

# 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  
25th Legislative Day  
Thursday, March 20, 1997

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

Prayer by Reverend Evelyn S. Hale, The North Wayne Church.

National Anthem by the Great Salt Bay Wind Ensemble, Great Salt Bay Community School, Damariscotta.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

**SPECIAL SENTIMENT CALENDAR**

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

Recognizing:

Susan Buckland, of Great Salt Bay Community School, who has been nominated as the 1998 Teacher of the Year, and who will be honored by a ceremony in the Hall of Flags in the State House by Governor Angus King. We extend our congratulations and best wishes to her; (SLS 42)

Was read.

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

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. What I would like to tell you is that Susan Buckland is now the midcoast finalist for the Teacher of the Year along with nine other distinguished and excellent teachers from Maine. She is also a member of today's band. Thank you.

Was passed and sent up for concurrence.

The House recessed until 10:00 a.m.

(After Recess)

The House was called to order by the Speaker.

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

**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)

Doctor of the day, Mark W. Foure, M.D., Cape Elizabeth.

Representative KERR of Old Orchard Beach presented House Amendment "HH" (H-75) to Committee Amendment "A" (H-15) which was read by the Clerk and adopted.

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

Representative KERR: Madam Speaker, Men and Women of the House. This deals with the State Board of Education. It provides funds for the State Board of Education for the development of the implementation plan for funding essential programs and essential services to the tune of \$75,000. Thank you.

On motion of Representative LINDAHL of Northport, the House reconsidered its action whereby House Amendment "HH" (H-75) to Committee Amendment "A" (H-15) was adopted.

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 am sorry about not jumping up a little sooner. I am not trying to do this to delay the process or anything, but I am curious. Is this the same \$75,000 that we were talking about to fund this commission to look at the roster report and other such reports?

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: Madam Speaker, Ladies and Gentlemen of the House. This is the same \$75,000 that the Education Committee originally had in the budget for this purpose. This is just restoring that and that was put in with a blue ribbon commission later on. The blue ribbon commission has been eliminated. This is the same \$75,000 that was in the budget. This does not add to the budget. This does do what the Education Committee asked for it to do in the first place.

Subsequently, House Amendment "HH" (H-75) to Committee Amendment "A" (H-15) was adopted.

Representative KERR of Old Orchard Beach presented House Amendment "FF" (H-73) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative KERR: Madam Speaker, Men and Women of the House. This amendment provides for the allocation of funds for a grant to the Northeast Dairy Council for the sum of an appropriation of \$100,000 each of this biennium. This comes from other special revenues and it was at the request of the good Representative Spear, who will be more than willing to answer any questions dealing with the Northeast Dairy Council. Thank you.

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. Back about three years ago, the courts, when we had the Agriculture Stabilization Act go into affect, there was money when the court struck down the act, at that time, there was money coming in and there is somewhere between \$350,000 and \$400,000 sitting in an account that technically belongs to the farmers here in the State of Maine, but by the courts it can't be touched. We feel by taking some of this money and letting the Northeast Dairy Compact, which is trying to get off the ground right now, which is to enhance all the milk prices here in New England. It will be of a big benefit. We feel that there is no better way because this money, by the courts, cannot be distributed to the farmers, where it belongs. You can

use it for other purposes. We feel there is no better purpose than to use this money to try to get this compact off the ground and enhance the prices for the farmers. Other states in New England are contributing in other ways. Vermont has contributed a lot of money, a lot more than this. Massachusetts has, and this is one way for Maine to do their share. We feel that it is a great way to invest this money for the future of the dairy farmers here in the State of Maine.

House Amendment "FF" (H-73) to Committee Amendment "A" (H-15) was adopted.

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

#### **SPECIAL SENTIMENT CALENDAR**

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

Recognizing:

The Town of Windham, for being named a high-performance government by Municipal Analysis Services Inc. Windham, in the category for towns with less than 50,000 residents, received the highest score in the State. We extend our congratulations and best wishes; (HLS 190) by Representative KONTOS of Windham. (Cosponsor: Senator BUTLAND of Cumberland)

Was read and passed and sent up for concurrence.

David A. Smith, Jr., of Oak Hill High School, winner of the 1996-1997 Western B Regional Wrestling Championship, 189 lb. class; (HLS 191) by Representative WATSON of Farmingdale. (Cosponsor: Senator NUTTING of Androscoggin)

Was read.

The SPEAKER: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative WATSON: Madam Speaker, Men and Women of the House. I rise today to offer my congratulations to my constituent, David Smith from the Town of Litchfield. I just want to say that I think he's done a splendid job in winning the championship for wrestling for 1996-97. Congratulations David. Thank you Madam Speaker.

Was passed and sent up for concurrence.

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)

Representative KERR of Old Orchard Beach presented House Amendment "GG" (H-74) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative KERR: Madam Speaker, Men and Women of the House. For the past few days in this House from both sides of the aisle we have been working on an Appropriation's budget to come to some common and workable solution to meet the needs of citizens of this state. In spite of the reports in the press and in the TV negotiations by members of leadership on both sides of the aisle and members of the Appropriations Committee along with members of this chamber and with the support of the Governor have tried to reach an agreement that both parties could support.

The amendment that is before us today is in good hope that this is the compromise that will get us a two-thirds vote on the budget. It is not a perfect amendment and neither is the document. Through our discussions and debates over the past two days, we have found out one thing is for sure. The revenues that this state has does not meet the needs of the people. This budget along with this amendment surely addresses, as I have said, not all the needs, but generally most of the needs of the citizens of this state. Early on in trying to reach some type of agreement and consensus, there was a mention that we needed to find some hard cash to provide immediate tax reductions for the people of this state. Two years ago we passed, those of us that served in the 117th Legislature, three areas of tax reductions. Those reductions served two purposes, tax reductions, number one and the second was to limit spending in state government. Today, in the 118th Legislature, we are paying for some of those bills.

In this amendment I will list the \$10 million that has been put on the table to go for immediate tax relief for the people of this state. This amendment prioritizes the expenditures authorized from the Tax Relief Fund for Maine residents. The first use of the funds is to increase the personal exemptions authorized for state income tax purposes. Personal exemptions, through that reduction, reduces taxable income for all taxpayers in this state. It is broad-based tax relief. It provides extra assistance to families of proportional size. The second item in this amendment clarifies the transfer to the Tax Relief Fund for the Maine residents in fiscal year 1999 and 2000 and thereafter based on the first, rather than the last accepted revenue estimates. It also, as I have said, provides the appropriation of \$10 million in the fiscal year 97-98 to the Tax Relief Fund for Maine residents as an initial investment. That is the seed money to get it started. That is immediate tax relief. The Income Tax Cap that was passed in FY 97 didn't provide immediate tax relief, but this amendment does.

Fifty percent in the funds may be used in FY 97-98 to increase the personal exemption and the remaining 50 percent must remain in use for the FY 98-99. The reason why we know that at least \$10 million will be in this tax relief fund so that we don't create a structural gap because, as you all know, both years of the biennium must be balanced. Of this \$10 million, \$5 million would go in the first year for immediate tax relief and the other \$5 million would go in the second year for tax relief. That prevents a structural gap. Should there be surplus revenues for the year FY 97, that would mean from today until the end of June at budget end, currently there is about \$35 million, money that has come in overbudgeted. Should that surplus remain, I cannot tell you and look into a crystal ball, how much will be there. There have been estimates between \$5 million, \$10 million, \$20 million, \$25 million and as much as \$30 million that potentially will be there. Of those dollars, 75 percent of that amount is in surplus. If it is \$20 million, it would mean that \$15 million would go into this Tax Relief Fund of which 50 percent would be immediate tax relief in the first year. The other 50 percent would be in the second year.

The other 25 percent is consistent with what this Legislature in the past two years has decided and what we continue to do. Pay our bills. Twenty-five percent would go toward the unfunded liability in the teacher retirement fund. That, to me, is prudent and fiscally responsible and we should continue to do that. We exercised our restraints during the emergency budget when the administration chose to use language notwithstanding so that \$2.4 million of surplus, as you recall, it was the first budget that we voted on, would not have been put toward the unfunded liability, but by us agreeing collectively, both Democrats and Republicans. We chose to do that. We saved the taxpayers of

this state over the annuitization of that 32 or 33 year bond period about \$10 million. You don't read or hear about that in the papers.

Also, in this amendment, I must tell you where the \$10 million is coming from. I know that we have had caucuses and many questions have been asked, is that money real or is it phantom money? This money comes from the nursing home reserve fund. It adds Part AAA, which deappropriates funds in the FY 96-97 from the Department of Human Services Intermediate Care payments to providers and accounts for an anticipated surplus in FY 96-97 and from funds originally appropriated in FY 94-95 for the settlement of a loss of federal financial participation of former providers specific gross receipts tax on nursing facilities.

These monies are available and have been available. That is where \$7 million of the \$10 million comes from. We form the education of the unorganized territories, there is \$700,000. That is unencumbered balances brought forward in this education of the unorganized territories. That is General Fund revenues for FY 96-97. There is also \$2.3 million, which the deappropriation funds from debt service. These are accounts available from additional interest earnings in the debt service. There is also \$1.5 million within the Department of Human Services and MHMR. Those dollars are available from salary savings. As you all know, those are very large departments and agencies. When we built our budget, we built it on certain assumptions. We say that, for example, 300 people within that department and our budget is predicated on those 300 people staying within that department for that period of time for that year or two years. As we go through, people come and people go. There is savings when someone is not replaced immediately. That is where these dollars come from.

We also have a voluntary employee plan that we take \$100,000 from. Workers' comp is \$500,000. We also take \$100,000 from abandoned property. We also look at the Department of Professional and Financial Regulations. That is the Securities Division. We are authorizing the transfer of \$900,000 from the Bureau of Banking and Security Division to the General Fund as undedicated revenue for FY 96-97. That is partly due to the bull market or the stock market. Same in the Majority Report that is before you we have taken \$1 million from the Underground Tank Fund. We have reviewed the information and in the balance in the FAME account, we are taking an additional \$1 million. The last item is capital from the legislative account for preservation. It deappropriates \$150,000 annually for capitol construction, repairs and improvements on this structure.

I think this is a good amendment. I hope it brings us to a two-thirds vote. We have had a lot of discussion and a lot of debate over a variety of amendments. This budget doesn't just reflect what you and I think or what you and I want. We saw that through the very many amendments that have been brought forward. What it does represent, I hope and I have always had that hope and I have always continued to work along with my colleagues on the other side and leadership from both corners to reach a consensus, even when at times, we thought we were miles apart. We always kept the line of communications open. I have to thank those Representatives. Representative Donnelly, Representative Campbell, Representative Saxl, Representative Kontos and our Speaker who have worked so hard and diligent to get this to the point where it is today. Without her moxie, we wouldn't be here. It took a lot of strength and courage to get us where we are today. Madam Speaker, I thank you for that. It was you through your guidance that helped us, collectively, Democrats and Republicans, to put education as our priority. We did that. We took care of the university and technical

colleges and we also took care of the people, the most vulnerable people of this state, our children, our elderly and people with mental illness. I would urge your support, bipartisan support, for this amendment. Thank you.

Representative VEDRAL of Buxton moved that House Amendment "GG" (H-74) to Committee Amendment "A" (H-15) be indefinitely postponed.

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

Representative VEDRAL: Madam Speaker, Men and Women of the House. I am glad to see that we are building a consensus on a possible \$10 million tax relief package for our working families who are paying too many income taxes as it is, but I don't see this \$10 million as being valuable. We say that we are going to keep spending and increase spending by \$250 or \$265 million. If we have not to spend as much as we planned, we will give some back to the taxpayers who work hard for their money. We will increase their personal exemption by about \$50 if possible. That \$50 will mean \$2 in most people's pocket every year. I am sure that \$2 is very valuable to everybody, but \$2 will not buy my vote on a budget. My vote is not for sale and it is especially not for sale for \$2. I further move a roll call.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "GG" (H-74) to Committee Amendment "A" (H-15).

