

MAINE STATE LEGISLATURE

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House of Representatives
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State of Maine

Volume II

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May 13, 1999 – June 19, 1999

Second Regular Session

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ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
62nd Legislative Day
Tuesday, June 1, 1999

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

Prayer by Honorable Mabel J. Desmond, Mapleton.

Pledge of Allegiance.

The Journal of Friday, May 28, 1999 was read and approved.

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

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

CONSENT CALENDAR
First Day

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

(H.P. 454) (L.D. 617) Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-713)**

On motion of Representative TOWNSEND of Portland, was **REMOVED** from the First Day Consent Calendar.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. As you have just heard, LD 617 is the Part II Budget for fiscal years 2000 and 2001. We have just had a full briefing on the bill, but I did want to put on the record the fact that it is a remarkable achievement. I never thought two months ago that we would be presenting to you a unanimous Part II Budget. It reflects weeks of extraordinary work on both sides of the aisle by members. I have come to know those 13 members of that committee better than I ever thought I would and perhaps better than I had wanted. I have come to know that they are very hardworking dedicated people who represent priorities and bring a strong voice to them at the table.

Included in this budget is a generous increase to general purpose aide to education. It brings it to a level of \$624.5 million in the first year and \$639 million in the second. It reflects the good work of the Education Committee in coming to a formula. It includes hold harmless provision so that no community in Maine will lose money under this formula. It reflects some of the individual needs of communities, taking into account of out of district placements and the issue of English as a second language. This budget fully funds the base funding levels of all three higher education institutions in this state, the University, the Maine Technical College and the Maine Maritime Academy. It addresses issues of taxation. It repeals the half penny off the sales tax. It eliminates the trigger so that for once and now for good tax policy will be made deliberately through our decision and not through any sort of automatic mechanism. It increases the personal exemption in the income tax to a level of \$2,850

bringing it into conformity with federal law and it fully funds the Renter's Benefit Program, as well as the Business Equipment Tax Rebate.

This budget reflects a significant infusion of funds into the issue of research and development for the State of Maine. It makes a strong attempt to improve our status in that area and setting the stage for a new century in the field of economic development. It funds the collective bargaining salary plan so that we back up our words with our state workers with money. It funds additional positions, both judges and clerks in the area of the Judicial Branch so that we may better address the needs of Maine people, particularly in the family court. It appropriates a one-time appropriation to the Highway Fund for debt avoidance. It pays debts for the Maine Governmental Facilities Authority. It acquires land for the people of Maine, both lands owned by Plum Creek, located around Moosehead Lake and Flagstaff Lake as well as Scarborough Beach.

It is a fiscally prudent budget. It sets aside money by raising the cap on the Rainy Day Fund. It uses the tobacco funds to lay the groundwork for a much healthier state. It is a sensible budget in that it prepares us to hit the ground running as soon as the tobacco settlement money arrives next year to address Maine's citizens needs in the area of dental health, prescription drugs and perhaps most importantly getting young children off to a healthy start in life. It represents many months of hard work on the part of the committee, the administration and our extraordinary staff. I am very proud of the work of all of those people. I encourage your support. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. It was only a year ago that they were saying that Maine would never again see a two-thirds budget. They said that the trend forever and ever would be majority budgets. When we enacted the Part I Budget, the people backed off a little bit and said it is only \$4 billion. The moment of truth will be when we get to the Part II Budget and \$200 million to \$300 million. This budget process this year has re-established the very positive goal of working together to enact a two-thirds budget and to have all of the citizens of the State of Maine and all the Representatives and Senators involved in this process. We have an opportunity this evening and tomorrow to again show them wrong and enact a two-thirds budget. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I thank the good Representative from Kennebunk and the members of the other party as well as all the members of the Appropriations Committee for putting together what is truly a consensus document and a remarkable achievement. You have a budget before you, which doesn't please anybody for each and every detail, but which achieves a great deal of what we all came here to Augusta to do. It makes sure senior citizens in the State of Maine have access to prescription drugs, that our school children will have more funding than ever before in Maine history, that our property tax payers get a little bit of relief. It was wrote about in the best of all possible worlds and they never quite found it. Today I think we are going to take a step in that direction. I want to thank, for the record, the great leadership of our House Chair of the Appropriations Committee for her tenacity, her understanding and for her willingness and her patience to put this process in front of her own life and in front of

everything else. She made some remarkable steps this year to bring us back to two-thirds and without her dedication to this process and the dedication of the House leadership from the Republicans side, the Representative from Easton. I don't think this process would have never come here today. It is a remarkable achievement. My hat is off to you both on a unanimous budget.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-713)** was **READ** by the Clerk.

On further motion of Representative TOWNSEND of Portland, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-713)** and later today assigned.

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

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

(H.P. 454) (L.D. 617)

Which was **TABLED** by Representative TOWNSEND of Portland pending **ADOPTION** of **Committee Amendment "A" (H-713)**.

Representative WHEELER of Eliot **PRESENTED** House Amendment "A" (H-715) to Committee Amendment "A" (H-713), which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. With all due respect to the committee's hard work, I am not trying to change anything they did do. It is just a slight problem I have with another LD that will be coming up. This will hopefully address it. This amendment amends Public Law 1999, Chapter 152, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" by replacing the de-allocations for the Local Road Assistance Program with de-allocations of the same amount from the Highway Maintenance Program. Being very brief, what this does is it is just a wording change with the local road assistance better known in the Part II of the gas tax bill, LD 957, as the urban rural initiative, which is in the amount of \$45. something million and this fear that if this gas tax does get voted down that we will lose our old local road assistance program. With this in mind and with thinking about the municipalities throughout the state, the fear of losing direct money to your communities, I am just trying to change the wording and have highway maintenance as part of the Part II in putting local road assistance back to Part I highway, which has already been voted on and enacted. I would appreciate you supporting me on this. I am sure there is going to be others that will get up and try to change different things in this, but if you could just follow my light through this, I would really appreciate it and your municipalities would too. Thank you.

Representative JABAR of Waterville moved that **House Amendment "A" (H-715)** to **Committee Amendment "A" (H-713)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment does significantly more than just change the name of the program that you have in front of you. It changes significantly the approach that was taken by the Transportation Committee by unanimous vote in how they set up and structured the budget. The budget was structured in such a way that Part I was to include the Department of Transportation's basic operating budget. The Department of Transportation takes care of the state highways and 80 percent of the roads in the state are state highway roads. What this does it take that portion of their budget, which is \$19 million out of the Part I. Again, this is a basic operating budget. It puts it into Part II, so that it would now be at risk when we vote on the gas tax. It takes the local road assistance and puts it back in the Part I, so that it is guaranteed it is going to be funded. The problem with this and what it does is it puts at risk on the gas tax the very foundation of DOT's whole entire budget of \$20 million and its basic function of plowing, maintaining and repairing the basic roads all across the state. It raises havoc with your consideration of the budget that is going to be presented to you probably tomorrow when dealing with the gas tax. At this late stage it is really not a good thing to do. It will change what you will be considering and what you have been listening to for the last two months with regards to the gas tax and with regards to the transportation budget. This is much more than just a simple change. I encourage you to vote in favor of this Indefinite Postponement, so we can consider the gas tax tomorrow on the very same issues that you know have been coming before you for the last two months. This would change the decision made by the Transportation Committee by unanimous vote well over a month ago. I urge you not to go back and undo, at this late stage, what was done following a great deal of discussion and consideration. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Again, this amendment has no net fiscal impact on the Highway Fund. You will still be voting on the same amount of money that was on the table back when we voted on the Part I of the Highway Fund Budget. There is no change in any money. It is just what you will be voting on. What is at risk if we don't change this is local road assistance, better known as the Urban Rural Initiative to your local municipalities. I feel that this is a very, very important issue in my communities and it should be in yours. It is to all the municipalities throughout the state. Thank you and I urge you to vote against the Indefinite Postponement of this amendment.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** House Amendment "A" (H-715) to Committee Amendment "A" (H-713).

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 "A" (H-715) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 333

YEA - Ahearne, Baker, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Campbell, Chick, Cianchette, Colwell, Cote,

Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Nass, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Twomey, Usher, Volenik, Watson, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Bagley, Belanger, Berry DP, Bolduc, Bowles, Bragdon, Buck, Bumps, Cameron, Carr, Clark, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Foster, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Mendros, Murphy E, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Richardson E, Rines, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ.

ABSENT - Chizmar, Frechette, Perkins, Samson.

Yes, 74; No, 73; Absent, 4; Excused, 0.

74 having voted in the affirmative and 73 voted in the negative, with 4 being absent, **House Amendment "A" (H-715) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED.**

Representative WATERHOUSE of Bridgton **PRESENTED House Amendment "C" (H-719) to Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. If you turn to your budget document on Page 282, this amendment has to do with the home visiting services to parents. Many times in this House we have talked about education and keeping people informed of different programs and so forth. All this does, is you look at the sentence on sentence 21 and I will read. "If the parents desire" insert in there "and gives informed consent for the services." All this does is insert after the word desire and gives informed consent for the services. This is an attempt for people who decide they want to avail themselves of these services when they call up these people that in doing so they are informed of both the program and the goals and the aims of the program so that they are fully informed of all of the ramifications of volunteering to apply for the service. I urge you to vote for this amendment. Thank you.

