I have had a chance to meet on several occasions with representatives of their office, the people who direct the liquor business, their bookkeepers and their accountants. I am satisfied that they are taking very, very serious consideration and analysis. They have looked over the numbers. They have done very accurate projections. They have compared the sales data of Maine with other states. They have taken a very good look at the profit margins, the cost of operating these businesses and I am convinced that if they are in error about the savings that they project in getting us out of the retail liquor business that they are conservative. If you had a business and one of your managers came to you and said if you do A, B, C and D, you can save \$9.8 million by doing this, even if you were wrong by 50 percent, would you still do it. If you were wrong by 100 percent, you would only save \$4 million, would you do it? I think if you were somebody in business faced with that information, you probably would change the way in which you do business. I feel very comfortable that we can realize the savings that have been suggested by the Office of the Budget.

I feel very serious when I put this amendment in. I tried very hard to identify what I thought were reasonable alternatives to spending the money on liquor stores. Really, I look at it as this is what we are doing. We are spending money to stay in the retail

liquor business. I think that if you are in the business and we are subsidizing the operation of these stores, in a sense, and a cost of them, if you are looking at this particular amendment, the cost is to fully fund the Tree Growth Program and to fully fund, I believe, the identified needs of spousal impoverishment. That is my intention. I certainly hope that you will look at this amendment seriously and support it. I thank the Speaker and I thank the members.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinitely Postpone House Amendment "S" (H-55) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 29

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Desmond, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Cameron, Dutremble, Paul.

Yes, 79; No, 68; Absent, 4; Excused, 0.

79 having voted in the affirmative and 68 voted in the negative, with 4 being absent, House Amendment "S" (H-55) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative WINSOR of Norway presented House Amendment "T" (H-56) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative WINSOR: Madam Speaker, Men and Women of the House. The amendment that I am presenting to you next, Amendment "T," replaces the Majority Report of the Appropriations Committee with the Minority Report with one significant difference. In this particular amendment, I add to the Minority Report something that we left out and I think is very, very important. That is to proportion any increase for general purpose aid for local education to schools, for adult education. I am sorry. I hope all of us don't have the cold that I have tonight. I apologize to members for my voice and the sniffing.

This amendment adds a new part which requires that the state reimbursement for adult education must increase in proportion with any increase in general purpose aid for local schools. I would just like to speak a little bit about that particular issue. It is not an awful lot of money in this biennium. I think it is around \$170,000. That would be the amount of money that we would have to allocate or appropriate to reward our adult ed programs or to subsidize them at the same level we subsidize

General Purpose Aid to Education. A lot of people, in my way of thinking, the adult ed programs that we have in this state are the most cost effective and reasonable way to deal with general literacy problems in the State of Maine. It is the most flexible, most realistic and I think one of the very real ways that we can help people work themselves out of situations where they didn't study perhaps when they should have or they didn't get skills when they were in school originally. They become adults and they realize if they want to continue their education and they need basic skills, the adult ed program in every community, every school district, offers adult and young people an opportunity to continue their education and be competitive in this changing job market. I hope you will consider this addition to the Minority Report. In addition, the Minority Report, which is simply to deal with the General Purpose Aid to Education part of the budget that is approximately 50 percent of the budget we have. Our amendment simply increases General Purpose Aid to Education 2 percent, 3 percent with a \$3 million cushion in each year of the biennium.

It is a very responsible reason and practical approach to the budget dilemma that we have before us tonight. The fact of the matter is that we don't have a cooperatively agreed upon budget. There are lots of reasons. We can blame each other. We can blame the people down the street or downstairs or upstairs or wherever. The fact of the matter is we weren't able to achieve a total consensus budget. If you accept the Minority Report, my amendment, you will put to be approximately 50 percent of the budget. You will tell every superintendent and every municipality in the State of Maine what money they are going to have available for them as they go into their final budget process. As a former school board member, that would be exceptionally valuable, I think, to us all. I think so often we sat here tonight focusing on our differences and this, I think, is an opportunity to focus on our similarities. With that, I appreciate your listening to me and I certainly ask for your support. Thank you.

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

Representative ROWE: Madam Speaker, Men and Women of the House. This is the first time I have stood up tonight because when I saw this and I wanted to stand up, I appreciate the efforts of the good Representative from Norway, Representative Winsor. This proposed amendment would basically take the place of Committee Amendment "A," as you heard and would take out everything with the exception of GPA funding. It would also add some increased adult ed subsidies. We have heard a lot of criticism tonight about the fast pace of the Appropriations Committee. We have also heard that most of the budget, indeed, I think, over 90 percent of the funding in this Committee Amendment "A" consists of unanimous bipartisan recommendation and policy committees. This amendment would replace Committee Amendment "A" and strip out that other 40 percent. Indeed it is in line with 50 percent because the GPA approximates 50 percent.