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

Representative KERR: Madam Speaker, Men and Women of the House. I have served in this chamber for almost seven years. Never once would I ever expect to hear that a vote would be for sale. Our votes are not for sale. Our differences that we may have will be philosophical and they are not personal and I wouldn't take it as that. The good Representative from Buxton has said that there has been growth in the state budget over the past two years to the tune of almost \$265 million. The good Representative from Buxton is absolutely correct. The rest of the story that Maine people need to hear and should hear is where are those tax dollars are going, that \$265 million. I would like to begin to explain it to the good Representative and my fellow colleagues of this chamber.

As you all know, during the 117th Legislature those of you who weren't here, I stood then and I stand now in the same position as the Chair of the Appropriations Committee. We embraced and supported, by a two-thirds vote in both chambers, tax reductions that were driven by this Legislature. Those tax reductions were not paid for in the 117th Legislature, but the principle behind that was that we all felt that for Maine people taxes were too high in many areas, not just with personal exemptions. We looked at the income tax. We looked at the snack tax, sales tax and many other areas. We agreed, collectively, the members of this chamber and down the hall two years ago that we needed to do something and we did. We collectively, bipartisan support, supported the elimination of the tax and match, better known as the sick tax. There was a cost of doing that and that is part of this expenditure of growth that we must look at. From that \$265 million you must first back out that \$115 or \$120 million. It is about \$116 million.

We also eliminated the gross receipts tax. That is a tax that was put on nursing homes of 7 percent on our elderly that were staying there. We agreed that by staying there they weren't on vacation, the same way that people come into our motels that are in our district and get that 7 percent tax. We collectively felt that that was a good idea to get rid of that gross receipts tax and we did. There was a cost to doing that of about \$42 million. The difference, and I must just rest here a second, is how we expended those dollars this year. By eliminating the gross

receipts tax where we collectively, Democrats and Republicans, agreed that that \$5.2 million from that tax to go back to the communities in the form of revenue sharing where it went prior to the implementation of the gross receipts tax. The Governor chose to use it for the General Fund. Collectively, we decided we were not going to shift the burden to the property tax and we did that.

In just those two items, you are looking at \$153 million of that \$265 million. In our budget deliberations, and remember every member of this Legislature belongs to a different committee, we built this budget around committees working together reaching a compromise. We, in the Appropriations Committee held joint committees with you committee, whether it be Transportation, Legal Affairs or Education down in room 228 so the public could speak and we could hear their requests, not forgetting that it is their money you and I are spending. It is their priorities that we show in this budget. During those deliberations there were unanimous committee reports and we accepted those committee reports and the Transportation came in and they said that in the past we have taken from the Highway Fund to fund the General Fund. We no longer want to do that now. The Governor presented a budget that no longer shifted the bulk of the Highway fund to the General Fund. We began to continue paying our bills. By doing that, it cost us \$11 million from the General Fund. Again, you have to add that \$155 million plus \$10 million and it will get you to \$160 million.

We also said we are going to pay for the district attorneys. That is almost \$3 million. Now you are at \$163 million. Then the Legislature, through a bill the Governor put in, felt that we needed to give tax relief for those businesses. We developed what is known as the better for worse. I am not sure what the program is so that businesses can locate in the state and frankly, it hasn't panned out that well because six months into this program we are already modifying tax policy. That helps no one, but yet that is in the budget and was presented two years ago and we have to pay for that. That is another \$28.5 million. Very quickly we add up closer to that mark of \$200 million. Then we talk about community-based corrections fully funding. That is another \$6.3 million.

You look at education, what this body collectively agreed on that was going to be our top priority. K-12 we put in an additional, over and above the Governor's recommendation, \$22.6 million dollars more. We did the same for higher ed and the technical colleges because many of us campaigned on creating jobs and providing a better workplace because not always can we look at the expenditure side, we have to look at the revenue side of how we can pay for these items that we want, to see whether it be the children of the mentally ill and to be doing that it is a cost of another \$10 million or there about.

We have spent that money and I hope in a wise and thoughtful process. We have done it collectively. I stand here supporting this amendment, knowing that the budget is never a perfect or a final document. We have close to 2,500 bills or there about that we are still working through. Some will have fiscal notes that will cost us money and others may generate money. Those monies will be put and those bills will be looked at and scrutinized by this chamber and the other chamber. They will eventually end up on the Appropriations Table and require funding. Not all bills have in the past or will in the future be funded. We will scrutinize them and prioritize them. When you hear representatives in the public and people talking about the increase in spending from one biennium to the other biennium, let's give them the whole story. I urge your support of this amendment. Thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I have to remove my roadblock here. I am not sure there is a lot more to say other than what Representative Kerr has already said. We have been working for a few days on this. I think there are a couple of items in it that we haven't completely agreed on, but we are very, very close on them. I do think it is important that we recognize, while I can't stand here and say that I am elated by the proposed budget. I can't do that. There are things that I like and there are things that I don't like. That is neither here or nor there. It seems to me that this is a good faith effort to provide all of our constituents, regardless of what our party or affiliation is or regardless of what our philosophies are. It is to provide all of our constituents some relief on their personal income taxes.

Personal income tax is the only tax that is paid exclusively by Maine people. All of the other taxes that you can think of are contributed to by some folks who are not residents of Maine. I am not particularly interested in helping alleviate the tax burden on people that don't live here. Regardless of what kind of tax you would think of, they will benefit, even property taxes. This piece of legislation addresses helping the good hardworking citizens of our state. Is it a lot? Absolutely not. Would I like to do more? Absolutely. I have given it my best shot and some other folks have given it their best shot. We will keep working to try to find some other improvements, but I would ask that you consider supporting this effort. Contrary to what you have heard, it will eventually come to a level of parity with the federal exemption, which I don't think is unreasonable. I think it is absolutely fair.

We hear on this floor time and time again about the working poor in Maine. I think maybe there is 151 of them in this room, but if we really want to help those people, this addresses the young family who has two, three or four children, the larger their family the more they benefit. It will get us in line with the feds over time. I think that is really important. If we don't go ahead and do something like this, we are continually going to hear and I don't believe that I am the only one who hears this, why did I get money back from the feds on my income tax and I had to pay it all to you? I know I am not the only one who has heard that. The difference in the personal exemption is some of that reason. Some of you may know and some of you may not know. I will admit that I didn't understand until this year. Everybody in Maine that makes \$16,500 or above pays the top tax rate, which I believe is 8.5 percent. It doesn't seem to me that somebody making \$16,000 should be paying the top tax rate in Maine. This doesn't address that issue specifically, but it does address relief to get to the federal standards.

As I said, we haven't come to where we are warm and fuzzy and agree on everything, but we got very close and there was a meeting last night where some decisions were made. I was unable to be there and I apologize for that, but nonetheless, I want to support this effort. I think it can be better, but I want to support it. If we don't support it, I will have difficulty explaining to people why I was unwilling to try to relieve their income taxes. I want to emphasize again and I can't emphasize it strong enough. I would love to see more. I would very much love to see more. As long as I have been here, as long as I have run for office, I have told people that if I ever have a chance to alleviate taxes, my preference is the personal income tax. That is the one that you all pay. That is the one that is exclusive to Maine people. I ask you again to please consider supporting this amendment. We can still continue to talk about some issues that we may have, but I ask for your support for the amendment not for the motion that is on the floor now. Please vote against the pending motion and vote for the amendment. Quickly, I have passed around a side by side that Jim Clair did between our two

amendments and most of the issues that are in there that say yes, no, we have already resolved. We are so close it is scary. One issue and a very small amount of dollars apart. I just wanted you to know what had happened up to this point and, again, I urge you to vote against the pending motion and for the amendment. Thank you very much for your time.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. There has been an awful lot of talk about how we are trying to get tax relief for the people of the State of Maine. I have done a little bit of history of the budgets that this Legislature has passed and since I have been here, if we pass this budget, spending will have increased by \$710 million and that is since the 116th Legislature. To go back a little bit further, you have to look back to the 80s. The youngest members of this body and that will put them back in the 5th grade probably and that was almost a lifetime ago. The rest of us, that isn't so far back.

The 111th Legislature started with a \$1.3 billion budget. They increased spending by \$268 million, which was a 19 percent increase. Then came the 112th, they wasn't to be outdone. They increased spending by \$384 million, which was a 23 percent increase. The 113th came along and they didn't want to be outdone, they increased spending by \$593 million, which was a 29 percent increase. The 114th, they were a little bit more frugal, they increased spending by \$555 million more dollars, which is a 21 percent increase. Then came hard times. The 115th Legislature actually had to cut spending by 1 percent. They decreased \$54 million. Then came the 116th, when I first came here, our budget stood at roughly \$3 billion or just slightly more than that. We increased spending by 5 percent, \$179 million. The 117th came, they had some gimmicks they had to take care of and they increased spending by \$277 million, which was 8 percent. Now we are here facing a 7 percent increase in spending. If we continue with the average rate of increase that we have done since the early 1980s, the freshman legislators here, if they get term limited out, will have voted for their \$5 billion budget, if we continue just at the average of the last three years, which is 6.6 percent. The budget should be somewhere in excess of \$4.6 billion when these freshman are term limited out.

If this is tax relief that we are working for, I think we can see where we can start right now to give the people of Maine real tax relief. We can stop voting these large increases in the name of tax relief. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I am going to vote against this pending motion, not because I think this amendment is a good deal. I realize as everybody else in this House that in some form, sooner or later, this budget is going to pass. If I can do anything to get anything in this budget that will save one penny for the people of the State of Maine, I will do that. Having said that, I will say that we have a long way to go for me to vote for this budget for the very same reasons that the previous speaker mentioned. We are not giving real tax relief. We are giving pennies at a time for the people back home. We, the 117th Legislature, passed a tax cap, which is going to cut by 20 percent the income tax over a period of time. Don't anybody kid yourself, folks, this is going to be a real direct tax cut on the income of the people of the State of Maine. That is being repealed. That is a tax increase no matter what you say.

We have increased spending since I have been here by almost a half a billion dollars. We have to stop spending. I will not support this motion because I think this will get us something,

but no where near enough for me, at this point, that I can support this budget. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. I have sat here now for two days. I have listened to debate on both sides of the aisle. I have agreed with a lot of the debate that I have heard on both sides of the aisle. I have disagreed with some. The reason I am standing before you today and I think the reason that you are seeing so much debate and so many amendments going onto a committee amendment is because the process has broken down. The process has broken down completely.

I would like to remind each of you that we are all governed by our constitution. We also have in the back of our little manuals, which we haven't received yet, the constitution as well as the rules of our committee. The constitution and the process calls for bills to be drafted, for bills to be referred to committees and once these bills are received in committees, a hearing is supposed to be scheduled. The bills are supposed to be heard in order for our Maine citizens to voice an opinion on these bills. These bills are then taken into work session and we collectively work out the bills. We work out the agreements and the disagreements and these bills are then reported in the legislative body.

The SPEAKER: Would the Representative please defer. The Chair would inquire for what purpose the Representative rises.

Representative MITCHELL: Madam Speaker, point of order.

The SPEAKER: The Representative may state her point of order.

Representative MITCHELL: Are we talking about the item at hand?

The SPEAKER: The Chair would advise the Representative to confine her remarks to the pending question, which is Indefinite Postponement of House Amendment "GG."

Representative LOVETT: My remarks are directly to that amendment.

The SPEAKER: Would the Representative please continue with her remarks confined to the amendment please.

Representative LOVETT: All right. If we have been able to find slush money in some \$10 million, I think I heard, is there other money available? I am going to pose that as a question because I feel, Madam Speaker, had this process worked then we would know where all the monies are, all right. I would like that question to be asked. How do we know that there isn't some more \$10 million in the slush money?

The SPEAKER: The Representative from Scarborough, Representative Lovett has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. I am not going to refer to this money as slush money, by any means. In the budget in the amendment it is very clear that the bulk of this money comes from surplus in FY 97. In dealing with the \$5 million that was brought forward, that was money that was set aside in FY 94-95. That money has been sitting there. The federal government and this state have not reached an agreement. Percentages are in our favor that we could be forgiven for this \$5 million. This is not slush money. This is money that we discussed in the Appropriations Committee. We were reluctant to take it. It has now been offered up. The \$300,000 is a deappropriation to the Majority Report that sits on your desk as well as every member in this chamber. It is a deappropriation from what we originally appropriated to capitol improvements for this facility. That is the

\$300,000 that you are talking about in slush money. These dollars are real. The abandoned property from your time that you have been in the Legislature and mine, we have always come down to getting more money from abandoned property.