Representative **TOWNSEND** of Portland moved that **House Amendment "C" (H-719) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED.**

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. The Part LLL of the budget reflects a piece of legislation, which came out of the Health and Human Services Committee. I believe it was a unanimously supported bill at that time. We have done nothing to alter it by including it in the budget. As you can read from the document you can see that it is a voluntary program. No one is forced to accept home visitation services and any implementation of this program, which would allow informed consent, can be done through rulemaking. There is no need to amend the budget. I would ask you to support the Indefinite Postponement. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to the committee chair, I understand that this is a voluntary program, but any program, especially with the ramifications involved in this type of program where you have people coming in to collect data on the situations in your family, I think it is very important. I see nothing wrong with having people being informed of the ramifications of the program. This piece is innocuous. It should be no threat to the program and no threat to any government agency and only keeps people informed of what they are getting involved in. I consider this an education piece and I urge you to support this amendment. I request the yeas and nays Mr. Speaker.

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-719) to Committee Amendment "A" (H-713).**

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 "C" (H-719) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 334

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Chick, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Carr, Cianchette, Clough, Collins, Cross, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McKenney, McNeil, Mendros, O'Brien JA, Pinkham, Plowman, Richardson E, Rosen, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ.

ABSENT - Chizmar, Frechette, Perkins, Samson.

Yes, 93; No, 54; Absent, 4; Excused, 0.

93 having voted in the affirmative and 54 voted in the negative, with 4 being absent, **House Amendment "C" (H-719) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED.**

Representative **BUCK** of Yarmouth **PRESENTED House Amendment "E" (H-721) to Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. My amendment is very simple. It simply retains the existing trigger we have in law, which says when revenues

exceed 8 percent, the sales tax is automatically reduced by ½ percent. The reason I am requesting that we incorporate this in the budget is because as a member of the Legislature I know we don't have the discipline as a group to reduce taxes. As a matter of fact, as long as I have been a member of Legislature, the only tax that we have ever reduced is a result of this trigger. I would urge you to support this proposal. The taxpayers of Maine expect us to return money to them particularly when revenues far exceed expectations. At lunch today we had members of leadership engaged in the milking contest. This afternoon this Legislature is also engaged in a milking contest. We are trying to find out how much we can milk from the taxpayers. This proposal is a small step in reducing our utterly ridiculous policy of spending more than we, as a state, can afford.

Representative KNEELAND of Easton moved that **House Amendment "E" (H-721) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative KNEELAND: Mr. Speaker, Men and Women of the House. I know this is probably a good amendment, but this is a unanimous report out of committee and I suggest that you support the Indefinite Postponement.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote against the Indefinite Postponement as the good friend of mine, the Representative from Yarmouth, has said, this is a very good piece of legislation that was put in. I happen to think it is one of the best pieces of legislation that was ever passed up here. It puts in some fiscal restraint and spending restraint in the state. I would say that if this hadn't been in place, we certainly wouldn't have saw the rollback of 5.5 percent previously. I doubt very much whether we would be considering putting it back to 5 percent in the budget today. If we have any problem up here, it is not cutting taxes, it is reducing spending. Keeping this in place will put some fiscal spending restraint on the state. I hope that you will vote against the Indefinite Postponement. Mr. Speaker, I ask for the yeas and nays.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-721) to Committee Amendment "A" (H-713).**

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 "E" (H-721) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 335

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mayo, McAlevey, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois,

Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Williams, Winsor, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Buck, Carr, Cianchette, Clough, Collins, Duncan, Foster, Gerry, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McDonough, McKenney, McNeil, Mendros, Nutting, Pinkham, Plowman, Richardson E, Rosen, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Bouffard, Chizmar, Frechette, Perkins, Samson.

Yes, 94; No, 52; Absent, 5; Excused, 0.

94 having voted in the affirmative and 52 voted in the negative, with 5 being absent, **House Amendment "E" (H-721) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED.**

Representative PLOWMAN of Hampden **PRESENTED House Amendment "F" (H-722) to Committee Amendment "A" (H-713), which was READ** by the Clerk.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. This amendment seeks to deappropriate a total of \$171,000 from the Commission on Interstate Cooperation, which is the dues that the Legislature paid for each member to be a member of the National Conference of State Legislatures. I believe that is something that should come out of our own constituent allowance should we decide to join it. This money, you will notice, goes into the assistance for local road repairs and maintenance. I ask you to please support the motion.

Representative TOWNSEND of Portland moved that **House Amendment "F" (H-722) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED.**

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. The dues paid to the National Conference of State Legislatures were appropriated in the Part I Budget. That might have been an appropriate time to discuss them there. It was not appropriated in the Part II Budget.

Representative MACK of Standish **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-722) to Committee Amendment "A" (H-713).**

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 "F" (H-722) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 336

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Gooley, Green, Honey, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass,

Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shorey, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Bowles, Buck, Clough, Collins, Foster, Gerry, Glynn, Goodwin, Heidrich, Jodrey, Jones, Joy, Kasprzak, MacDougall, Mack, Madore, McKenney, Mendros, Pinkham, Plowman, Richardson E, Rines, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Chizmar, Frechette, Hatch, Perkins, Samson.

Yes, 114; No, 32; Absent, 5; Excused, 0.

114 having voted in the affirmative and 32 voted in the negative, with 5 being absent, **House Amendment "F" (H-722) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED.**

Representative **PLOWMAN** of Hampden **PRESENTED House Amendment "G" (H-723) to Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. In Part I of our budget we allocated \$211,000 per year for family planning services. We also passed a comprehensive contraceptive bill, which will require that every insurance company in the State of Maine cover contraception. This budget puts \$400,000 into more family planning and contraception. My amendment will move it out and move it into the Highway Assistance Program. I would ask you to support the motion. Mr. Speaker, I would ask for the yeas and nays.

Representative **PLOWMAN** of Hampden **REQUESTED** a roll call on her motion to **ADOPT House Amendment "G" (H-723) to Committee Amendment "A" (H-713)**.

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

Representative **TOWNSEND** of Portland moved that **House Amendment "G" (H-723) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED.**

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. The \$400,000 appropriation to family planning from the Tobacco Settlement Fund is an appropriate use of that fund. The use is for primary health care services for young women ages 18 to 24. You know that Maine has a very high smoking rate in that population. Furthermore, the restrictions on the Tobacco Settlement Fund require that it be used for health related purposes only and thus funding of the Local Road Assistance Program would be an inappropriate use. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I think what is very inappropriate is first mandating contraceptives to everyone in the state and then saying that you need additional funds to support a supposedly nonprofit organization to provide abortions.

Representative **MADORE** of Augusta **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-723) to Committee Amendment "A" (H-713)**.

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 "G" (H-723) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 337

YEA - Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Cianchette, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Andrews, Bowles, Bragdon, Buck, Carr, Clark, Clough, Collins, Foster, Gerry, Gillis, Glynn, Goodwin, Heidrich, Jodrey, Jones, Joy, Kasprzak, MacDougall, Mack, Madore, Martin, McKenney, Mendros, Perry, Pinkham, Plowman, Richardson E, Sherman, Snowe-Mello, Stanley, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Chizmar, Frechette, Perkins, Samson.

Yes, 109; No, 38; Absent, 4; Excused, 0.

109 having voted in the affirmative and 38 voted in the negative, with 4 being absent, **House Amendment "G" (H-723) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED.**

Representative **MACK** of Standish **PRESENTED House Amendment "I" (H-725) to Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. What this amendment would do would have roll calls from the House and Senate be available on the Internet for our constituents to see how we voted within one hour after the vote was taken. It has a very small cost to it. It would allow the Legislative Council, at its discretion, to take up the \$5,000 each from the Legislative Budget and the Rainy Day Fund for these purposes so by the time we get back next January for second session, roll calls will be on the Internet. I also want to congratulate the Legislative Council for the good work they have done in getting the House and Senate web pages up this session. It is something we didn't have last year to put a lot of the documents and the calendar on the Internet for our constituents to see what is going on. I wanted to take this one step further and have the roll calls available on the Internet. It should not be a very difficult process because we have the roll calls available right after they are done in the Document Room. At the end of session, I know I got a printout of all my roll calls sorted in a lot of different ways. The system is virtually in place and I think it is very important for our constituents to have the

Internet access of our roll call votes. Mr. Speaker, appropriately, I would ask for the nays and yeas.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "I" (H-725) to Committee Amendment "A" (H-713)**.

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

Representative BERRY of Livermore moved that **House Amendment "I" (H-725) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "I" (H-725) to Committee Amendment "A" (H-713)**.

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 "I" (H-725) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 338

YEA - Ahearn, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Cianchette, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Bowles, Buck, Carr, Clough, Collins, Foster, Gerry, Glynn, Jodrey, Jones, Joy, Kasprzak, MacDougall, Mack, Marvin, McNeil, Mendros, Pinkham, Plowman, Richardson E, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Chizmar, Dugay, Frechette, Mailhot, Perkins, Samson.

Yes, 113; No, 32; Absent, 6; Excused, 0.

113 having voted in the affirmative and 32 voted in the negative, with 6 being absent, **House Amendment "I" (H-725) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED**.

Representative TRAHAN of Waldoboro **PRESENTED House Amendment "H" (H-724) to Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative TRAHAN: Mr. Speaker, Members of the House. We have a giant pothole in our budget. Local road assistance has a \$45 million hole. It seems like nobody wants to talk about the roads. We had \$300 million, but yet we couldn't find any money for our roads. This amendment would take 1 percent of the two year budget and it would take that 1 percent from all departments equally. That is 1 percent. That is not much of a hit, 1 percent. We would have our local road

assistance. I think to ignore the problem we are just putting it off friends. It is going to come back. We are going to have to fund it somehow, either a gas tax increase or we are going to have to fund it later. I think this is a good opportunity to do it. This is a 15.5 percent increase in spending in this budget. That would be a 14.5 percent increase. It would still be a big increase with new programs and new spending. The money would still be there, but we would have our local road assistance. I urge you to support this amendment. Thank you.