Like others have said tonight, I don't like everything in Committee Amendment "A," but I do probably support it. This amendment, I would ask for Indefinite Postponement, again, because it proposes to do away with most of it. You have heard a lot about Committee Amendment "A" tonight from different people. You heard that it invests in education, not only K-12, but also higher ed and technical colleges. It recommends funding or will cause funding above the Governor's proposed levels. You have heard that it focuses on the welfare of the children of this state. Representative Mitchell of Portland expressed that very articulately earlier. You have heard that it invests in our economy. Representative Vigue covered those issues. One thing that he didn't mention is something that I feel is important.

There were some adjustments that I know are somewhat contentious that were in the business community with respect to the adjustments of certain tax-incentive programs, including the business equipment tax reimbursement program, but I feel the changes in this budget, I believe most of you agree, will allow that program to become stable. We will be able to fund it in the future years. It will indeed create the predictability that many of us are concerned about, in terms of the business climate in the state. We also know the budget does provide tax relief. We heard from Representative Tripp on that measure, both in terms of the Circuit Breaker Program funding. The funding on the indexing is beyond that recommended by the Governor. He had voted to repeal it. It is put back in. Also, the Tree Growth Program, although we know that many of you believe that we didn't fund it adequately because the \$1 million that was taken out in that year, but still it is funded significantly above how it has been funded in the past and indeed it is 90 percent in year two and approximately 80 something percent in year one.

The income tax relief in Committee Amendment "A," which is opposed by this amendment, which I think is very germane because this amendment, by the way, seeks to repeal most of it. The income tax relief is found on page 221 of the budget. If you haven't taken a look at that, I would ask you to. That is the tax relief fund. It takes the difference between income tax revenues and the excessive revenue estimates and directs it to income tax relief. One thing Committee Amendment "A" does not have is tax shifts disguised as tax cuts. It does, I think, deal with tax cuts in a responsible manner, but often we will put tax cuts in a budget in Augusta only to cost shift to the property tax. I, for one, don't see that in this budget. I have seen it in past budgets and therefore I believe this budget is sound. I don't believe it has gimmicks. At least I haven't detected any. I believe the budget is honest. Committee Amendment "A," I believe it is responsive to the needs of our state and to the people of this state. I believe it is fiscally responsible. I ask all of my colleagues in this chamber to carefully consider and thoughtfully consider Committee Amendment "A" tonight.

I also ask you as you thoughtfully consider Committee Amendment "A" to thoughtfully vote to Indefinitely Postpone House Amendment "A." Madam Speaker when the vote is taken I request the yeas and nays.

Representative ROWE of Portland moved that House Amendment "T" (H-56) to Committee Amendment "A" (H-15) be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "T" (H-56) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative TOBIN: Madam Speaker, Ladies and Gentlemen of the House. I would like to speak in support of Representative Winsor's amendment and would urge you to vote no on the present motion on the floor. As a long-term education, we have been told study after study after study that we, as human beings, learn the most the first year of our lives thanks to our mothers. Most of us do not begin our formal education until we are five or six years old. Studies have also shown that usually students enter school with a great deal of enthusiasm and a great willingness to learn. Usually around the third grade some of them begin to get turned off. Whether they can't sit behind a desk for seven hours a day or whether they are not reading and writing oriented. Some would rather learn by doing what have you.

Winston Churchill was last in his class. Albert Einstein quit school when he was nine years old. The point that I am trying to make is people learn when they want to learn. The key word is want. Some people don't want to learn until they are 23. Some don't want to learn until they are 35. Some in their 50s and 60s are going back to school to change their careers. Let's not shut out any citizen in the State of Maine from learning. Please support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BERRY: Madam Speaker, Ladies and Gentlemen of the House. To the Representative from Norway, I would like to question you on the Minority Report that you presented. I wondered if included in that is the Career Advantage Program, community-based services to children with mental retardation and children with mental health needs and school debt service? Does it include spousal impoverishment? Does it include the Magnet School? Does it include the Hospice Program? Does it include medical access to education programs and some of the others that there have been strong interest in? Thank you.

The SPEAKER: The Representative from Livermore, Representative Berry has posed a question through the Chair to the Representative from Norway, Representative Winsor. The Chair recognizes that Representative.

Representative WINSOR: Madam Speaker, Ladies and Gentlemen of the House. To Representative Berry, as the good Representative knows, this amendment leaves unexpended approximately \$1.8 billion, which will then be debated an properly appropriated.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House

Amendment "T" (H-56) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 30

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, Mayo, McElroy, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bruno, Cameron, Dutremble.

Yes, 81; No, 67; Absent, 3; Excused, 0.

81 having voted in the affirmative and 67 voted in the negative, with 3 being absent, House Amendment "T" (H-56) to Committee Amendment "A" (H-15) was indefinitely postponed.

On motion of Representative TUTTLE of Sanford, the House adjourned at 8:50 p.m., until 9:00 a.m., Thursday, March 20, 1997.