The salary plans, there has always been money left over that usually goes into surplus. In our budgets, the Republican and Democrat budgets, we took money from lapsed balances of \$4.5 million. That lapsed balance, rather than wait to year end, has been brought forward. That is where that money comes from. We have shaken the tree and some leaves have fallen and they are green. None of this money is new found money, so it is not slush money. It is money that has been verified by our nonpartisan staff from Fiscal and Program Review. Thank you

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. I would like to carry that a little further. You know, again, if this process had been carried out and maybe we should continue to carry a process out, that we are governed by, we might find some other monies lying around that we could use for income tax. Once again, I would like to extend that we should be carrying out the process that we are governed by. I think there is other money to be found.

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: Madam Speaker, Men and Women of the House. To the good Representative Kerr, does this proposal have indexing of the personal exemption to inflation and the second question is how much dedication, if any, is there of the additional cigarette tax increase to the Tax Relief Fund?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to the Representative from Old Orchard Beach, Representative Kerr. The Chair recognizes that Representative.

Representative KERR: Madam Speaker, Men and Women of the House. Does this proposal propose indexing? As you all have on your desk, it is clear that it does not. The second question was the cigarette tax. Is the cigarette tax part of this amendment or the budget? The answer to that question is no.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the Legislature. I have listened to this debate for quite a while. Again, I stuck my neck out a little bit this morning. I am sticking it out again. The compromise that has been worked and negotiated, I didn't say I would back the total budget, I said I would back this amendment. I would urge those of you to defeat the measure to Indefinitely Postpone and let's get on with business.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I just want to extend an olive branch really. I so appreciate both sides running to the hail stone with bullets to try to open up the process again. I really do appreciate it. There again, I am not happy with the budget, but I am happy with the efforts and I too will be voting against the motion on the floor to Indefinitely Postpone.

Representative WATERHOUSE of Bridgton moved that adoption of House Amendment "GG" (H-74) to Committee Amendment "A" (H-15) be tabled until later in today's session.

The Chair ordered a division on the motion to table.

Representative CAMPBELL of Holden requested a roll call on the motion to table.

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 Table until Later. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 31**

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Honey, Jones SA, Joy, Joyce, 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 WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

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

ABSENT - Bruno.

Yes, 66; No, 84; Absent, 1; Excused, 0.

66 having voted in the affirmative and 84 voted in the negative, with 1 being absent, the motion to table did not prevail.

The pending question is the motion to indefinitely postpone House Amendment "GG" (H-74) 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 "GG" (H-74) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 32**

YEA - Barth, Joy, Lindahl, Vedral.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vigue,



Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

ABSENT - Bruno.

Yes, 4; No, 146; Absent, 1; Excused, 0.

4 having voted in the affirmative and 146 voted in the negative, with 1 being absent, the motion to indefinitely postpone House Amendment "GG" (H-74) to Committee "A" (H-15) was not accepted.

Representative KONTOS of Windham requested a roll call on adoption of House Amendment "GG" (H-74) 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 Adoption of House Amendment "GG" (H-74) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 33**

YEA - Ahearn, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Buck, Bull, Bumps, Bunker, Cameron, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Barth, Campbell, Joy, Lindahl, Wheeler EM.

ABSENT - Bruno.

Yes, 145; No, 5; Absent, 1; Excused, 0.

145 having voted in the affirmative and 5 voted in the negative, with 1 being absent, House Amendment "GG" (H-74) to Committee Amendment "A" (H-15) was adopted.

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

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

The SPEAKER: The Representative may pose his question.

Representative MURPHY: Thank you Madam Speaker. We have turned back to the Committee Amendment "A" as amended.

The SPEAKER: The pending question is adoption of Committee Amendment "A" as amended by "FF," "GG" and "HH."

Representative MURPHY: Thank you Madam Speaker, Men and Women of the House. Throughout this debate there have been many questions asked about the process. We are getting ready to vote on a Majority Report and I trust the committee system. We are going to vote on the Family Court or what is commonly called the Family Court. I don't think there has been a committee work session on that. I don't think there has been a committee vote. I trust that after a bill has been worked and has come back out onto the floor that there has been a bipartisan philosophical working of that bill. I serve on the Business and

Economic Development Committee and I have served on the Education Committee in the past. I support increased research spending and investment in the University of Maine System. I can't answer a constituents request about what this proposal will do because I don't think it has been heard. I don't think it has a hearing. It hasn't been worked by either the Education Committee or the Business and Economic Development Committee. I think we could make up a list and work our way through that list that policy decisions are not completed yet. Those policy funding and statutory changes are in this Committee Amendment "A." To give you an example of some of the surprises that may possibly be contained within this committee report. In other evenings of debate I heard a Representative pose the question to the signers of the Majority Report. Where were the \$3 million increased productivity in the state's liquor sales coming from? That question was unanswered.

Last night I attempted to move into the budget process with school construction monies. I had to read the *Portland Press Herald* this morning to find out where that \$3 million productivity increase is going to come from. I try to remain a very positive optimist person. I thought that when I would wake up this morning I would see that school construction would begin to move forward in this state and then I looked and I saw that yes, there will be some construction and expansion in Kennebunk. It is coming from two state liquor stores being located at exit 3. I must have missed that hearing. I must have missed that discussion, but that is included in this process. I am not going to stand up here and ask for respect for the minority party. I have served too long in the minority in this chamber. I am going to ask for respect for the 146 members of this body who served on the working committees. You know in your heart that we are not finished with our work. We know that traditionally when we come together and we work our way through the budget all that remains in our committee are the bills that are probably going to be reported out "Ought Not to Pass." It is a mechanical procedure to get rid of those bills before we go home and it usually happens in the last 48 hours. Because of this process, we are moving the funding mechanism through. I stand corrected. It was not \$2.5 billion, I think it is \$3.5 billion to be correct.

The money train is leaving the station. My question to the Chair, Madam Speaker, if I could pose it. Two questions please. How many bills have not been referred to committee yet and after the passage of this budget, how many bills still remain in committee?

The SPEAKER: Is the Representative posing his questions to the Chair or through the Chair?

Representative MURPHY: To the Chair. Thank you.

The SPEAKER: The Representative has posed a question. The Chair will attempt to get the answers. The Chair would answer the Representative from Kennebunk, Representative Murphy by saying that there are approximately 250 bills yet to get to committee and about 300 have come out of the committee process at this point.

The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Madam Speaker, Ladies and Gentlemen of the House. I don't have my calculator here so I can't work without a calculator. That would leave a net balance of how many bills still in committee?

The SPEAKER: That would leave between 1,200 and 1,300.

Representative WINSOR of Norway presented House Amendment "U" (H-57) 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 placing before the body at this time strikes Part L of the Committee Amendment, which generated \$3 million worth of additional General Fund revenue in FY 1998-99 by allowing greater liquor pricing flexibility and authorizing discounts to licensees and by authorizing the opening of up to two discount liquor stores at Exit 3 of the Maine Turnpike. I strike that part of the bill and substitute the original Governor's proposal to close these liquor stores by August 31, 1997 and use the additional funds for really two purposes.

The first is I wish to provide one-half of the monies that this realizes. That is approximately a total of \$6.8 million of new money and about half of that is \$3.4 million. That money is to be allocated or appropriated equally to provide additional services to people who are in the community requiring additional services for Mental Health, Retardation and Substance Abuse Services. I will talk a little bit more about that. The remaining money I propose to leave unallocated and would be available for presentation or use for the table as we end the budget year. I think this is a responsible position. First of all, the current proposal before us, the Majority Report, leaves only, I think, about \$380,000 toward expenditures. That means if we have any desire to spend additional money or that's what it means to me, if we have any desire to pass a bill that requires any funding, we will either have to undo something that we have done here today or tomorrow, whenever we do it or we are going to have to raise additional revenues in some other way. I think that this issue is a real one. I think there are a lot of very deserving good ideas out there. If our consensus in this body is to spend a total of \$3.8 billion dollars as the majority proposes, then I think many of the proposals that are coming up through the system deserve a fair shake. That is the money tree.

In doing that, I want to bring to the body's attention a very serious problem that I see that is out there. One, I think, this body should look at in relation to the total amount of money that is being suggested that we appropriate in the current budget and one that I think that has been recognized partially in the majority budget. It is a need that has really grown out of a change in public policy that started some 20 or 25 years ago. That was the policy to stop committing people who are in our community. People who suffer from mental retardation and who in the years past were institutionalized by the state. Those people, for the previous 20 years been sent to the state, but have been cared for in many cases by the family in their home communities and through our education system. The reality of what happens as these individuals come up through the school system, they reach the age of 21 and they are no longer eligible for services through the school. All of sudden they are thrown into their communities without any support services. Frankly, that is not a very good thing to happen.

During the hearings before the Appropriations Committee on this issue, the deputy commissioner, Sawin Millett, brought this issue before us and requested funding. Funding, by the way, at a level that the majority gave them in this budget. That is part of the thing that I support here today. I asked him at the time how much more could we use to fully take care of these individuals in the community. I think he suggested that it would cost some \$8 million. This also, by the way, does bring down some federal funds and I don't think it would be physically possible for us to develop the community services quick enough to expend those in a wise way. I am not recommending that we fully fund it at this time. What we have in our communities are approximately 690 individuals who have never been a resident of a state institution

and are not members of the so-called court class or Pineland class members. These individuals are technically adults who are waiting for day services with a supported work environment, in some cases it is physical therapy and in some cases it is simply health with normal day-to-day living skills.

There are approximately 366 nonclass members who are currently waiting for residential services. These are individuals who are living in our communities usually with some family members who need to have a supported living environment. That may be an intensive situation where they basically have 24-hour care by one individual on a one-to-one or a more than one-to-one basis. It might be a situation where they can live in a boarding home with just a minimal amount of help and supervision. These services are available to individuals who were formally members or residents in our former state institutions. The majority being the institution in Pineland. It is my belief that it is poor public policy to have people who are in one class get one set of services and people, who for some reason or other didn't get assigned to Pineland, not to be eligible for the same services. I endorse what the majority did by partially funding that and I am suggesting here that we close the liquor stores and use those additional funds to make services available to the families back in the community and that we do it in this budget cycle. I think it is good public policy to proceed that way and I certainly hope and pray that you will support this amendment. Thank you.

Representative SAXL of Portland moved that House Amendment "U" (H-57) to Committee Amendment "A" (H-15) be indefinitely postponed.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "U" (H-57) to Committee Amendment "A" (H-15).

Representative STEDMAN of Hartland requested a roll call on the motion to indefinitely postpone House Amendment "U" (H-57) 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 "U" (H-57) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 34

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, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, Mayo, 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, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, 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, 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 - Barth, Belanger DJ, Bruno, Tripp, Vigue.

Yes, 80; No, 66; Absent, 5; Excused, 0.

80 having voted in the affirmative and 66 voted in the negative, with 5 being absent, House Amendment "U" (H-57) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative WINSOR of Norway presented House Amendment "V" (H-58) 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. I hope, hope springs eternally at this point. This is an amendment that I really hope people can support and we would get beyond some of the bipartisanship here and create some bipartisanship. What I propose to do here is to transfer funding to purchase of Sears Island. As you probably know, in the budget bill itself, is based on potential surpluses being available and direct those surpluses toward increasing funding to adult education, such that we would increase funding to a level of 2 percent for the FY 97-98 and 3 percent for the FY 98-99. I spoke briefly on an earlier amendment about adult education. I have some other amendments which I would also propose to fund that line in different ways. I would only ask that you take a very serious look at adult ed and how we are not increasing the funding for it in the main amendment.

Adult education is a program that is in every single one of our communities. It is one of the very, very real ways, in my mind, that our schools can reach out to the communities in general and our public buildings can be used by all the citizens in the community on a very regular basis. In fact, if we want to build support for education in our communities and continue to, we have to encourage adults and people within the community to come into those buildings and to use them. The facilities are there 24 hours a day, but, frankly, we only use them only a few hours a day to teach normal classes. Adult education, in my mind, is a wonderful use of that asset. More important to me is that adult education is one of the most cost effective and efficient ways to provide basic skills to people who may not have got them when they were young. They can get them in an environment that is nonthreatening and very efficient.