Representative TOWNSEND of Portland moved that **House Amendment "H" (H-724) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED**.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. You will recall from our briefing this morning that the largest areas of increase in the state budget are to general purpose aide to education, higher education, school renovation account and to research and development. There are significant increases in the lines to mental health, particularly as it interacts with corrections. To cut those, I think, would be a mistake. Furthermore, we explored all the options in developing the budget. We worked for a straight three weeks and we left no stone unturned. I would ask you to join me in voting for Indefinite Postponement.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-724) to Committee Amendment "A" (H-713)**.

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 "H" (H-724) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 339

YEA - Ahearn, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bragdon, Buck, Bumps, Clough, Collins, Cross, Foster, Gerry, Gillis, Glynn, Goodwin, Heidrich, Jones, Joy, Kasprzak, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Pinkham, Plowman, Rosen, Sanborn, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Chizmar, Frechette, Perkins, Samson.

Yes, 102; No, 45; Absent, 4; Excused, 0.

102 having voted in the affirmative and 45 voted in the negative, with 4 being absent, **House Amendment "H" (H-724)**

to **Committee Amendment "A" (H-713)** was **INDEFINITELY POSTPONED**.

Representative TOWNSEND of Portland **PRESENTED House Amendment "K" (H-732)** to **Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. This amendment makes corrections having to do with a number of small errors made throughout the bill. It is a wonder we don't have more of these. Our staff is absolutely fantastic. They work round the clock. Furthermore, a number of the mistakes are made by legislators and they are also working round the clock and exhausted. It is not surprising that we should make a few mistakes out of nearly a \$300 million budget. You can read in the summary what they do. Perhaps the most substantial correction here is to clarify a misunderstanding having to do with the Rainy Day Fund. It raises the cap permanently rather than one time as had been originally proposed. I would be happy to answer questions about it. I do urge your support.

House Amendment "K" (H-732) to **Committee Amendment "A" (H-713)** was **ADOPTED**.

Representative **MACK** of Standish **PRESENTED House Amendment "J" (H-726)** to **Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. Somewhere in this pile of papers on our desk you will find House Amendment "J." What that does is it will help out Maine's working poor. We have earlier this year debated a minimum wage hike to help out Maine's working poor get more money. What this amendment would do is if we have enough future surplus, unanticipated revenues, it would take some of that money and make it so that people earning \$6.50 an hour or less, those earnings would not be subject to the income tax. We already have dedicated some future surplus of unanticipated revenue. Some will go to the Rainy Day Fund and some will go to the unfunded liability on state employee retirement, but this will take the additional money that hasn't been dedicated, the new money that we don't expect, and if we do get extra money use it for tax relief for Maine's working poor so that Maine's hardworking poor families will be able to keep more of what they earn. Thank you.

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. This is an excellent idea. It is one that is not unworthy of a public hearing and a public work session. I suggest that this would be something that could be properly submitted to the next session or at a later date rather than a 12 hour effort to sneak into the state budget. Please vote for Indefinite Postponement. Thank you.

Representative **STEVENS** of Orono moved that **House Amendment "J" (H-726)** to **Committee Amendment "A" (H-713)** be **INDEFINITELY POSTPONED**.

Representative **MENDROS** of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "J" (H-726)** to **Committee Amendment "A" (H-713)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "J" (H-726) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 340

YEA - Ahearn, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Buck, Clough, Collins, Duncan, Foster, Gerry, Glynn, Heidrich, Jones, Joy, Kasprzak, Lindahl, MacDougall, Mack, Marvin, McAlevey, McKenney, Mendros, Pinkham, Plowman, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Chizmar, Frechette, Matthews, Murphy E, Perry, Samson, Watson.

Yes, 110; No, 34; Absent, 7; Excused, 0.

110 having voted in the affirmative and 34 voted in the negative, with 7 being absent, **House Amendment "J" (H-726)** to **Committee Amendment "A" (H-713)** was **INDEFINITELY POSTPONED**.

Committee Amendment "A" (H-713) as Amended by **House Amendment "K" (H-732)** thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. To anyone on the Appropriations Committee or anyone that could answer this question, on the detailed summary report that we all received on our desks, Page 8, there is an issue listed which references Page 249. It says there will be \$25 million in bonds to support research and development of capital improvements in the University of Maine System. I highlight this issue because it was brought up that the pending budget did not include bond issues and I would like a little more clarification on that issue.

The SPEAKER: The Representative from South Portland, Representative Glynn has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. The bond is put forth by the University of Maine System, which has bonding authority. It is not a bond that is being put out by the Legislature. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 341

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Buck, Collins, Foster, Gillis, Goodwin, Joy, Kasprzak, Lindahl, MacDougall, Mack, Marvin, Pinkham, Plowman, Sherman, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Chizmar, Frechette, Matthews, Murphy E, Perry, Samson, Watson.

Yes, 124; No, 20; Absent, 7; Excused, 0.

124 having voted in the affirmative and 20 voted in the negative, with 7 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-713) as Amended by House Amendment "K" (H-732) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

**ENACTORS
Acts**

An Act to Provide Equal Treatment in the Taxation of Public Pensions

(S.P. 431) (L.D. 1268)
(C. "A" S-348)

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

On motion of Representative CLOUGH of Scarborough, was **SET ASIDE.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-348) was ADOPTED.**

The same Representative presented **House Amendment "A" (H-717) to Committee Amendment "A" (S-348) which was READ** by the Clerk.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment strikes the provisions of Committee Amendment "A" that provides that social security benefits be taxed to the same extent that those benefits are taxed under federal income tax laws. It provides a \$6,000 deduction for those state and federal beneficiaries of retirement funds. LD 1268, as presented at the public hearing on March 8 was intended to leave the present deduction for social security benefits that are taxed at the federal level in place and provide equal treatment for state and federal retirement benefits. Amendment (S-348) eliminated the social security deduction on state income taxes and use the additional tax money collected to provide benefits to another group of retirees. It is difficult to understand how this can be interpreted as providing fair and equal treatment in the taxation of public pensions as was the original intent of this legislation.

Proponents of this bill argued that at the public hearing there was no opposition on the part of the retirement community with regard to the bill. Why should there have been? The bill, as presented, had no negative affect on social security recipients and would have given equal treatment to state and federal retirees. It was a good and fair bill and as originally presented it would most likely have received the support of both parties in the House and Senate. The proposed amendment (H-717) can still accomplish this objective. A short time ago, this weekend in fact, I made calls to several retirees in different communities. I called in Scarborough, Cape Elizabeth, Kennebunkport, Sanford and Whitefield. I took a random sample and not one of the retirees that I called was aware of LD 1268, the proposed amendments or the outcome of Friday's vote. It should be noted that all of those that I contacted would have been in opposition to the legislation as passed. Some time ago we voted to exempt up to \$25,000 of retirement income from state income tax. You will remember that that is on April 8, on LD 146. The roll call was 122 to 22 in favor of providing that exemption. Now we are trying to get even with retirees. I find this very difficult to understand.

Ladies and gentlemen of the House, I ask you to join with me and vote in favor of this amendment. Thank you.

Representative LEMONT of Kittery moved that **House Amendment "A" (H-717) to Committee Amendment "A" (S-348) be INDEFINITELY POSTPONED.**

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

Representative **LEMONT**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the good Representative's effort to bring this amendment forward at this time. Unfortunately, the amendment would effectively kill the bill. Our priorities have been set and the budget has been closed. It has a \$17.5 million fiscal note for the next biennium of the budget and I don't see at this late time we are in any position to fund this amendment. Thank you.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I might remind everyone that that \$17.5 million cost is now going to be paid by social security beneficiaries. When this is voted, I would ask for the yeas and nays.

Representative **CLOUGH** of Scarborough **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-717) to Committee Amendment "A" (S-348)**.

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 "A" (H-717) to Committee Amendment "A" (S-348). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 342

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Madore, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien JA, O'Neal, O'Neil, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage W, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tripp, Twomey, Usher, Volenik, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Cianchette, Clough, Collins, Cross, Duncan, Foster, Gerry, Gillis, Glynn, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien LL, Peavey, Pinkham, Plowman, Richardson E, Savage C, Saxl JW, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tracy, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Chizmar, Frechette, Matthews, Murphy E, Perry, Samson, Watson.

Yes, 85; No, 59; Absent, 7; Excused, 0.

85 having voted in the affirmative and 59 voted in the negative, with 7 being absent, **House Amendment "A" (H-717) to Committee Amendment "A" (S-348) was INDEFINITELY POSTPONED**.

Representative **CIANCHETTE** of South Portland **REQUESTED** a roll call on **ADOPTION of Committee Amendment "A" (S-348)**.

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 Committee Amendment "A" (S-348). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 343

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Honey, Jabar, Jacobs, Kane, LaVerdiere,

Lemoine, Lemont, Madore, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richard, Rines, Rosen, Sanborn, Savage W, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Cianchette, Clough, Collins, Duncan, Foster, Gerry, Gillis, Glynn, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Murphy T, Muse, Nass, Nutting, Peavey, Perkins, Pinkham, Plowman, Richardson E, Richardson J, Savage C, Saxl JW, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Chizmar, Frechette, Hatch, Matthews, Murphy E, Perry, Samson, Watson.

Yes, 86; No, 57; Absent, 8; Excused, 0.

86 having voted in the affirmative and 57 voted in the negative, with 8 being absent, **Committee Amendment "A" (S-348) was ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-348)**.

Representative **CIANCHETTE** of South Portland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 344

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Madore, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Pieh, Povich, Powers, Quint, Richard, Rines, Rosen, Sanborn, Savage W, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Cianchette, Clough, Collins, Cross, Duncan, Foster, Gerry, Gillis, Glynn, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Murphy T, Muse, Nass, Nutting, Perkins, Pinkham, Plowman, Richardson E, Richardson J, Savage C, Saxl JW, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Chizmar, Frechette, Matthews, Murphy E, Perry, Samson, Watson.

Yes, 87; No, 57; Absent, 7; Excused, 0.

87 having voted in the affirmative and 57 voted in the negative, with 7 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Protect Medicaid Recipients and Providers from Unintended Consequences of the Noncompliance of the Department of Human Services with Year 2000 Readiness"

(H.P. 1597) (L.D. 2242)

Signed:

Senators:

PARADIS of Aroostook
BERUBE of Androscoggin
MITCHELL of Penobscot

Representatives:

KANE of Saco
BROOKS of Winterport
FULLER of Manchester
QUINT of Portland
WILLIAMS of Orono
BRAGDON of Bangor
SHIELDS of Auburn
DUGAY of Cherryfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-716)** on same Bill.

Signed:

Representatives:

LOVETT of Scarborough
SNOWE-MELLO of Poland

READ.

Representative KANE of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. This is a bill, which would require the Department of Human Services to develop a program in capacity for Y2K readiness. We learned in a public hearing that the department has already completed a project to that affect. The bill, therefore, is completely unnecessary. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion, the Majority Ought Not to Pass Report and would ask members to strongly consider moving on to the Minority Ought to Pass as Amended Report, which would, in fact, put in some safety mechanisms regarding the Department of Human Services non-compliance with the year 2000 readiness. The Department of Human Services is not Y2K compatible. They are currently going through their analysis process and they have moved the date several times. This is a very, very serious problem. We, as a Legislature, have to face and that is Y2K readiness of state departments. Continued delivery of Medicare and Medicaid benefits is dependent upon the ability of the federal government and the state government to make necessary changes to information systems to become year 2000 or Y2K compliant. Without the needed modification changes to the systems uninterrupted benefits to these patients and payments to the providers of covered services are at serious risk. The Y2K problem is a simple one, but the ramifications of non-compliance are far reaching.

For the members benefit, I would like to give an overview of what the Y2K glitch is and how it is being affected. The year 2000 or Y2K glitch is a problem of computerized systems caused by the designers and manufacturers of computer hardware and software. Through the 1960s, 1970s and 1980s when the computer professionals learned in college efficient ways to design computerized systems, they were taught that extra key strokes entered in by users were redundant, costly in terms of wasting storage on computers and unnecessary. Some of these extra key stroke areas taught to be eliminated when designing systems was the storing of date fields in a long format two digits for the month, two digits for the day and four digits for the year, i.e. storing the year on a four digit format. As a direct result of the implementation of this philosophy systems have been designed by the government and the private sector to store dates in the format of two digits for the month, two digits for the day and two digits for the year, i.e. storing the year in a two digit format, which created the Y2K glitch. That is the error and the problem.

The prevailing school of thought at the time was that the computer systems and software changed about once every five years. Based upon these assumptions, system designers and programmers concluded that computerized processes created would be short term in nature because newer systems would be expected to take care of the Y2K glitch and other problems as found in operation. In reality these systems were so costly to design and to implement companies and the government never invested in the time and money to correct the problems. Y2K conversion was always a goal in the future and in most cases was never done. As a result, when January 1, 2000 arrives or the federal fiscal beginning date, which is October 1, 1999, these dates will be stored in computer systems in two digit year formats. To non-Y2K compliant systems, storing a two digit year date format will actually read as the year January 1, 1900. Many mathematical calculations in formulas depend on that date field, which will compute a math error. Wrong answers are computed when figuring out cost dates, age of recipients, the rate of payments and with different effective dates, just to name a few based on the year date, from the perspective of the computer systems going backwards. This is the Y2K problem we face.

The history of corrective mechanisms that have taken place in the state is bleak to say the least. The Bureau of Medical Services informed all Medicaid providers in the State of Maine that the government's computer systems would be Y2K compliant with the commencement of the federal fiscal year along with their deadline of October 1, 1998. As a result, providers who submitted their claims electronically in the State of Maine, those hospitals, those doctor's offices, those non-profit agencies had a great deal of time, paperwork and cost savings to the State of Maine converted their agency and practice offices to be Y2K compatible effective October 1, 1998. In other words, those providing services to Medicaid clients converted their systems to have four digit date fields. The conversion was an extremely costly process in terms of money and resources for these entities to perform and it had to coincide exactly with the government's systems so that computers were talking together and to ensure data was in the same format. Unknown to the providers, the state government system deadline was missed and their systems at the state level and the federal level were not converted on October 1, 1998.

Those service providers who adhered to the notices from the bureau had their claims rejected statewide because they were

transmitting claims in a format unknown and unrecognized to the state bureau's computer systems. The Bureau of Medical Services blamed Medicare. They blamed the federal government's non-compliance and said this was the direct result and cause of the Bureau of Medical Services not being Y2K compliant. On October 7, 1998, after the debacle, the bureau mailed a letter pre-dated to September 29, 1998 to providers informing that Medicaid had extended the effective date, October 1, 1998 to December 31, 1998. It took months and months to sort out the problems that were caused. Frustrated service providers had to reconvert the systems back to two year digit format date at a great cost of resources and money in order to perform regular billing functions. Bills submitted during these weeks in October 1998 were all rejected and needed to be redone. Additionally providers were now running once again in a non-Y2K format making them non-compliant when the system year changes.

In January 1999, on the first, there was a repeat of the events that happened October 1, 1998. There was no communication of the problems existed providers converted their systems again and claims were again rejected. Medicaid client bills suddenly became self-pay. The bureau was again unable to meet their deadline. Claims of Medicaid payments were denied and payments to providers were interrupted. The deadline was again extended by the Bureau of Medical Services, but this time to April 1, 1999. Again the department failed to meet its deadline. Claims were denied and the cycle repeated. During May 1999, some of the processes were changed and made on the portion, which handles paper claims. However, the converted section of electronic submittals and statistical analysis components tracking quality of care remain unconverted as of today.

The solution being proposed to the Legislature is to lend the Bureau of Information Systems some guidance and to ensure that the patients, clients and providers of Medicare and of Medicaid payments, real deadlines, have been established. Having the department set its own deadlines without requiring regular routine reporting to the Legislature has resulted in the failure by the department to successfully convert its systems and failure of the bureau to provide timely payments of services delivered to those that have converted their systems to be in compliance. Additionally, a ripple affect has occurred in the community and this has been caused whereby medical provider systems are now Y2K compatible. These agencies and doctor's offices are at risk of a host of Y2K glitches, which may result in interruption or loss of services to the clients we seek to serve in the state.

The bill before you, the Minority Report, asks two simple items. If we go on to the Minority Report those would be to establish a process whereby if interruption of payments takes place that these providers and the clients we seek to serve are going to receive payment through an alternative funding mechanism. Secondly, upon the effective date of this bill, 90 days after we adjourn, if they have not corrected the problems, which plague the Department of Human Services and their non-compliance, we get a consultant in here and fix this mess. The Committee on Health and Human Services has heard this issue a number of times and has been very patient and tried very hard to work through this issue. However, the evidence is overwhelming and compelling. In January 1999, a bill was presented before the Health and Human Services and the Department of Human Services and the Department of Medical Services came and testified before the committee and detailed

and showed that, in fact, they were Y2K compliant. How do I know they are not Y2K compliant? Their dates are not in four digit form. It is that simple. If they are not in four digit form, they are not compliant. If they are not compliant, their dates are not in four digit form. They assured the committee that absolutely positively they were compliant and what limited parts of the systems that were not compliant were going to be by March 1. Last week when the department came back and testified in front of Health and Human Services, they reported that an independent analysis had been done and in fact in January 1998, it was recognized that Maine was a high-risk state. In other words, they did nothing to get in Y2K compliance.

February 4, 1999, Governor Angus King's Office was notified of what was going on. Governor King sent an E-mail to the affected departments. Again, part of the system has been converted and balance is not converted. The question before the Legislature is, are we going to wait until the year 2000 to deal with the fallout and the problems and the bureaucracy that has crept up around this problem or are we going to take it face on and come forward with a solution today and try to preempt what is going to happen. That is what I am asking for by asking you to vote against the pending motion of Ought Not to Pass and move on to the Minority Report.

I thank you very much for your time, patience and consideration. A roll call, please sir.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Bragdon.

Representative **BRAGDON**: Mr. Speaker, Ladies and Gentlemen of the House. I know it is late and I don't want to take much of your time, but what I would like to do is quickly explain why I am on the Majority Ought Not to Pass Report and explain what the department is going to do or has done about the Y2K problem, because I do think it is something that all of us need to be concerned about. The bill that came before us suggested that the department do two different things to get ready for the year 2000. First, they hired an independent consultant and secondly, that FAME set up an interest free loan program for Medicaid providers so that if they don't receive their Medicaid payments, they will have some other funding options.