Adult education is not an expensive program for the State of Maine to provide. In raising the support to 2 percent or 3 percent, really only amounts to almost, I think, somewhere around \$200,000 in the state budget. It is not a big line item. To the people involved, it is a big issue. Some people learn how to read in adult education. Some people use adult education to get their high school equivalency. Some use it to upgrade their areas of skills in certain areas so that they can go on to college. I think it is a wonderful use of the very limited assets that we have in the state. I would ask you to very seriously consider this amendment. The reality is there probably won't be the surplus there to appropriate to these people, but I think the symbolism is very important. I ask for your support. I thank you very much for your time.

Representative SAXL of Portland moved that House Amendment "V" (H-58) 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 "V" (H-58) 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 "V" (H-58) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 35

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chizmar, 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, LaVerdiere, Lemaire, Lemont, Lindahl, Mailhot, 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, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright.

NAY - Belanger IG, Bigl, Bodwell, Bumps, Cameron, Campbell, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, 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 - Barth, Belanger DJ, Berry DP, Bragdon, Bruno, Buck, Carleton, Chartrand, Lemke, Mayo, Meres, Tripp, Madam Speaker.

Yes, 80; No, 58; Absent, 13; Excused, 0.

80 having voted in the affirmative and 58 voted in the negative, with 13 being absent, House Amendment "V" (H-58) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative WINSOR of Norway presented House Amendment "W" (H-59) 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. I appreciate your indulgence. This particular amendment is a little bit different. I am not taking money from the liquor store, Sears Island or anything else to fund adult education. I think I have already spoken about adult ed and how important it is to me and, I believe, important to our constituents back home. I would also hope that many of you spent time visiting with the adult ed people in the Hall of Flags this morning. Adult education, I said what I think I can say as best as I can say it. This amendment simply adds an appropriation to the budget bill. It is an appropriation that, I think, had we had another day or so to debate it, I would have presented before the committee and I think we would have found a way to improve this in the overall budget. What this will do is we will appropriate in the FY 97-98 \$72,210 and in the FY 98-99 \$182,691.

Men and women of the House this is important money for an important program. I don't think it is a budget buster. I certainly hope that you will support this. It doesn't put the budget out of balance or anything else. Thank you very much.

Representative TOWNSEND of Portland moved that House Amendment "W" (H-59) 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. I just wanted to point out that while funding a very valuable program, this amendment does use the bulk of the remaining available resources, which would otherwise be going to the appropriations table to fund those other bills. Thanks.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "W" (H-59) to Committee Amendment "A" (H-15).

Representative CAMPBELL of Holden requested a roll call on the motion to indefinitely postpone House Amendment "W" (H-59) 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 "W" (H-59) to Committee Amendment "A" (H-15).. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 36

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chizmar, 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, LaVerdiere, Lemaire, Mailhot, 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, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Belanger IG, Bigl, Bodwell, Buck, Bumps, Cameron, Campbell, 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, McAlevey, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Barth, Belanger DJ, Berry DP, Bragdon, Bruno, Carleton, Chartrand, Lemke, Mayo, Pendleton, Tripp, True.

Yes, 78; No, 61; Absent, 12; Excused, 0.

78 having voted in the affirmative and 61 voted in the negative, with 12 being absent, House Amendment "W" (H-59) was indefinitely postponed.

The pending question is adoption of Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "GG" (H-74) and "HH" (H-75).

Representative KONTOS of Windham requested a roll call on the motion to adopt Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "GG" (H-74) and "HH" (H-75).

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 York, Representative Ott.

Representative OTT: Madam Speaker, Men and Women of the House. It appears that we have reached the point where we are now going to vote on this Committee Amendment "A" that has been amended. I suppose one can argue that yes, we have balanced the budget and we have met our constitutional requirement and we are presenting for the people of Maine a document that meets the needs of the expenditures. I suppose that we can conclude that we have finished the business as far as crafting a budget that meets the needs of the citizens of the State of Maine and at the same time made a significant step toward addressing the tax burden that our citizens have to share. I can't support this budget when it spends \$3.8 billion, which I think people previously have said, is about a \$250 million increase over last year or about 7 or 7.5 percent increase.

Primarily, I object to this document in its present form because I think it attempts to dismantle the efforts that were undertaken by the 117th Legislature. When a consensus of two-thirds of this body agreed that, yes, some type of tax relief was going to be the key stone of the budget that was crafted in that Legislature. That effort, I think, came from both sides of the aisle. It had to be by the nature of the two-thirds majority that was needed to pass that budget. To me, it wasn't done in the darkness of night, but rather with considerable negotiations that occurred from the very time that the 117th convened in January until we voted on that budget sometime in June of that first year. That effort continued with the 118th. Again, I think there are those, on both sides of the aisle, who wanted true tax relief for the people of our state. Now, what I see is an effort by parliamentary strategy or parliamentary maneuvers that in one fell swoop, we are now going to wipe out the efforts that we made in the 117th. I suppose that is a product of the majority party being able to call the shots. I think there have been enough speakers that have taken this microphone before me to say that this doesn't bode well for the process that we, as legislators, I think, undertake when we are sworn in to serve the people of this state.

One could say, well, we have tax relief. Certainly in Committee Amendment "A," as it was initially presented, I would question. We were called on to believe that the tax relief that was being provided as that committee amendment was presented would rely on the surpluses that were generated. It seems like an empty shell. I suppose one could argue and say that we still have shelter to a certain extent by the floor amendment that was presented here by Representative Kerr. The fact that, yes, we have \$10 million of hard money, as I believe he stated, represented reductions in the amount of state spending. I would suggest to you that that is perhaps, again, a fiction of what we do around this Legislature. I am unconvinced that there are any real cuts or any real effort to reduce the amount of spending that we have undertaken since Representative Lindahl has mentioned in the past several Legislatures. To me, we are kidding ourselves if we think we are providing any true tax relief for our people. One need only look at the statistics that the Governor, himself, has indicated places the State of Maine in an unenviable position of being in the top 10 for the amount of taxes we pay.

Without a budget that contains any true or real tax relief, help for our citizens who daily toil to meet their tax burden is not a document that I could proudly endorse. You can argue if we pass in measures that will provide some relief, to me, it is illusionary. Although I may not be able to define specific figures, I look at this a little bit like a former chief justice, I believe, said about pornography, "I may not know what it is or how to define it, but I know it when I see it." In my mind, I don't see a budget that truly provides relief for our taxpayers. I ask that you defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

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

The SPEAKER: The Representative may pose her question.

Representative PEAVEY: Thank you. To follow Representative Murphy's question a few minutes ago, he asked how many bills would be left in committee at this time. The answer was approximately 1,300. My question is what happens to those 1,300 bills after the budget is passed and we adjourn?

The SPEAKER: As the Chair understands the question of the Representative, is the Representative suggesting that we are adjourning immediately? The reason why I ask the question is

that we are hoping to adjourn at the end of May once we have completed our work. I need to understand your question.

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

Representative DONNELLY: Madam Speaker, Ladies and Gentlemen of the House. Let me clarify what I think the question is. I think a number of the members of the body have been reading in the paper of plans on how this thing may play out. The plan that has been read in the papers from January on is kind of trickled out. What it seems to be planned to do is if there is a majority vote budget and we have to adjourn by April 1 in order for that mechanism to work by July 1. I believe the Representative's question is, what happens to the 1,300 bills if that option is pursued?

The SPEAKER: The Chair would answer. It is the fervent desire of the Speaker and most of the members that I have spoken with in this body, not to have to deal with that issue. In the event that that should happen, all the bills would still be available for consideration should we come back into Special Session at the call of the Governor. They would be remaining in their committee ready for completion of the work by the committee.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. Just for further clarification for members. What mechanism would there be to do that? When we adjourn by the rules sine die anything that has not been acted upon is dead.

The SPEAKER: In response to the good Representative, I would reply that it would require a Joint Order, which would be the full intentions of this body to have an opportunity to vote on it and carry all the bills forward. If there is further clarification, the Chair would be happy to try to answer.

The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Madam Speaker, Ladies and Gentlemen of the House. This is my second session as a member of this body. No one is prouder than I am to have had the opportunity to serve the people of Maine. Prior to coming to Augusta, I had the pleasure to serve as a member of the Cape Elizabeth Town Council and I was fortunate to receive the wisdom of a learned town council. One member who had been on the council longer than I had been alive and a wonderful town manager. They taught me that the job of an elected official is to serve the people of my district. I was taught at all times to be respectful of the office, our constituents and most importantly of all of each other.

My first session of the Legislature in most ways lived up to those expectations of respect and decorum. I am sorry to tell you that my second session has not. I have been frequently appalled by the apparent lack of respect, I, and other members of my caucus have been subjected to. Today we are being asked to vote on a budget based on folly. To imply in any way that the men and women of this House have had the tools they need to make the decisions this day is ludicrous. We have committees that have yet to hear bills. More importantly, we have members of the public who have been unable to speak their minds due to the rate of speed, which committees have been forced by leadership to proceed. I cannot truly fathom how we can say we are using good governmental procedures when we assign 76 bills to a committee, the Taxation Committee no less, and then schedule double sessions the same week.

Probably many of you think that when we build a budget document we determine our revenues and then spend accordingly. The truth of the matter is we ran through program

after program voting them in or out based on if they sounded good, not if we had money to pay for them. I don't know how you do your budget at home or in your communities or at your place of business, but my guess is you figure out what your revenues are first and then you decide how to spend your money. The Legislature should be no different. In order for us to present this body with a real budget, we need. We need the time to allow our committees to do their work, to hear from the people, the people we are sent here to represent and to understand that what we spend cannot be an unlimited amount. The state motto of Maine is Dirigo, "I lead." I am proud of that our Legislature has to date felt it was important to have a budget that represented the needs of the people of Maine, most of the people of Maine, not just one philosophical group. A budget that passes muster with a minimum of two-thirds of the members of this body agreeing to it. We have moved a great distance towards creating that type of budget. It is March. We have the luxury of time. I feel confident that the strong leadership of this body, as well as the other body, together with the Appropriations Committee, can put together a budget that two-thirds of the members of this body can feel represents the people of their district. I respectfully request that we continue to work together to create a budget that will represent the wants and the needs of all the people of Maine. Please vote against the pending motion. I thank the Chair as well as all of you for the opportunity to have spoken.

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

Representative TUTTLE: Madam Speaker, Ladies and Gentlemen of the House. I apologize to the membership. I have a great love for this institution and I believe that this Legislature works best together and not divided in partisan gridlock. Most of you who know me well know that I have always tried to place the cause of good government first and not partisan politics. It is still my hope, as the Representative from Cape Elizabeth said, that we can reach a two-thirds budget and that point can be reached. I think the process must go on and for that reason, I hope that we would pass our budget now.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I also will not be voting for this budget for some of the reasons I gave from the past vote on the amendment from Representative Kerr. The previous speaker is correct. This is my second term. In the 117th, I saw us work together and debate issues on the floor of this House. Some were very emotional, but when we left here, we left all that behind us. I made some good friends on the other side of the aisle. I always said to people that I would talk to and I will repeat it. I have great respect for people who have convictions in their belief. I don't care where they are in the political spectrum or the opposite end of the spectrum of me. I am very conservative fiscally because I know people have passions for their convictions.

What I saw in the 117th was a long deliberative process. When it came time to vote for the budget, as we are doing now, it was not enough cutting in spending for me. We got to a certain point and I said this far and no further and I wouldn't vote for the budget. A lot of that spending was told to us from the administration that it was one-time spending to pay back things that were done by gimmicks. I listened to that argument. I watched the Appropriations Committee work with our present House Chair and Senate Chair, Dana Hanley. Dana Hanley was my Senator and he had a reputation for being very tough, very committed and very conservative, but these two gentlemen with that committee worked hard and long and came with a unanimous budget. I think that might have been unheard of in

this House before that happened. I think it was. When I saw that respect and that hard work, I was willing to say, yes, I can support this budget. Even though there was an increase in spending and I came up here to cut spending. We did decrease some of it. We managed to slow some of it down. We did some good things in the different committees. We worked the bills in the committees. I voted for that budget.