Why we rejected this bill is the department has already spent \$900,000 on consultants for the Y2K problem and currently have people literally working around the clock to correct this problem. I do appreciate Representative Glynn and all the work that he has done in bringing this to the attention of the committee as well as really making this an issue for the committee as well as for the department. I think that that is very important. However, the department already has a contingency plan. If something goes wrong with the computers and Medicaid providers are not able to bill like they normally will. The department will move as what is called a prospective payment system where the department will pay providers what they normally get paid without even receiving billing. I dare say this is a lot more than any insurance company or any private individual will do. It is a huge commitment on the state's part to ensure that Medicaid recipients receive the services that they desire and that they need. I would strongly recommend that you would vote against this bill. It is

unnecessary and duplicative of what the department is already doing. Thank you.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to defeat the pending motion so that we can pass this good bill, the Minority Report. Again, what this does is two things. From the Department of Human Services, it gives them a little extra money for oversight on their Y2K conversion. Also, if things really get bad after the year 2000 and it is time for some cleanup, it allows the department, it gives them the authority to move funds within their budget to do emergency Y2K cleanup. Also, the part that was in the original bill about the Finance Authority of Maine loans is not in the Minority Report. Instead what the good Representative from Bangor talked about the prospect of payments, which DHS is doing is making sure that it is going to be done in the Minority Report. DHS, as has been said, has spent over \$900,000 getting into Y2K compliance, but they are still not in compliance. They have missed about five deadlines getting into compliance. They keep coming back. We are going to be in compliance by March 1, June 1, June 7 and then by this next date. We really mean it this time. I have been saying ever since I was old enough to talk that the Red Sox are going to win the World Series this year. I really mean it this time. DHS really means they are going to be Y2K compliant. Based on their track record, I think there is a high likelihood that it won't happen. It is very important that we don't have a big mess with Y2K non-compliance. We need a good contingency plan. If we do get our act together, that is wonderful. All this is a little extra insurance we don't need. If things do go bad, imagine what is going to happen. The providers are going to be in a big mess. They can't get their computers Y2K ready until the state computer is set up. They need to be able to talk to the state computer so they are waiting for the state to get their systems in compliance. The prospective payments are a good short-term solution, but that is not what we can do in the long run. We don't have the oversight and the checks on these bills to make sure that these providers are billing accurately.

Also, what about the Medicare recipients? These are some of Maine's most vulnerable citizens. We need to make sure they get their government services and that these companies can provide them the services. The last thing we want, because of the Y2K glitch, one of these companies going out of business and Medicaid recipients can't get their services. It is especially tough that a lot of these companies are non-profit and are living very much hand to mouth. They don't have a lot of spare cash going around. Basically, DHS has missed a number of deadlines. We have heard that they are going to be ready, but we have heard that before. I think this is a good bill to set up a contingency to make sure the system runs smoothly. Thank you and I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to clear up a couple of misconceptions that I have heard voiced here tonight. As the former Director of the Bureau of Medical Services, I would like to tell folks proudly that our Medicaid Program was one of the most efficient claims processing systems in the state. Our turn around on claims was quicker than for any other insurance carrier and it has been a very good system. I cannot understand or explain all

the glitches relative to the history, but that is history. We are now up to June 1, actually, and the latest assessment by the federal government relative to whether or not Maine was going to be ready went from high risk, which the Representative noted earlier to low risk for failure of the system. They have really done a lot of work to bring this system up to speed. It was earlier noted that they have hired an independent consultant at a substantial cost who has dealt with this problem in a variety of other settings and I urge that you support the Majority Ought Not to Pass Report. It is not necessary that we do this. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote against the pending motion and support the Minority Report. The whole Y2K potential kind of reminds me of a child doing a science fair project. If he or she uses a timeline and sticks to that timeline, then all is well because there is a date certain when that project is due. As is often the case with young people, if they decide to put off what they should be doing today, to do it tomorrow or next week, if it doesn't take long on a project that takes that long to have something totally unyielding. The tasks are put off and delayed and it becomes that much more difficult to get back on track. What begins to happen is the temptation is to take shortcuts instead of maybe doing as much research as you were going to do on an issue and maybe you don't. The time is still ticking away toward that day certain. As further delays may ensue because of not going as quickly as you thought you could, the worse it becomes. False assessments of your progress begins to unfold and you begin to believe that what you are doing will be sufficient. Unfortunately, the day certain arrives and what will most likely be the result of that science fair project.

Ladies and gentlemen, the question that this bill wants to address is simply to make sure that that doesn't happen. When the date certain, January 1, comes that that this state will be prepared and ready. Thank you.

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

Representative **MENDROS**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. I am curious. When was the state Medicaid supposed to be Y2K compliant and are we currently Y2K compliant?

The SPEAKER: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the good Representative's question regarding the deadline for compliance, the deadline for compliance was October 1, 1998 as mandated by the federal government and as of today they are not compliant.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. As you can see, I am on the Ought to Pass as Amended Report, the Minority Report. The reason why I decided to sign on to the Minority Report was that the good Representative Glynn was constantly coming to me during the

process this spring warning me and telling me his concerns of this problem. I would continually go to my chair and say when is the department going to come? When are they going to come and tell us how they are doing? I am very anxious with this because every time I said how are we coming along? It seemed to be delayed and delayed and delayed until the very end when they finally came in front of the committee and reported. Because of this bill, they came again. I believe passage of this amendment is a very wise action for us take. You know, the department has never gone through this thing before. This bill is an important safe guard against any unforeseen problems, because no one really knows just what will occur when year 2000 comes our way. One can never be too ready for possible serious problems. Let's do the thing. Let's pass this bill and feel comfortable when year 2000 comes around. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. What I would like to point out is that if this is such a great concern to providers, there was not a single provider who came to the public hearing on this bill to testify. We heard absolutely nothing, but from the presenting sponsor. My sense is that if this was a genuine concern to providers and there are virtually hundreds of them in the State of Maine who are dependent upon the successful transition of Y2K, we did not hear from anybody else that had any concern. It is important to note that this most recent external evaluation of the department provided under federal auspices determined that they were in the highest category among the states in terms of Y2K readiness. It is important, I think, to keep that in perspective. Thank you Mr. Speaker.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. While I have been here for the last 30 minutes or so doing something that I thought might be useful, I was reading this week's *Newsweek*. In it is an article, which is written by Danny Ellis, *Why Do We Buy the Myth of Y2K?* Would you believe that is what I was reading at the moment? I just want to quote from that, because I think it is appropriate. "I have come to believe that the Y2K is a myth. The truth is not that civilization will come to an end, but rather civilization as we once knew it has already ended. We are no longer in complete command of our creations. We are back in the jungle, only this time it is something to manipulated and influenced, but, again, we have no influence. The big question is a mystery to us and the big news is no one knows." Let's wait and see and kill this bill now.

The SPEAKER: 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. 345

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chick, Clark, Collins, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell,

Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Buck, Campbell, Clough, Foster, Gerry, Gillis, Glynn, Jones, Joy, Kasprzak, MacDougall, Mack, Mendros, Murphy T, Pinkham, Sherman, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Winsor.

ABSENT - Chizmar, Cianchette, Daigle, Frechette, Murphy E, Perry, Samson.

Yes, 115; No, 29; Absent, 7; Excused, 0.

115 having voted in the affirmative and 29 voted in the negative, with 7 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Revise Certain Provisions of the Fish and Wildlife Laws" (EMERGENCY)

(S.P. 738) (L.D. 2088)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292) AS AMENDED BY SENATE "A" (S-322) thereto in the House on May 28, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292) AS AMENDED BY SENATE "A" (S-322)** thereto and **SENATE AMENDMENTS "A" (S-358) AND "B" (S-368)** in **NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

Non-Concurrent Matter

Bill "An Act to Exempt Military Retirees from State Income Taxes"

(H.P. 360) (L.D. 485)

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ AND ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)** in the House on May 7, 1999.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On motion of Representative GAGNON of Waterville, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 217)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 1, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P. 756, L.D. 1046, "An Act to Prohibit the Employment of Professional Strikebreakers," which I am returning without my signature or approval.

I cannot support L.D. 1046, and my position on this bill is consistent with my past position on similar bills that have been presented to me and that I have vetoed. It is clear under established judicial precedent as well as an opinion of our Attorney General analyzing a substantively identical bill in 1995, that this legislation is unconstitutional. For this reason, the bill sends a false message to the working community of Maine in that it unreasonably raises the hope of workers that the State has a role to play in federally regulated labor issues.

In 1989, the Maine Superior Court struck down as unconstitutional an existing Maine law (Title 26 M.R.S.A. §595(3) and (4)) that limited an employer's right to hire replacement workers, concluding that the law was preempted by the federal National Labor Relations Act (NLRA) (29 USC §151 et seq.). The court emphasized that state regulation of labor practices is generally preempted under the NLRA, and that restriction of an employer's ability to continue business in the initial stages of a strike was an unlawful curtailment of an economic self help measure that enjoyed federal protection under the NLRA. In June 1989, the Maine Supreme Judicial Court reinforced the same theme in reviewing a proposed bill that would have prohibited the use of replacement workers for a period of 45 days after the beginning of a strike. The Court cautioned that "the right of an employer to continue his operations in the face of a strike by hiring replacement workers is one of the weapons of economic pressure that Congress left unregulated and to be controlled by the free play of economic forces." Opinion of the Justices, 517 A.2d 805, 808-09 (Me. 1989).

Likewise, in May 1995, the Maine Attorney General concluded that a bill (with terms substantively identical to those of L.D. 1046) then pending before the Second Regular Session of the 117th Legislature was unconstitutional. The Attorney General determined that the bill's attempt to prohibit the hiring of "professional strikebreakers" would be preempted by the NLRA. Office of the Maine Attorney General, Opinion No. 95-8 (May 8, 1995).

The guidance of the courts and Attorney General in this matter is clear. This law is unconstitutional because it improperly limits an employer's federal right to maintain operations in the face of an employee strike by limiting the pool of skilled replacement workers available for hire. It effectively would change the careful balance of economic rights and remedies set out for employers and employees under the NLRA.

In essence, enactment of this bill would create only an illusory remedy that could well be damaging to employees in a labor dispute. Workers could be left stranded after deciding to strike based upon their perceived advantage under this legislation, only to find later that the law is unconstitutional and that the employer can use its federally protected self help right to employ replacement workers from firms specializing in strike operations. Thus, a well-meaning law could actually harm those workers and their families whom it is designed to help.

For the reasons outlined above, I am firmly opposed to L.D. 1046 and I respectfully urge you to sustain my veto.

Sincerely,
S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill " An Act to Prohibit the Employment of Professional Strikebreakers " (H.P. 756) (L.D. 1046)

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I don't want to have a long heated debate on the veto. I would like to remind the members of the House of some of the major points with this bill. First of all, in every case, where similar legislation to this has been heard by any state or the federal Supreme Court, it has been ruled to be preempted by the National Labor Relations Act and therefore, it is unconstitutional. This year we had a deputy attorney general come to the committee and testify that, in his opinion, it would be very unlikely that this bill would be ruled constitutional if it was challenged in court. In 1989, the Supreme Judicial Court of Maine issued an opinion essentially saying the same thing about a similar bill. In 1987, another attorney general's report rendered the same opinion. In 1995, on May 8, Attorney General Ketterer issued an opinion saying basically the same thing. There is ample case law that tells us that this is not a good idea. I guess my major concern here would be if we pass this legislation, we are going to be giving organized labor in the State of Maine the false assumption that they are going to be protected by that legislation when, in fact, it is not true. We would be setting them up for a major fall and also possibly a costly lawsuit against the State of Maine. I guess I am reminded of a question that I have heard at times in the past that says, "What is it about no that you don't understand?" Ladies and gentlemen, I would urge you to uphold the veto of the Chief Executive and let's get on with our business.

The SPEAKER: A roll call has been ordered. The pending question before the House is Shall this Bill become a law notwithstanding the objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 346V

YEA - Ahearne, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mendros, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Richardson E, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Chizmar, Frechette, Murphy E, Perry, Samson.

Yes, 88; No, 58; Absent, 5; Excused, 0.

88 having voted in the affirmative and 58 voted in the negative, with 5 being absent, and accordingly the Veto was Sustained.

CONSENT CALENDAR

First Day

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

(S.P. 824) (L.D. 2227) Bill "An Act to Expand Membership on the Maine Tourism Commission" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-371)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Non-Concurrent Matter

An Act to Provide for the 1999 and 2000 Allocations of the State Ceiling on Private Activity Bonds (EMERGENCY) (CONFIRMATION PROCESS)

(S.P. 417) (L.D. 1206)
(C. "A" S-341)

- In House, **PASSED TO BE ENACTED** on May 25, 1999.

- In Senate, **PASSED TO BE ENACTED** on May 26, 1999.

- **RECALLED** from the Governor's Desk pursuant to Joint Order (S.P. 850).

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-341) AS AMENDED BY SENATE AMENDMENT "A" (S-362)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

CONSENT CALENDAR

First Day

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

(H.P. 1572) (L.D. 2220) Resolve, Regarding Legislative Review of Portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-727)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Acts

An Act to Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services

(H.P. 692) (L.D. 959)
(C. "B" H-709)

An Act to Require Disclosures in Connection with Transfers of Residential Property

(H.P. 1368) (L.D. 1966)
(C. "A" H-712)

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.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Amend the Harness Racing Laws"

(H.P. 1276) (L.D. 1837)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-703) AS AMENDED BY HOUSE AMENDMENT "A" (H-706) thereto in the House on May 27, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-703) AS AMENDED BY SENATE AMENDMENT "A" (S-367)** thereto in **NON-CONCURRENCE**.

Representative TUTTLE of Sanford moved that the House **RECEDE AND CONCUR**.

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

Representative MARTIN: Mr. Speaker, Members of the House. This amendment does the same thing that the House Amendment that I had put on. There are, in fact, a couple technical errors in the drafting of it, but that won't pose any problem in the long run and be corrected. The intent remains the same and I concur with the motion to Recede and Concur.

Subsequently, the House voted to **RECEDE AND CONCUR**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Report

Seven Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-364)** on Bill "An Act to Implement the Recommendations of the State Compensation Commission"

(S.P. 770) (L.D. 2168)

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford

Five Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

BUMPS of China

JODREY of Bethel

RICHARDSON of Greenville

GERRY of Auburn

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-365)** on same Bill.

Signed:

Representative:

KASPRZAK of Newport

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-364) AS AMENDED BY SENATE AMENDMENT "A" (S-375)** thereto.

READ.

Representative AHEARNE of Madawaska moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House. I ask you for the support of the Majority Ought to Pass Report. It is an understatement to say that the issue of legislative compensation has received limited publicity. Briefly, let me start from the beginning. It was during the First Special Session of the 118th Legislature that the State Compensation Commission was reestablished. The commission is a five member public board. Two members are appointed by the President of the Senate and the other two members are appointed by the Speaker of the House and the fifth member is chosen by the other four members and is the chair of the commission. The duties of the commission is to make recommendations for the next Legislature concerning compensation of legislators including, but not limited to all payments for salaries, meals, housing, travel, mileage and all the other expenses and allowances. Additional services as President of the Senate and Speaker of the House or as members of leadership for constituent services and compensation for the Attorney General, Secretary of State, Treasurer of State, State Auditor and also to list the reasons for its recommendations.

The commission was to issue its report to the Committee on State and Local Government, which it did on April 15 of this year. First of all, I would like to take this time to express my most sincere appreciation to the members of the State Compensation Commission on the work they had performed. By reviewing the report on could see the enormous amount of time and effort that was made in formulating and drafting the report. As with any study commission's recommendation it must follow through the committee process to accept, alter or just outright reject the recommendations of that commission.

As a committee we were very thorough in examining the report and its subsequent recommendations. Some members wanted to accept the full recommendations. Some wanted to alter the recommendation and others wanted to reject outright the proposed recommendations. Through a series of intense

discussion and numerous work sessions, the majority of the committee has reported out what I considered a worthy compromise. What is the Majority Report? A 3 percent increase in legislative salary and a provision to require an annual cost of living adjustment to legislator's salary. That percentage increase may not exceed 5 percent in any year. As prescribed in the Constitution of the State of Maine a sitting Legislature cannot raise its own salary. This 3 percent increase will take affect with the 120th Legislature.

The Majority Report can by no means, in my opinion, be labeled a pay raise. I view it as a cost of living adjustment. It was 10 years ago in 1989 that the last salary increase was implemented. I seriously doubt that one can argue that items or services from 10 years ago cost the same today. Granted a 3 percent increase does not make up for a 10 year absence, but rather through the committee process it was agreed upon by the majority of the committee that 3 percent was a reasonable compromise. The Majority Report is not a fix all for the issue of legislative compensation, but it is a beginning.

I believe we are obligated to address the report from the State Compensation Commission. Yes, the commission will be reporting back to the Committee on State and Local Government at the beginning of the next session with possible further recommendations to address benefits, dental, health, insurance, mileage and per diem. As a committee we will proceed once again to thoroughly review the report and recommendations and then issue a committee report for this body's consideration. Some will argue before this debate is over that the pending committee report is too little, too late or it is premature to issue a report. I ask you to listen to the debate and reach your own conclusions. This is not and should not be a partisan issue. I firmly believe we can have an open and honest discussion. What I do not want to occur is to see this debate plagued with contention. With this subject matter this debate can easily descend into abyss that will serve no purpose, but only to create division, which will serve to no one's advantage. I ask you for acceptance of the Majority Ought to Pass Report.

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

Representative BUMPS: Mr. Speaker, Ladies and Gentlemen of the House. I agree with the Representative from Madawaska on several points. I commend him and the committee for the work that they have devoted to this issue. The first point with which I will agree with him on is that this should not be a partisan issue. This should not tonight be a partisan vote. I certainly hope that it will not be. This committee, the Committee on State and Local Government, was amazingly close, I know this will be hard for some of you to believe, to a near unanimous, if not unanimous report. Unfortunately the legislative schedule kept our committee from issuing what could have been an under the gavel report on legislative compensation.

As one who tries to work while serving in the Legislature I can suggest to you that perhaps the very process that kept the committee from issuing a unanimous report, that is the time constraints and the pressure that operate under while here in Augusta, may actually be symptomatic of the larger problem. What I am going to suggest to you tonight is that by addressing only the salary piece of legislative compensation, we are doing perhaps too little too early in response to Representative Ahearne's suggestion. The fact that we ran out of time, again, strikes at the heart of what is wrong with this process. The

commission's report is premised on the idea that if we increase legislative pay, we will somehow be able to attract people to serve in this chamber that are now prohibited from serving. Those folks that are prohibited from serving we have heard time and time again are people who are not retired, but people who are holding down a job and people who are trying to juggle family commitments, work commitments and a whole bunch of other responsibilities. You know in some ways it might not be salary that helps attract those people here to Augusta. It might be walking into this building every morning and having a desk where you can go and put down your briefcase, set up your computer, plug it into a phone line and download your e-mail. It might be a dedicated telephone sitting on a desk somewhere that has voice mail so that the Clerk's Office can transfer those calls that you get on pink slips and return to people in your district when they are not home. They instead could leave a message on your own telephone on your own desk. It is about process. It may not be about salary. If what we are ultimately trying to do is attract a different populous to serve in the Legislature. Then again, it might have something to do with money so we ought not to ignore the issue of compensation. We ought not to ignore the issue of salary and that is why I think it is possible for the State and Local Government Committee, for this chamber and the one down the hall to come to a unanimous agreement on this issue or nearly unanimous.