Ladies and gentlemen, I don't see that happening in this session in the 118th. I see none of that. We passed in the 117th an income tax cap. It went through both bodies almost unanimous and signed by the executive. If anybody was to tell me I was going to come back in the 118th and see a repeal of that, maybe I am politically naive, that was my first term, I would not have believe them. It may be historic. I don't know if any Legislature in this state or in any other state has passed a tax cut and the very next term of the Legislature has repealed it. Maybe I am president, I don't know. I heard that income tax cap sold as people don't understand it. It is very simple. It would cut people's income tax over a period of time until it got down to a 20-percent cut. There will be rhetorical hyperbole about this will raise your property tax. The sky will fall if we keep this income tax cap. It ain't so folks. Other states have done it. New Jersey did it. They decreased their income tax by 30 percent. I have looked at all the data and if we had committee hearings on this process, if the process wasn't speeded up, we would have seen some of that. Their property tax with that income tax cut of 30 percent, has not increased. We see other states around the country, New England, have cut back. They haven't shifted around from tax to the other saying this was going to increase your property tax if we do this or that this will increase this if we do that. They actually cut taxes. Guess what folks, they have economic growth. It is unprecedented in Delaware. A series of direct tax cuts, unprecedented growth.

This process reminds me of the old carney show, pea, pea, who has the pea with shifting money around. We are taking money up here and saying we are going to decide where we are going to put it and where it is going to do the most good for the people. To me, the most good we can do for the people is to take less money out of their pockets directly through the income tax and let them decide how they are going to spend it.

Getting back to the process, I told you in the 117th and everybody up here knows that knew me in the 117th know that I am very, very conservative fiscally. I voted for that budget because of the respect and the hard work and the consensus that was reached. For a number of the reasons I said, increased spending, no tax relief and shifting the money around and the process, we just don't have it. Thank you.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. There are two things that have really impressed me about the changes in this institution. My predecessor had in many conversations with him, had talked about the improvement in the atmosphere, the civil relationships and a diffusion of a lot of the partisan bickering that had existed in the past. The reform that I especially liked was the change that you had made giving committees more involvement in the policy of the decision-making process. I guess as a teacher if I can draw an analogy of how I thought that was supposed to work, that I see in the middle the hub, the Appropriations Committee and they are very important because they control the money. Coming out of that hub were spokes radiating out to the various committees and that there were two-way communication from the policy committees to the hub. Somewhere in the process the spokes have been broken. What has happened is out in those policy committees, we have 1,251 bills left

unaddressed. We have 250 bills that haven't even radiated out the spokes to the committee. We have on the House and Senate Calendar all those bills being referred to committee that the spokes are broken. We are at a point, I think, that we have a variety of directions available to us, a two-thirds vote, a majority vote and I think a third option.

If we fail to get that two-thirds vote, if I could borrow a phrase from a Republican President that had to deal with the greatest division this country ever dealt with. I would like to appeal to the better side of this institution's nature and look at a third option. I don't think there is any loss of face involved when we are doing the people's work. I would like to see this committee report as amended returned back to the appropriations process. I would like to see the spokes be healed. It may take a little bailing wire or Elmer's Glue. There might be thin fractures that are there in those spokes. I would like to see that two-way communication begin again and to begin to address the policy issue, monetary decisions and to work as the process has worked before. Thank you.

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

Representative WINSOR: Madam Speaker, Men and Women of the House. I am not going to vote for Committee Amendment "A" because I really do believe that our overall spending is too high. This particular budget proports to spend or will plan to spend \$3.81 billion. That is a lot of money. I think that the appropriations process is rather like the way my reaction is as a new member of that committee. I was thinking the other day of trying to describe it to somebody and the only thing that I could come up with was it was a little bit like going to your local shopping center, grocery store, and getting a shopping cart. You start out with it about 70 percent full and you head down the various aisles and you snap off the aisle whatever you think you want and need. If it is pretty, you grab it. It may be necessary. It may be important. We didn't really discuss either or should you do this versus that. Should you take the brand name or should you take the store brand. Anyway, we march down through the aisle and we pulled into the shopping cart those things that we thought we needed. We got down to the end and we started tallying the thing up because we didn't tally the thing up as we went at all. I think that is kind of a backwards way to do business. I would prefer that we had decided how much money we were going to extract from the citizens of the State of Maine prior to the time we decided what we were going to spend.

The Governor in his State of the State Address said that we take, I believe, 12.8 percent of the wealth of the State of Maine and we run it through state government, we broker it though our operation here in Augusta. We divvy it back out to many, many programs. Many that I discussed earlier with you are very important to me. Many that are in the budget are important to me. Many that are not in that budget are important to me. Every single member in this room can talk the same way. Nobody ever, ever talked to me about a total overall spending limit. What is good public policy? How much money should we extract out of the State of Maine and run it through this big operation here in Augusta? To me, that is the issue.

At any rate, we are shopping and we are down there and we tally the tally and my caucus said to everybody, we will sign onto this. There are 100 things in this cart. All we want you to do is take out one of them. We couldn't get that done. So we failed to come to a consensus and I am sad about that. I am hopeful that we still can. I am sure that there are several days that we are going to be here when the other body debates this issue. We will listen to the same things or they will listen to the stuff that we have listened to today. I am ready to sit down at the table anytime. I was really pleased to see Representative Kerr's

amendment today. I think it is a great opening offer. I felt like we were heading back to the table. I complimented members of my caucus that helped negotiate that. To the extent that the document as it is now configured, I don't believe I can support it. I am extremely hopeful. I encourage everybody to continue to talk about this thing. I certainly appreciate your listening to me. Thank you Madam Speaker.

Representative MURPHY of Kennebunk moved that the Bill and all accompanying papers be recommitted to the Committee on **Appropriations and Financial Affairs**.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I know that this motion can't be amended, but I think possibly looking at the spirit that is within this House, I would like to offer two spirit amendments. One, that the members of the Appropriations Committee return back to doing what they do in such an outstanding way of working the bill and negotiating and coming to a consensus. I guess spirit amendment number one would to please resist if this motion passes posturing for the press. Two, would be for everyone in this body, including the two political parties, that we take the pledge that we don't hold anymore pep rallies. I am not sure who is one up on the pep rally, at this point, but I would hope that we could take the pledge that the pep rally would not take place again until after we finish the people's business.

Representative SAXL of Portland requested a roll call on the motion to recommit the Bill and all accompanying papers to the Committee on **Appropriations and Financial Affairs**.

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 Greenville, Representative Jones.

Representative JONES: Madam Speaker, Men and Women of the House. This is very difficult to do. This is the second time that I have addressed this body. I will try to do it briefly. As you know, I am a freshman of this Legislature and I am proud to serve the people of the State of Maine and Piscataquis County. I still have a great deal of respect and after today I am still going to have respect. I want to address not only the issue of approval of this budget, but the word respect.

First of all, I have made friends across both aisles. I serve on two policy committees and I also have done a lot of activities during the session and outside the session with many of my colleagues. This is the 118th Legislature and I strongly believe that we have worked very hard and we have done it with respect. Let's move this budget ahead with respect and dignity both to citizens of the State of Maine to know that we have acted openly, responsibly and with fiscal responsibility. Thank you Madam Speaker.

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

Representative O'BRIEN: Madam Speaker, Men and Women of the House. I agree with my good friend and colleague, Representative Murphy. I also wanted to reiterate the appreciation that has been mentioned here earlier about the efforts of the Appropriations Committee from both sides and the members of leadership. I feel that they have given us endless hours of deliberation, negotiation and they definitely should be applauded for that. However, I have a real, as I said previously, I have great concerns for the integrity of this process. I would like to see this go back to the Appropriations Committee and I would like to see innumerable and taken out of the budget, those items that have not been given a fair public hearing. I think that was what we were elected to do. If we give civics lesson to our kids in our school, this is the process. The process has not been

working and I have a real strong problem with that. I have differing opinions from the members of caucus when it comes to tax relief and tax cuts, but I think many of us are feeling the same gut feeling of something is wrong here. I can't, in good conscience, vote for this budget when the process is not the way it is supposed to work. I thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recommit Bill and Accompanying Papers to the Committee on Appropriations and Financial Affairs. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 37

YEA - Barth, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, 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, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

NAY - 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, 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, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Belanger DJ, Bruno.

Yes, 70; No, 79; Absent, 2; Excused, 0.

70 having voted in the affirmative and 79 voted in the negative, with 2 being absent, the motion to recommit the Bill to the Committee on **Appropriations and Financial Affairs** was not accepted.

The pending question is adoption of Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "GG" (H-74) and "HH" (H-75).

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

Representative SNOWE-MELLO: Madam Speaker, Men and Women of the House. I must let you know, ladies and gentlemen of the House, that I cannot vote for this budget at hand. As I campaigned and since then, my constituents of Minot, Poland and New Gloucester told me to vote for a budget that will truly give tax relief to our constituents back home. This budget does not do that. They also said, please, no new programs. I believe that we have not adequately addressed the needs of the people in our great State of Maine. I please urge you not to vote for this budget and to please take into consideration all constituents and their lives, their hopes and their needs. Thank you.

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

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I have had a few jobs, more than a few jobs in the last few months of this process. One is something that Issac Newton said quite a while ago, which was, "For every action there is an equal and opposite reaction." The way I see it is I have been here three terms now, working on my third term.

My first term was my impression was that there was far too many gimmicks in the budget and that we overspent. My impression is that the second term, the Republicans responded by trying to keep a cap on how much we could spend. This third term, I can't really find words to describe it, but I know they are not pleasant words. I do want to say that I and many, many other people in this room and that sat in these chairs before you have worked very, very hard the past four years to try to improve working conditions in this building.

Many of us decided to run for office and were elected because we promised the voters back home that we were going to work together and put our bickering behind to try do what was in the best interest of the entire state as a whole. I know I promised that and I have done everything I can to uphold that. I also promised to do everything I could to make government more effective and efficient. That seems to be harder to accomplish than the first goal, for some reason.

I also want to say that I, as a Democrat, apologize for how my party has treated the minority party. I know that is not a popular statement to make, but I don't think we have been taking the high road and I want you to know that there is at least one Democrat that feels that way. I have a very, very difficult time bringing myself to the point where I can consider voting for this budget. There is not all that much I like in it. The part that I like is that we got rid of the gimmicks and that is about all that I like. Another wise man, even wiser than Issac Newton, supposedly found himself in a situation even more complicated than this quite a while ago where there were two mothers who claimed rights to one child. Both claiming that they loved the child. Both bickering over and over again about the child and the wellbeing of the child, King Solomon said he would divide the child and give half of the child to each mother. Fortunately, the two mothers, the mother that really did love the child the most was willing to give up her right to the child and to compromise and eat some crow.

I just basically am asking you today and over the next few days to please consider if we can somehow figure out a way to work for the betterment of this institution. I know things are not the way they are supposed to be. I agree with you. I think if we continue our path there is going to be even more dire reactions. I would like to try to figure a way to put a stop to this. A lot of us have really worked very hard and have really accomplished a lot when you think how back things were four years ago when I was elected we were in the middle of ballotgate and whatnot. I just want to say that I do apologize and I would appreciate it if some of you could take a deep breath and join in with me reluctantly and support this. Thank you.

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

Representative STEDMAN: Madam Speaker, Men and Women of the House. I announced before that I had sent it for a ruling from the Attorney General on two items that I questioned in the process that we are in right now. I have received word that they are drafting that at this time and we will have it before the end of the day, but I don't have it to announce at this time.

I would like to address why the reason, why you have these blue sheets in front of you to work on for the last two or three days. If you look at the items that were chosen as sources of money to be reappropriated to other programs, you will notice those items were centered around learning results, the economic improvement strategy, Sears Island, the blue ribbon commission. Two assistant attorney general positions, the surplus and closing of the liquor stores. I should also add that the legislative budget was also used as one of the sources. Out of all of these items, the only ones that are actively involved in the process at this time because they have come through the committee process are the

learning results and the legislative budget. All these other items are things that are still in front of us and could have been redirected had we had the time to work the process. I would like to have you consider that as you vote on this at this time. We have listed at least 20 or 30 different ways that money could have been reappropriated to other programs, very worthy programs that many of you have voted against in respect for the budget itself. Programs that might have been funded had it gone through the committee process.

I stand today to tell you that I cannot vote for a budget that has been created in the way in which this one has. Thank you.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. In this year our budget will increase by 7 percent. Statewide personal income will grow by 5 percent. Inflation will be 2.5 to 3.5 percent, which cuts your 5 percent in half. Revenues last year and the year before increased at 4 percent. I can do the math for you or you can do the math yourself, but where I come from when somebody's paycheck increases by 2.5 percent and the budget they are contributing to increases by 7 percent, that is not tax relief. That is spending more money and leaving less money in the pockets. All we are doing is trying to convince people that their front pockets and their back pockets aren't in the same pair of pants. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Meres.

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I stand before you to tell you that I, too, cannot vote for this budget the way it is. It saddens me because I found that I have enjoyed and still do enjoy the process and the awe of the institution here. I found that there has been congeniality amongst us so far up until these last few days. One of the things that you are asking us to do, some of us, is to compromise not only some of the items in the budget, but compromise our principles. One of the commitments I made during my campaign was to honestly represent the principles of less taxes and a real focus on economic growth and development. I find that this budget does not meet that test. All through my career in both local and state government here as a representative of government, I have stated that I believe in process. I know that people have been frustrated with me at times when I was school board chairman, when I was a selectman and other times because the process is slow and cumbersome, but I have always believed that if you stick to your principles and follow process that you will have a good product because you will have allowed for all the different opportunities for voices to be heard and you would have plenty of time for deliberations.

The second principle that I find here that I cannot compromise on is the fact that we have not followed good process. I apologize if I am not cooperative because I am not compromising, but I have made a higher commitment and I am going to stick to it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. I served in the 117th Legislature and I understood a process. I accepted the process and I thought it served the people well. The process in the 118th has not been handled quite the same and I find it puzzling how we can rush bills through at a frenzied pace. Amazing. I can't believe the citizens of this state are being served well. I am not going to support the budget. I would like to have. It has a lot of good in it, but in two Legislatures to increase it by one-half billion dollars is not something I will support.



The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Layton.

Representative LAYTON: Madam Speaker, Men and Women of the House. As many of you know as a member of the US Navy in 1968 I was held captive and hostage by a foreign government. Today I feel like I have been held hostage again by a government that is foreign to me. Foreign because the process of government that I have always known and loved has been circumvented. That is government of the people, by the people and for the people.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "GG" (H-74) and "HH" (H-75). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 38**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Mailhot, Mayo, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pendleton, 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 IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, 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.

Yes, 85; No, 64; Absent, 2; Excused, 0.

85 having voted in the affirmative and 64 voted in the negative, with 2 being absent, Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "GG" (H-74) and "HH" (H-75) was adopted.

Representative CAMPBELL of Holden objected the rules being suspended for the purpose of giving the Bill its second reading.

The Bill was assigned for second reading later in today's session.

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The House recessed until 4:45 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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

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The Journal of yesterday was read and approved.

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At this point the Speaker appointed Representative THOMPSON of Naples to serve as Speaker Pro Tem.

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The House was called to order by the Speaker Pro Tem.

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**SENATE PAPERS**

**Divided Report**

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003 (S.P. 75) (L.D. 214)

Signed:

Senators: NUTTING of Androscoggin  
GOLDTHWAIT of Hancock

Representatives: AHEARNE of Madawaska  
DUTREMBLE of Biddeford  
BAGLEY of Machias  
GERRY of Auburn  
LEMKE of Westbrook  
BUMPS of China  
GIERINGER of Portland  
KASPRZAK of Newport  
SANBORN of Alton

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-22) on same RESOLUTION.

Signed:

Senator: LIBBY of York

Representative: FISK of Falmouth

Came from the Senate with the Majority "**Ought Not to Pass**" Report read and accepted.

Was read.

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

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**Divided Report**

Majority Report of the Committee on **Banking and Insurance** reporting "**Ought Not to Pass**" on Bill "An Act to Clarify Requirements for a Credit Union Applying to Expand Its Field of Membership" (S.P. 184) (L.D. 602)

Signed:

Senators: LaFOUNTAIN of York  
MURRAY of Penobscot  
ABROMSON of Cumberland

Representatives: MAYO of Bath  
DAVIDSON of Brunswick  
SAXL of Bangor  
O'NEIL of Saco  
STANLEY of Medway

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

Signed:

Representatives: CARLETON of Wells  
BRUNO of Raymond  
JONES of Pittsfield

Came from the Senate with the Majority "**Ought Not to Pass**" Report read and accepted.

Was read.

On motion of Representative SAXL of Bangor, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

**Non-Concurrent Matter**

Bill "An Act Requiring Progress Reports for Mapping Significant Wildlife Habitat" (H.P. 1088) (L.D. 1531) which was referred to the Committee on **Inland Fisheries and Wildlife** in the House on March 18, 1997.

Came from the Senate referred to the Committee on **Natural Resources** in non-concurrence.

On motion of Representative PAUL of Sanford, tabled pending further consideration and specially assigned for Friday, March 21, 1997.

**Non-Concurrent Matter**

Bill "An Act to Eliminate Inconsistencies and Unnecessary Duplication Regarding the Training and Certification of Individuals Who Enforce Land Use Regulations" (H.P. 1111) (L.D. 1554) which was referred to the Committee on **Agriculture, Conservation and Forestry** in the House on March 18, 1997.

Came from the Senate referred to the Committee on **Natural Resources** in non-concurrence.

The House voted to Recede and Concur.

**Non-Concurrent Matter**

Bill "An Act to Permit Municipalities to Restrict the Sale of Tobacco Products" (S.P. 72) (L.D. 211) which was passed to be engrossed as amended by House Amendment "B" (H-4) in the House on March 12, 1997.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-18) in non-concurrence.

Representative AHEARNE of Madawaska moved that the House Recede and Concur.

Representative UNDERWOOD of Mechanic Falls requested a roll call on the motion to Recede and Concur.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 39**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Donnelly, Driscoll, Dutremble, Etnier, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Honey, Jabar, Jones SL, Kane, Kasprzak, Kerr, Kontos, LaVerdiere, Lemke, Lindahl, Madore, Mailhot, Mayo, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Brien, O'Neal, O'Neil, Paul, Peavey, Perkins, Pieh, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Sanborn, Savage, Saxl MV, Shannon, Shiah, Spear, Stedman, Stevens, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wright.

NAY - Barth, Bragdon, Buck, Chizmar, Cross, Desmond, Dexter, Dunlap, Farnsworth, Fisher, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemaire, Lemont, Lovett, MacDougall, Mack, Marvin, McAlevy, Meres, Nickerson, Ott, Pendleton, Perry,

Pinkham WD, Poulin, Saxl JW, Sirois, Skoglund, Snowe-Mello, Stanley, Taylor, Tessier, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler GJ, Winn, Winsor.

ABSENT - Bodwell, Bruno, Jones KW, Pinkham RG, Samson, Winglass, Madam Speaker.

Yes, 93; No, 51; Absent, 7; Excused, 0.

93 having voted in the affirmative and 51 voted in the negative, with 7 being absent, the House voted to Recede and Concur.

**COMMUNICATIONS**

The following Communication: (H.C. 102)

**STATE OF MAINE**

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

March 19, 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. 148 An Act to Appropriate Funds for the Staffing and Operation of the Northern Maine Regional Juvenile Detention Facility

L.D. 162 An Act to Allow Retired Law Enforcement Officials to Obtain a Lifetime Concealed Weapons Permit

L.D. 635 An Act to Amend the Sexual Abuse of Minors Laws

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. 103)

**STATE OF MAINE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 19, 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 Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 613 An Act to Allow Primary Elections to Be Held on Saturdays

L.D. 614 Resolve, Directing the Secretary of State to Create a Pilot Project to Establish Voting by Mail

L.D. 731 An Act to Aid Municipalities by Eliminating Same Day Registration

- L.D. 778 Resolve, to Create a Voluntary Commission to Study the Integrity of Political Advertisements and Their Effect on the Voters
- L.D. 921 An Act to Amend the Laws Regarding Beano and Bingo
- L.D. 1047 An Act to Prohibit Persons Registering to Vote from Voting unless they Provide Adequate Identification

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

Sincerely,

S/Sen. Beverly C. Daggett      S/Rep. John L. Tuttle, Jr.  
 Senate Chair                      House Chair  
 Was read and ordered placed on file.

The following Communication: (H.C. 104)

**STATE OF MAINE**  
**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**  
**COMMITTEE ON NATURAL RESOURCES**  
 March 19, 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 bill out "Ought Not to Pass":

- L.D. 1282 An Act to Require the Department of Environmental Protection to Market Recycled Materials

We have also notified the sponsor and cosponsors 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. 105)

**STATE OF MAINE**  
**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**  
**COMMITTEE ON STATE AND LOCAL GOVERNMENT**  
 March 19, 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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 131 An Act to Authorize a State Agency to Charge Interest on Money Owed to that Agency
- L.D. 331 An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to a Living Wage in State Subcontracted Work
- L.D. 551 An Act to Require Certain State Notices to Include Statutory Authority Citations
- L.D. 777 Resolve, to Establish a Board to Review State Spending and Budget Procedures

- L.D. 875 An Act to Require Legislative Confirmation of the Director of the Office of Substance Abuse
- L.D. 1169 An Act to Authorize the Annexation of Certain Land by Lake View Plantation

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

Sincerely,

S/Sen. John M. Nutting              S/Rep. Douglas J. Ahearne  
 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 Regarding Information Provided to Pharmaceutical Companies" (H.P. 1144) (L.D. 1609) (Presented by Representative BRENNAN of Portland) (Cosponsored by Senator RAND of Cumberland and Representatives: MAYO of Bath, McELROY of Unity, QUINT of Portland, SHIAH of Bowdoinham, WATSON of Farmingdale)

Bill "An Act to Amend the Laws Regulating Occupational Therapy Practice" (H.P. 1151) (L.D. 1616) (Presented by Representative FULLER of Manchester) (Cosponsored by Representative: FARNSWORTH of Portland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

**Inland Fisheries and Wildlife**

Bill "An Act to Amend Snowmobile Registration Fees and Promote Snowmobile Club Participation" (H.P. 1146) (L.D. 1611) (Presented by Representative BELANGER of Wallagrass) (Cosponsored by Senator PARADIS of Aroostook and Representatives: DUNLAP of Old Town, JOY of Crystal, O'NEAL of Limestone, SIROIS of Caribou)

**Judiciary**

Bill "An Act to Allow the Child Support Obligor the Right to Provide Regularly Scheduled Child Care" (H.P. 1148) (L.D. 1613) (Presented by Representative LANE of Enfield) (Cosponsored by Senator KIEFFER of Aroostook and Representatives: JOY of Crystal, KASPRZAK of Newport, MacDOUGALL of North Berwick, MADORE of Augusta, NASS of Acton, PLOWMAN of Hampden, SNOWE-MELLO of Poland, VEDRAL of Buxton)

Bill "An Act to Amend the Freedom of Access Laws" (H.P. 1149) (L.D. 1614) (Presented by Representative BROOKS of Winterport) (Cosponsored by Senator PINGREE of Knox and Representatives: BAGLEY of Machias, BAKER of Bangor, DUNLAP of Old Town, JONES of Bar Harbor, LaVERDIERE of Wilton, O'NEIL of Saco, PLOWMAN of Hampden, WATSON of Farmingdale)

**Labor**

Bill "An Act to Amend the Laws Governing Severance Pay Obligations" (H.P. 1141) (L.D. 1606) (Presented by Representative LEMKE of Westbrook) (Cosponsored by

Representatives: AHEARNE of Madawaska, BERRY of Livermore, HATCH of Skowhegan, TUTTLE of Sanford, Senator: CATHCART of Penobscot)

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**Natural Resources**

Bill "An Act to Create the Mousam Way River Environmental Advisory Committee" (H.P. 1143) (L.D. 1608) (Presented by Representative TUTTLE of Sanford) (Cosponsored by Senator MacKINNON of York and Representatives: CHICK of Lebanon, McALEVEY of Waterboro, NASS of Acton, PAUL of Sanford)

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**State and Local Government**