Let me suggest to you why I am on the Ought Not to Pass report and why I would urge you to vote for the same. The commission, although it was formed in the 118th Legislature, was not appointed with due speed. In fact, you might remember that we extended the reporting deadline for the commission because appointments were made late. Those late appointments were not the fault of this chamber, but, in fact, late appointments occurred and by their own admission the commission was rushed. They have told the committee that. The commission did not have time to review all of the issues that are necessary to be considered when talking about legislative compensation. The commission met six times. The State and Local Government Committee when it formed the commission did so in order to urge public involvement. At the time we felt that we wouldn't be able to, at least in the public's eyes, have an objective look at legislative compensation. The commission was formed to involve the public.

Well I would direct your attention, if you still have it, to the commission's report. In appendix one, it lists the folks who are consulted in this effort to involve the public. Involved a total of 28 people. The commission consulted with 28 people across the state. Nearly all of them were either former members of this body or constitutional officers themselves. If our effort was to involve the public and if our effort was to attract people from different walks of life, we have failed miserably on both counts with this report.

The last issue I am going to ask that you consider is if you are talking about increasing the base salary pay, then we need to understand what the base pay is established on in the first place. Does anyone know? If you do know, please stand up and tell me, because the committee, both members of the majority and minority party and even our independent member have asked since the beginning of this debate, what is the salary based on? The answer is, nobody knows. If you are going to increase it by 3 percent, 10 percent, 30 percent, 50 percent or more, then what is that increase based on? The answer, nobody knows.

The commission is going to report back in January and in their report they have listed at least a few of the issues they intend to address and not the least of which is constituent allowance, among them are retirement, the issue of per diems, the issue of perhaps mileage and any number of other issues that the commission decides to report on. Why is it that this Legislature, other than for political expediency would break out the salary piece and act only on it and not consider the whole realm of issues that go into compensation? It perplexes me.

There were two ways to resolve this. The first was for the committee to invest the time that was necessary to work out all of these other issues, which, I and other members of the committee were willing to do, but you have heard the legislative process did not allow. The second was to carry this bill over to the Second Session. I know that some would think that my motives for doing that are suspect. On the last day that the committee met I was willing to sign in stone, blood or any number of other things that I would commit at a minimum to what is contained in the Majority Report, but we needed to deal with all of the issues in total and that it was completely and wholly irresponsible to break out one piece and maybe you deserve more than 3 percent. I don't know. I can't consider this apart from all of the other pieces of compensation. Ought Not to Pass was my only option. I couldn't get the bill carried over. If you are not in favor of passing the bill, then at least allow us the opportunity to recommit, or commit as the Clerk might say, to committee and give the committee the benefit of the commission's subsequent report in January so that we can devise a more responsible, defined, presentation than this reach at something out of the sky for the sake of doing something now. I would ask that you reject the pending motion so that we can go on to commit this bill to committee or accept the Minority Report. Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I would hope that you would support the Majority Report. I was the sponsor of the original commission that was established back in the early '80s. I guess the answer to Representative Bumps of China's question is, what is the historic precedent for basing the ability of the pay? I think essentially it is the ability to survive and break even in the Maine Legislature. Unfortunately, men and women of the House, we have failed miserably in that area in the last decade.

The proponents of this bill, which I am one, feel it has been a bipartisan effort intended to remove the issue from party politics. As we have known in past years, we have had many bills, whether they be on legislative compensation and other areas and the unfortunate part of it is that it has become unfortunately from time to time a partisan issue, which it should not be. This is not a Republican issue. This is not a Democratic issue. This is an issue of whether people can survive in the Maine Legislature. As you have heard, the State Compensation Commission has held several meetings. I believe there was substantial public input. I believe there was input from a number of individuals and a number of advertisements. They conducted a survey, as most of us know, of the 118th and 119th Maine Legislatures. Of that 76 of us responded in the 119th Legislature and 74 percent of the respondents favored a salary increase. Nearly half wanted a increase in constituent allowances. I don't need to go into the difficulties in constituents and the amount that of time and effort that we spend.

They concluded that the legislative salaries needed to be increased and the allowance, in their opinion, should be raised. It is my understanding, Mr. Speaker, is that we mentioned 10 years, but we have to take into account that we had a legislative decrease. So we are talking maybe 14 years if you really want to add the numbers up. I believe it is the right time and the right place to do this. I have been involved in this issue three other times and I am realistic. I know that there are some of you who cannot vote for this and I understand that. I am hoping that that is in the past and there would be a majority of us that will see the bigger issue and support the issue for the betterment of this Legislature.

As most of you know, these issues are very volatile and some people feel the time is never right. I feel it is our responsibility to face up and do it. In my opinion, it is good government bill. It has been a good government bill in the past on a number of occasions. I believe if we do it at this time, it is a good government bill. I think that working people ought to serve without jeopardizing themselves and their families financially. We are not talking about getting wealthy up here. If you talk to a lot of people back home and you tell them what we make, a lot of them are surprised how much we actually do make. There is a lot of misconceptions out there. There has always been. I guess it is the nature of the compensation issue before the Legislature. As I said before, I understand that some of you cannot support this. I can understand that, but I do feel that we should have the majority to pass this.

I received some information on pay raises in other Legislatures. I guess the State of Arizona is increasing their salaries from \$15,000 to \$24,000 this year. It is a 6 percent increase. In California they make \$78,000 and it is going up to \$99,000. In Colorado it is \$17,500 going up to \$30,000. That is a 71 percent increase. Connecticut is \$16,600 going up to \$21,000. Delaware is \$28,000 going to \$29,000 and Florida, Idaho, Illinois, Kansas, Kentucky, Michigan, Missouri, New York and I can go on forever. When I look at it I think that a lot of those increases are incremental as ours historically had been up until a few years ago when the Compensation Commission was abolished. That is why I think it was very important that we reestablish the commission.

Many of you received the article from the *Morning Sentinel*. I would like to paraphrase from it because I think it brings a lot of good points. It says, "that raises are the best way to attract citizens to legislative service. Look at the occupations of those serving in the 119th Maine Legislature and you will see a trend. Most are lawyers, teachers, retirees and self-employed small business owners. Sure there are some regular folks tossed in there with a few hourly workers and managers can be found. Mainers unfortunately have willed it so through an intransigence of increasing legislative pay raise that borders on ridiculous, hysterical. Simply put we hate the idea of a legislator being able to make any kind of fair compensation at all for their service. It is the idea of the Citizen Legislature, we tell ourselves. People aren't supposed to make money as a State Representative or a State Senator because they are doing it out of the sense of duty, not as a get rich quick scheme." In a way we almost don't want them to enjoy it. We want our legislators to go to Augusta, do a good job, devoid of any personal gain and leave before their welcomes are worn out.

The problem is the delusion we carry about the Citizen Legislature. Everyone who is serving in public office because they feel a duty to do so is not working. What Maine has not is a

Citizen Legislature, but as a set of plutocracy of sorts made up of people who can afford to be legislators missing as the say of many common people in a Capitol and common men and women and that is because there is not enough compensation for the common person to do this. For this Legislature, as I mentioned before, receives \$18,000 stipend in the biennium. The article goes on to say that this is counter-productive to the primary intent making sure that our Representatives are people like us. If a raise brings to the State House, just one person who is more qualified than the person he replaces, who helps to improve the state economy and find a better and more effective way to educate our children and to protect the values we hold dearest. It is a good investment. I agree.

In closing, Mr. Speaker, I do commend the Committee on State and Local Government. These are very difficult issues, but I think it does merit the support of the Majority Report. I think it is a good government bill. It is something that we should do. I think that once we do pass it, I think, it will be in the best interest of the state. Thank you Mr. Speaker.

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

Representative MARTIN: Mr. Speaker, Members of the House. I think I have a perspective, perhaps, that might give some response to the question that was raised earlier by a member of the committee. Before I do, I must give you perhaps a little background because when I chose to run for the Legislature the salary was \$1,600. When the session was about through, I would say there was still about a month left, I had to borrow \$1,000 from my brother to stay here. At that point he wondered if there was not something basically wrong with me. I guess in perspective if I hadn't been at the age that I was, I certainly would not have chosen to run again. I guess politics was something that was in my blood. I had been through college and basically my direction was a little bit different.

I think there is an answer to the question. The question is really very simple. Look at what happened in the last election. Look at the number of seats that went unchallenged and look at the number of seats where there was only one candidate for either party and where there was a lot of begging by leadership of both parties to get people to run for this institution. If you look at those numbers, you will quickly realize that the number of people who ran for office last year for the Maine Legislature was one of the lowest in recent history, which tells you the lack of competition exists and maybe that is why some of us don't want to raise the salary. If it were raised, we would all have competition. Many of these seats go begging and in my area it is even worse, because it is so far away that people just won't take the time from ordinary business or from their home to be away.