Bill "An Act to Prohibit Towns from Canceling Health Insurance Provided to Retired Employees" (H.P. 1140) (L.D. 1605) (Presented by Representative OTT of York) (Cosponsored by Representatives: LEMONT of Kittery, WHEELER of Eliot, Senator: LAWRENCE of York)

Resolve, to Establish a Commission to Designate Outstanding Maine Citizens Whose Portraits Are to Be Displayed in the State House (H.P. 1145) (L.D. 1610) (Presented by Representative LEMKE of Westbrook)

Resolve, Concerning the Construction of a State Playground at Capitol Park (H.P. 1147) (L.D. 1612) (Presented by Representative O'BRIEN of Augusta)

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**Taxation**

Bill "An Act to Modernize Maine's Cigarette Tax Laws" (H.P. 1150) (L.D. 1615) (Presented by Representative TRIPP of Topsham) (Cosponsored by Senator MILLS of Somerset) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

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**Transportation**

Resolve, to Name the New Bangor-Brewer Replacement Bridge (H.P. 1142) (L.D. 1607) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Senator MURRAY of Penobscot and Representatives: BAKER of Bangor, BRAGDON of Bangor, FISHER of Brewer, PERRY of Bangor, SAXL of Bangor, Senator: RUHLIN of Penobscot)

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**ORDERS**

On motion of Representative BUNKER of Kossuth Township, the following Joint Resolution: (H.P. 1139) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: BAKER of Dixfield, CROSS of Dover-Foxcroft, LANE of Enfield, SAMSON of Jay, VOLENIK of Brooklin, Senator: KIEFFER of Aroostook)

**JOINT RESOLUTION IN HONOR OF THE  
MAINE FARMER AND MAINE AGRICULTURE**

**WHEREAS**, farmers make up one-fifth of our national work force, producing food and fiber for local, national and world markets, and accounting for 19% of the gross national product; and

**WHEREAS**, Maine farmers provide \$500,000,000 in total farm income and are credited with a contribution of \$1,300,000,000 to Maine's economy; and

**WHEREAS**, Maine farms provide not only food for families but scenic views, open spaces, employment opportunities and a tangible link to our culture and heritage; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now

assembled in the First Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State and to pledge our support and encouragement, and urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agricultural industry; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources in token of the esteem in which those in this vital field are held.

Was read and adopted and sent up for concurrence.

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

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On motion of Representative GAMACHE of Lewiston, the following Order: (H.O. 18)

**ORDERED**, that Representative Christina L. Baker of Bangor be excused March 12 through 17 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Michael F. Brennan of Portland be excused February 25 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Randall L. Bumps of China be excused March 13 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Janice E. Labrecque of Gorham be excused March 11 and 12 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative James D. Layton of Cherryfield be excused March 12 and 13 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Christopher P. O'Neil of Saco be excused March 13 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Royce W. Perkins of Penobscot be excused March 12 and 13 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Laura Sanborn of Alton be excused March 5 and March 10 through 13 for personal reasons.

Was read and passed.

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**REPORTS OF COMMITTEES**

**Divided Report**

Majority Report of the Committee on **Taxation** reporting "**Ought Not to Pass**" on Bill "An Act to Include Slide-in Truck Campers in Property That May Be Included in the Trade-in Allowance Credit" (H.P. 62) (L.D. 87)

Signed:

Senators: RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives: TRIPP of Topsham  
ROWE of Portland  
GAGNON of Waterville  
MORGAN of South Portland  
CIANCHETTE of South Portland  
LEMONT of Kittery  
TUTTLE of Sanford  
GREEN of Monmouth

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-68) on same Bill.

Signed:  
 Representatives: SPEAR of Nobleboro  
 BUCK of Yarmouth

Was read.

On motion of Representative TRIPP of Topsham, tabled pending acceptance of either Report and specially assigned for Friday, March 21, 1997.

**Divided Report**

Majority Report of the Committee on **Transportation** reporting "**Ought Not to Pass**" on Bill "An Act to Repeal the Mandatory Driver Education Course" (H.P. 77) (L.D. 102)

Signed:  
 Senators: O'GARA of Cumberland  
 CASSIDY of Washington  
 JENKINS of Androscoggin

Representatives: CLUKEY of Houlton  
 CHARTRAND of Rockland  
 LINDAHL of Northport  
 BOUFFARD of Lewiston  
 SAVAGE of Union  
 WHEELER of Eliot  
 DRISCOLL of Calais  
 FISHER of Brewer

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-48) on same Bill.

Signed:  
 Representatives: WINGLASS of Auburn  
 JOYCE of Biddeford

Was read.

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

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. I would urge you to vote against the Majority Report. This is a way to give some real tax, I guess it is kind of a tax because it is mandatory for persons who want their 16-year-old children to get a learning permit. We put three of our kids through this system and grumbled about it every time we had to drive them about 20 miles and pay. It started off about \$100 each time and then it went up to \$150 for the next kid and the third one, it was over \$200. This last one, I had to drive him 25 miles each way and had to wait three hours while he took the course 10 times. Ten times we had to drive him 25 miles and wait three hours and bring him home for a three hour session and plus pay about \$225 and that is when I decided I was going to look into this. What we did was we mandated this, I don't know how many years ago, years and years ago. I was taught by my father and I taught our first daughter who is 27 now. Come to find out there has never been a study done since we mandated this to show that if it is effective or not, not one. This came up in the committee, time and time again people who testified were asked if there was any study to see if it does any good. Nobody has done one. Apparently there has never been one done in the entire country.

It is based on 30 hours of class time and six hours on the road. This was based on a recommendation that came out of some federal study back in 1949 and it has never changed. My 16 year old has his own lobster business and has been fishing for four years now. It is really important for people who live out in the country to be able to get their 16 year olds behind the wheel. Some 20 states across the country have studied this situation and they have repealed their mandatory drivers ed law. I have

had a license for about 46 years and it seems to me that if a person has had a good driving record and you live a certain number of miles from the nearest training course, it seems to me that you ought to be able to get a waiver in. If you could defeat the majority, we could talk about a very wonderful amendment that would take care of that. Thank you.

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

Representative DRISCOLL: Mr. Speaker, Men and Women of the House. I realize that Representative Perkins from Penobscot does have a point as far as driver education is concerned. I would like to go over what happened in the Transportation Committee in regard to this L.D. The Transportation Committee held a hearing on L.D. 102, a bill that would eliminate mandatory driver education classes for 15 and 16 year olds. Most of those who testified were opposed to this legislation, including the Department of Public Safety, law enforcement, insurance industry, Driver Education Association, teachers and the Department of Motor Vehicles. The sponsor admitted that he did not want to repeal the bill, but to improve it by pointing out problems with the course. The Secretary of State, realizing there are problems with the driver training course is presently conducting a study with a goal of standardizing a course including fees, powers, curriculum and qualifications for teachers. Then the committee voted 8 to 2 Majority "Ought Not to Pass." They also voted 8 to nothing to send a letter to the Secretary of State asking for a review within a year of the effectiveness and consistency of the driver education program. William Darling of the Bureau of Motor Vehicles said that we are going to make driver education the program you want it to be. I have no problem reporting back to the committee. Thank you. I would request the yeas and nays.

The same Representative requested a roll call on his 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 PRO TEM: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Mr. Speaker, Men and Women of the House. We heard this in the Transportation Committee and I would like to just inform you that last year we took the oversight of this driver education program away from the Department of Education and gave it to the Secretary of State. I think they have heard loud and clear and they are trying very hard to work out the problems. Representative Perkins and his family have had some difficulties, as others eluded to, and while we had these public hearings. I believe the problems will be worked out and if they are not worked out and I was here for another session, I would join with Representative Perkins in supporting his actions. At this time I think we should give them another opportunity to straighten out the problems they have and vote with the Majority "Ought Not to Pass." Thank you.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. I appreciate that view. I just hope we can really hold their feet to the fire on this because sometimes you put in a bill like this and they all come out and they come rushing to the committee room and oh, yes, people fall over themselves and promise they are going to straighten things out, so let's make darn sure they do. I just want to remind you that we pass a mandate like this sometimes just assuming that makes sense to train the kids better. We don't follow up on it. What you do is you create all these little industries, which is good to put people to work, but I don't believe that is a good way to do it by putting

this burden on citizens, especially rural citizens. Thank you very much.

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

**ROLL CALL NO. 40**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bumps, Bunker, Cameron, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagnon, Gamache, Gerry, Gieringer, Green, Hatch, Honey, Jabar, Jones SL, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Poulin, Povich, Richard, Rines, Rowe, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Underwood, Usher, Vigue, Watson, Wheeler EM, Wheeler GJ, Winn, Winsor, Wright.

NAY - Buck, Campbell, Cross, Dexter, Gagne, Goodwin, Jones SA, Joy, Joyce, Lane, Layton, Mack, Marvin, Mayo, McAlevey, Nass, Perkins, Pinkham WD, Powers, Quint, Snowe-Mello, Stedman, Stevens, Treadwell, Vedral, Volenik, Waterhouse, Winglass.

ABSENT - Barth, Bodwell, Bragdon, Bruno, Gooley, Jones KW, Pinkham RG, Plowman, Samson, Madam Speaker.

Yes, 113; No, 28; Absent, 10; Excused, 0.

113 having voted in the affirmative and 28 voted in the negative, with 10 being absent, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on **Taxation** reporting "**Ought Not to Pass**" on Bill "An Act to Exempt Capital Gains from the Maine Income Tax" (H.P. 86) (L.D. 111)

Signed:

Senators: DAGGETT of Kennebec  
MILLS of Somerset  
RUHLIN of Penobscot

Representatives: TRIPP of Topsham  
TUTTLE of Sanford  
GREEN of Monmouth  
GAGNON of Waterville  
MORGAN of South Portland  
SPEAR of Nobleboro  
LEMONT of Kittery  
CIANCHETTE of South Portland  
ROWE of Portland

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-69) on same Bill.

Signed:

Representative: BUCK of Yarmouth

Was read.

On motion of Representative TRIPP of Topsham, tabled pending acceptance of either Report and specially assigned for Friday, March 21, 1997.

**Divided Report**

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-46) on Bill "An Act to Open a Discount State Liquor Store in Calais" (H.P. 277) (L.D. 341)

Signed:

Senators: FERGUSON of Oxford  
CAREY of Kennebec

Representatives: BIGL of Bucksport  
TUTTLE of Sanford  
LABRECQUE of Gorham  
BELANGER of Wallagrass  
FISHER of Brewer  
CHIZMAR of Lisbon  
TESSIER of Fairfield  
TRUE of Fryeburg

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

Signed:

Senator: DAGGETT of Kennebec  
Representatives: GAGNE of Buckfield  
GAMACHE of Lewiston

Was read.

On motion of Representative TUTTLE of Sanford, tabled pending acceptance of either Report and specially assigned for Monday, March 24, 1997.

**Divided Report**

Majority Report of the Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-34) on Bill "An Act to Establish a Commemorative Day Recognizing the Children of this State" (H.P. 306) (L.D. 370)

Signed:

Senators: NUTTING of Androscoggin  
LIBBY of York

Representatives: AHEARNE of Madawaska  
FISK of Falmouth  
BAGLEY of Machias  
GERRY of Auburn  
LEMKE of Westbrook  
BUMPS of China  
GIERINGER of Portland  
KASPRZAK of Newport  
SANBORN of Alton  
DUTREMBLE of Biddeford

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

Signed:

Senator: GOLDTHWAIT of Hancock

Was read.

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

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

Representative O'BRIEN: Mr. Speaker, Esteemed Ladies and Gentlemen of the House. I am honored to stand before you today as sponsor of this bill, "An Act to Establish a Commemorative Day Recognizing the Children of this State." This would make the last Friday in September, annually, Maine Children's day. I am continually struck by the awesome responsibility we have as legislators, especially in light of these recent discussions of these last few days, realizing how tired we are I hesitated to stand, but then realizing that this is exactly

more reason to stand and speak and make these comments. I am humbled that my first official duty as a legislator is to stand up and speak for children. That is the reason I am here. It is my five children. I have a picture on my desk that I will be proud to show anyone and it for those children that don't have a voice that can't speak for themselves, that is why I am here. Lest you think that this is hallmark is behind this effort, I assure you that is not my intent. A commemorative day for children, in my view, is not meant to be a commercial venture in any way. It is certainly not an excuse off from school. It is not even an excuse to show movies at school and have parties. It is just a day that we will remember and focus on our children.

I went to several classrooms the last few months talking about this with kids and I asked them and showed them through the process of how a bill becomes a law, using this as an example, I asked them how could we, as adults, show you that children are special to us. It was very, very enlightening some of the comments that I got. You had your typical breakfast in bed or buy me a gift, but there are many comments that said, don't embarrass your child, don't call you kid names, spend time with your children. I think we need to listen to that. I am a visionary. This is what I envision this to be. I would hope that as the day draws closer to the end of September that the press takes hold of this and we can list 200 ideas, very simple ideas of what we can do on Children's Day. Take your neighborhood child fishing. Donate to children's charities. Read a story with your child. Smile at a child. Just compliment a child. There are so many. I would appeal to you that not just on Children's Day, but every day look at a child and tell them they really are a good kid because I can guarantee that there are many, many kids that have never heard that. By you saying that to them, you really are a good kid, that really will be instilled in there for a long, long time. I envision community events. Look what happened with Take Your Daughter to Work Day. This is what I think will happen with this.

I am asking three things of you and then I will sit down and we can go home, hopefully. Support this bill. Two, take the idea back to your district, get some ideas, go into schools and get some ideas so that we can keep a running total of simple, simple things to remember our children and to let them know that they are special. Also, when we vote, remember the children. This sounds trite and it sounds kind of trite, but it is not. I really mean this. No party, no gender and no district has a monopoly on caring and compassion. We all, I believe, care about children. We just believe that there are different ways to get the end result. I think we need to remember that in our deliberations. Remember the children and as we vote on every single issue, I have taken a personal pledge to do this, I am going to remember the children and I am going to put a face to every bill that we do. I thank you for your indulgence.

The Bill was read once. Committee Amendment "A" (H-34) was read by the Clerk and adopted. The Bill was assigned for second reading Friday, March 21, 1997.

#### Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Prohibit Liquor Licensing of an Establishment Managed by a Person with a Criminal Record" (H.P. 367) (L.D. 512)

Signed:

Senators: DAGGETT of Kennebec  
FERGUSON of Oxford  
CAREY of Kennebec

Representatives: TUTTLE of Sanford  
GAMACHE of Lewiston

FISHER of Brewer  
GAGNE of Buckfield  
TESSIER of Fairfield

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

Signed:

Representatives: CHIZMAR of Lisbon  
TRUE of Fryeburg  
LABRECQUE of Gorham  
BIGL of Bucksport  
BELANGER of Wallagrass

Was read.

On motion of Representative TUTTLE of Sanford, tabled pending acceptance of either Report and specially assigned for Friday, March 21, 1997.

#### Divided Report

Majority Report of the Committee on **Natural Resources** reporting "**Ought Not to Pass**" on Resolve, to Allow Donald Hebert to Retain a Certain Structure in Exchange for the Removal of Another Structure (H.P. 477) (L.D. 648)

Signed:

Senators: TREAT of Kennebec  
NUTTING of Androscoggin  
BUTLAND of Cumberland  
Representatives: ROWE of Portland  
SHIAH of Bowdoinham  
BULL of Freeport  
COWGER of Hallowell  
JONES of Greenville  
McKEE of Wayne  
NICKERSON of Turner  
MERES of Norridgewock  
FOSTER of Gray

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

Signed:

Representative: DEXTER of Kingfield

Was read.

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

On further motion of the same Representative, tabled pending his motion to accept the Majority "**Ought Not to Pass**" Report and specially assigned for Friday, March 21, 1997.

#### CONSENT CALENDAR

##### First Day

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

(S.P. 275) (L.D. 883) Bill "An Act to Extend the Exemptions for Farm Stands to Include Farmers' Markets" Committee on **Agriculture, Conservation and Forestry** reporting "**Ought to Pass**"

(S.P. 29) (L.D. 27) Bill "An Act to Broaden the Requirements for Special Veterans Registration Plates" Committee on **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-17)

(H.P. 13) (L.D. 9) Bill "An Act to Amend the Criminal Code Concerning the Crime of Assault on an Officer" Committee on **Criminal Justice** reporting "**Ought to Pass**"

(H.P. 815) (L.D. 1103) Bill "An Act to Apply Risk-based Capital Standards to Insurers" Committee on **Banking and Insurance** reporting "**Ought to Pass**"

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, March 21, 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:

(H.P. 70) (L.D. 95) Bill "An Act Concerning Prisoner Participation in Public Works Projects" (C. "A" H-47)

(H.P. 156) (L.D. 198) Bill "An Act to Amend the Permitting Laws for Septic Waste Disposal Sites" (C. "A" H-67)

(H.P. 209) (L.D. 273) Resolve, Directing the Commissioner of Marine Resources to Negotiate with the Passamaquoddy Tribe Regarding Fishing Rights (C. "A" H-33)

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

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

The Speaker resumed the Chair.  
The House was called to order by the Speaker.

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

**BILLS IN THE SECOND READING**  
**As Amended**

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) (H. "FF" H-73, H. "GG" H-74 and H. "HH" H-75 to C. "A" H-15)

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

On motion of Representative KERR of Old Orchard Beach, the House reconsidered its action whereby Committee Amendment "A" (H-15) was adopted.

Representative KERR of Old Orchard Beach presented House Amendment "JJ" (H-82) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. Most all of you were here this morning when we talked about the amendment that Representative Kerr, Representative Lemont, myself and a number of other people in this body have been working on. We talked about its merits and why we thought it was a good thing. We moved it into the budget. There were, as I told you at that time, some continuing talks going on on a couple of small items that we wanted to work out. We have worked them out. We think it is a great amendment. We think we can go home and talk to people about income tax relief, which is what I talked to you about this morning. It does provide a pot of money from which over time the income tax individual exemptions will eventually work towards parity with the feds. Where we are right now is about \$450 difference.

As I told you this morning, I know I am not the only one in here that has heard our constituents say why did I get money back from the feds and had to pay it all to you guys. Something is wrong. This is one of the pieces that causes that to happen. Our people will not buy any new Cadillacs with this money, let me assure you. It is not a lot of money. Maybe they could buy a matchbox Cadillac, I probably better not say that. Anyway, it is not a lot of money when it goes back to our people, but it is a good faith effort to say to you that you folks work hard for your money and we want you to keep as much of it as you possibly can. We know that we are increasing spending and there are many of us who would like to see that not happening as much as it is, but it is happening. That is a reality of the world.

This amendment, we feel, is a good faith effort to our constituents to say we are going to try to, over time, work towards meeting the standard that we know, when we go do our taxes the standards are at the federal level. I would ask your support on the amendment. We had your support this morning and we very much appreciate your continued support on this amendment and before we take the vote, I want to thank all of you that had anything to do with this effort. This has been sometimes a pleasant and sometimes a very unpleasant process, but I want to thank you from the bottom of my heart for all of those people that worked at it. Thank you.

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

Representative LEMONT: Madam Speaker, Ladies and Gentlemen of the House. I too would like to rise in support of this amendment and publicly thank the compromise abilities of the House Speaker and my leadership, Representative Jim Donnelly. I would also like to thank the good Representative from Old Orchard Beach for bringing this amendment forward. As the good Representative from Rumford said, there were some minor problems with it. We have addressed those and we made an amendment even better. It does have moderate tax relief. It will benefit everyone in the State of Maine that files a Maine income tax return. It goes right to the personal exemption line. The initial funding of this personal exemption will be an increase of \$150 for a biennium, which equates to small savings for the taxpayers of the State of Maine. As the good Representative said, it will continue to ratch it up and conform with the Federal IRS Code in this area. I thank you very much and I am looking forward to supporting this amendment.

House Amendment "JJ" (H-82) to Committee Amendment "A" (H-15) was adopted.

On motion of Representative KERR of Old Orchard Beach, the House reconsidered its action whereby House Amendment "GG" (H-74) to Committee Amendment "A" (H-15) was adopted.

On further motion of the same Representative, House Amendment "GG" to Committee Amendment "A" (H-15) was indefinitely postponed.

Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "HH" (H-75) and "JJ" (H-82) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "HH" (H-75) and "JJ" (H-82) thereto and sent up for concurrence.

**BILLS IN THE SECOND READING**  
**As Amended**

Bill "An Act to Raise the Fee for Congressional and Legislative Registration Plates" (H.P. 19) (L.D. 44) (C. "A" H-15)



Was reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

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

**ENACTORS**  
**Emergency Measure**

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

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

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

**SENATE PAPERS**

Bill "An Act to Assist the Maine Potato Industry" (S.P. 516) (L.D. 1600)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

Resolve, to Foster Economic Growth through the Recognition and Development of Maine's Franco-American Resource (EMERGENCY) (S.P. 519) (L.D. 1603)

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

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

Bill "An Act to Make Certain Changes in the University of Maine System to Promote Lifelong Learning" (S.P. 513) (L.D. 1597)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Legislature to Provide a Statewide System of Uniform and High-quality Education (S.P. 517) (L.D. 1601)

Came from the Senate, referred to the Committee on **Education and Cultural Affairs** and Ordered Printed.

Were referred to the Committee on **Education and Cultural Affairs** in concurrence.

Bill "An Act to Revise Certain Provisions of Fish and Wildlife Laws" (EMERGENCY) (S.P. 520) (L.D. 1604)

Came from the Senate, referred to the Committee on **Inland Fisheries and Wildlife** and Ordered Printed.

Was referred to the Committee on **Inland Fisheries and Wildlife** in concurrence.

Resolve, to Encourage Stream and Wetland Enhancement Projects (S.P. 515) (L.D. 1599)

Came from the Senate, referred to the Committee on **Natural Resources** and Ordered Printed.

Was referred to the Committee on **Natural Resources** in concurrence.

Bill "An Act Regarding the Division of Safety and Environmental Services in the Bureau of General Services" (S.P. 518) (L.D. 1602)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Was referred to the Committee on **State and Local Government** in concurrence.

Bill "An Act to Provide for Enforcement of the Laws Regarding the Protection of Underground Utility Facilities" (S.P. 514) (L.D. 1598)

Came from the Senate, referred to the Committee on **Utilities and Energy** and Ordered Printed.

Was referred to the Committee on **Utilities and Energy** in concurrence.

The following Joint Resolution: (S.P. 521)

JOINT RESOLUTION HONORING  
OAKHURST DAIRY FOR 75 YEARS

OF WORKING WITH AND FOR MAINE AGRICULTURE

**WHEREAS**, Oakhurst Dairy, northern New England's largest independent dairy, has provided a variety of fresh, great-tasting products to the people of Maine for 75 years; and

**WHEREAS**, owned and managed for 3 generations by the Bennett family, the Portland-based company has become the most familiar brand name in the region; and

**WHEREAS**, Oakhurst Dairy purchases its milk from 77 dairy farms, all located within 100 miles of Portland; and

**WHEREAS**, Oakhurst Dairy started Maine's first quality-incentive program for milk producers; and

**WHEREAS**, this commitment to excellence is one of the reasons that, for the past 5 years, Oakhurst Dairy's Portland plant has received among the highest federal ratings for quality and cleanliness of any dairy in the Northeast; and

**WHEREAS**, Oakhurst Dairy, a sponsor of the popular Color Me Green television campaign, has long promoted the importance of a healthy environment; now, therefore, be it

**RESOLVED:** That We, the Members of the 118th Legislature, now assembled in the First Regular Session, take this opportunity to honor Oakhurst Dairy and the Bennett family for embracing a philosophy of responsible corporate citizenship that serves as a model for private enterprise, to recognize the occasion of their 75th year of bringing quality products to the citizens of this State and to offer our congratulations and very best wishes for the future; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to

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Oakhurst Dairy and the Bennett family as a tangible token of our highest esteem.

Came from the Senate, read and adopted.  
Was read and adopted in concurrence.

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At this point, the Speaker appointed Representative KONTOS of Windham to serve as Speaker Pro Tem on Friday, March 21, 1997.

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On motion of Representative KONTOS of Windham, the House adjourned at 7:30 p.m., until 9:00 a.m., Friday, March 21, 1997.