I happen to have been able to survive all of that because of the jobs and the things that I have done in order to maintain income in order to be here. I think that maybe instead of saying it is politics that keeps us from raising salary, maybe it is because we fear competition. That is really maybe what the problem is with all of us. We are scared that someone is going to run against us if we triple or double the salary. Maybe that is what the public ought to understand. Maybe the public could react a little different. In case you haven't been told yet, you and I make the same amount of money as those people in Washington. Very often they will say that your high salary is something we can't take. You are paying too much. You are getting too much. You ask them how much we are making? They say we are making over \$100,000. It is amazing how many

people think this. The public isn't getting the whole story. As a matter of fact, if you ask many of the public, most of them don't even know we are here, which is even scarier in many ways. They will say, why are you back? Doing nothing in Washington? What are you doing here they will say to me from time to time. We have to assume, I guess, that perhaps our problem is that our public is not as informed as they ought to be because maybe we don't want to inform them because we are scared of competition.

This idea of a commission is not a new one. There have been a number of commissions over the years. The last time our salary was raised was actually commission driven. The one in between, by the way, everyone rejected the commission for political reasons. I do want to respond to how we got to the salary that time, how the commission got there. The question has been raised of how we got to the base. Basically what was used was what was the average salary of a Maine person and then they used the figure, and don't hold me to this, but it seems it was 80 percent of that figure. In reality, you would not be getting what the average Maine salary was, but you would be getting a portion of that. They used this formula, which is from memory, and then they adjusted it percentage wise. That is how the commission structured it about 14 years ago. That is how we got there or the commission got there. The Legislature accepted it.

If we reject this commission's report, maybe we ought to, I wasn't privy to it. I wasn't at the hearing. I wasn't at the committee sessions. It will be the second time that we will have pulled this stunt. I would hope that no future public member would ever serve on one of them, because they ought to be saying in case they ever find out, what is the use and why should we waste our time? I have that fear of what potentially can happen in the long run. I happen to believe that 3 percent, which is now with Committee Amendment "A" is kind of ridiculous. I hate to say that to the Majority Report of the committee members who wrote and signed that report, because it is 3 percent of what? Based on this year's salary versus the seven years or the 12 years that it hasn't been received and based on the cost of living, which has not been gotten and so now we are again messing around with the commission report. I have some concerns about that. I am going to vote for it today because I basically have no other place to go, not because I believe it is right, but because I have no other place to go. I don't believe the answer is no. I believe there has to be something.

What we are doing and the way in which we are dealing with salary increases may be we ought to be going to the voters as to whether or not legislators ought to be paid for what they ought to be paid and that the public can expect from us some results for the money that they invest in us. I will say something tonight that I probably would not have said 10 years ago. I even would be willing to vote to cut the size of the House in order to achieve some salary parity, because if we are going to maintain public confidence in this institution, we need to move forward and to move on. I am not sure that figure is 120 or 99 or places in between, but I do know we are in trouble as an institution. Go out there and ask the public and they will tell you very quickly. I guarantee you it isn't based on the amount of money that we are receiving. It is based on the amount of money that we are not receiving. There is a perception that we are paid exactly what we are worth and some people are convinced we ought to be paid the amount that our neighbors to the west are paid. Of course we could do the games that they play as well and pay a

couple dollars a mile for mileage. I believe at the northern part of the state they pay as much as \$4 a mile. There are ways in which you can make these figures come out to your satisfaction, but the bottom line, basically, in my opinion, the question I would ask the voters of Maine to understand as we vote on this issue tonight, are Maine legislators scared of competition when salaries are doubled or tripled? That, to me, is the question tonight. I would hope that we want competition to ensure better campaigns, better elections and yes, more people running for this place.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. Personally, I support the pay increase, but the fact is as I was going door to door campaigning more and more people were still upset about the time when the Legislature after 12 p.m. voted themselves an increase. Still after all these years they have that in their minds. I never thought for a minute about what the good Representative said about having competition. That was never my worry. Until my constituents understand what this job consists of, I cannot support this piece of legislation. Do I think we deserve better pay? Yes, I do. I really do, but my constituents don't. I believe that if were going to do this right, then this should go out to the people and let them vote on our salaries. We are really here working for them. We are not here working for ourselves. We are working for them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Members of the House. I stand to disagree with some of the earlier testimony about the reason why people run for office. It never even once crossed my mind what you were paid when I decided to run for office. When I was out speaking with people about my decision to run, we didn't discuss the pay. We discussed some of these individuals maybe running for office one day. The reason they gave to me why they wouldn't run for office was because it took so much work and so much time out of their private lives. They couldn't be with their families. The time commitment was extreme. That is the reason why they didn't want to run. I believe that competition is good, but should the number one reason you run for office be the pay? I don't think so. It should be to serve the people of your district. I will be voting against this bill because until the people of my district are doing well financially, they are not last in disposable income and they are not the fourth highest taxed in the nation and they are 37th in per capita income, I won't be supporting a pay raise. I hope some of you will be with me and stand up for the people at home. They are having it tough right now. We come up here and we deal with bills everyday and we hear a lot of testimony. There is a lot of money in the state coffers to spend, but take a look through your districts and say how are the people in your districts doing? Are they getting a pay increase? No, their taxes are going up. The regulations are getting tougher. It is hard to do business here and until they are doing better, I am not going to vote myself a pay raise. Thank you.

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. As you can tell I am on the middle Minority Report. The reason that this bill came out now instead of being allowed to be carried over was for the fact that one of

the question that was risen was it wouldn't be fair to the next legislative cycle not to know what they were getting for a pay. That is why it is here now. The party or candidates like me could know ahead of time before the paperwork had to be filed in March what the salaries were. We didn't think it was fair to let people wonder what the salaries were.

I am on the Minority Report on Ought Not to Pass because I can't support a raise in my own salary when there are folks in our districts and nursing homes and boarding homes that haven't had a cost of living increase since 1985. There was a bill in another committee that would raise this \$10 more a month. As of this date it is still on the Appropriations Table and won't be funded. There are a lot of people in my district that this would help out a lot, this other bill. For this reason I can't in good conscience go back home and look them in the face when I voted for myself or us to have a raise. In previous testimony it was brought up to the fact that it is the salary is the reason why so many races were uncontested this last election. One of the major reasons is, I feel, the incumbents. A lot of the people will look at an established politician in office and think twice if that person is doing a good job to run against them. The parties tried hard to find people, but if the incumbent is strong, that is where the problem is. Anyway, I ask you to vote against Report "A."

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I hope you will support the Majority Report. I will tell you right up front that I hope to have an opportunity to vote for the commission report. I have no problem voting for an increase in legislative salary. I have been an incumbent. I have had the honor and privilege of serving with many familiar faces in this chamber, not many, I should say a few familiar faces in this chamber. After the advent of term limitation, I came back. My son, Alexander, said, "Dad, you were recycled back to the Legislature." I think that was an appropriate ecological term to use today. Ladies and gentlemen, what we do is extremely important here in this State House. I have to concur with a lot of the remarks from the gentleman from Eagle Lake and some others here. We have two Congressmen and two US Senators in Washington. We are a small state, but we are a very strong spirited and extremely diligent people of Maine. Yes, we have Democrats and we have Republicans and there are folks that are unenrolled. We all partake in the process that we have here in Augusta. I think we respect people standing up and stating what they feel on an issue.

When we hearken back to some of the folks that have talked about not supporting the Majority Report and not wishing to have a pay raise, as we hearken back to a time 200 years ago or 100 years ago, I would remark that one should remember exactly what happened 100 years ago or 200 years ago in this country. Not all was wonderful. I am very proud of the Constitution and the framers of that Constitution and our Maine Constitution, but let's remember Native Americans weren't represented in our government, African Americans weren't represented in our government, women weren't represented in our government, Catholics weren't represented in our government, French speaking people were not represented in the Maine Legislature. Not all was well until the process opened up. My father happened to be Greek American and my mom is Irish American and we had trouble too getting a room at the table. It took statesmen and stateswomen to stand up. Margaret Chase Smith comes to mind and say no.

On this issue, the pay raise, I don't see myself as having a great deal of courage, just common sense to say I want to open this process up. The people I represent, hardworking people from Winslow, support legislators being able to serve, go home and not go and get and not be able to survive while they are here. I have no problem with the headlines or anything else, because a public that is informed is a good public and one that we should have in a democracy. We should increase the salary. The commission report, ladies and gentlemen, if we don't start to support the commission, then what we do is we end up here debating political concerns, missed understanding of history on this issue and all of the other kinds of peripheral issues and not getting to the heart of the issue. I support the commission. I would like to see the commission be able to do its job and say, yea or nay, and involve the public in that process. We will be involved in it I am sure at the end point. I want to see women in this chamber. I want to see working men and women in this chamber. I want to see small business people here. I want to see farmers here. I want to see a microcosm of the State of Maine represented in the Maine State Legislature. It is slowly going the other way. I have a great deal of respect for all of you in this chamber and the process we do and the job we do and we should be paid fairly for it. I have no problems supporting the Majority Report. I look forward to an opportunity to support the commission. Thank you Mr. Speaker.

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

Representative **MAILHOT**: Mr. Speaker, Ladies and Gentlemen of the House. I know I really shouldn't stand and speak after my friend, the Representative from Winslow, because he is a terrific orator, speaker. On the idea of base pay, I thank the Representative from Eagle Lake, Representative Martin, for explaining to me and to us basically where the \$18,000 biennium base pay came from 12 or 14 years ago. His explanation was 80 percent of Maine's average pay. I agree to that. I think it was a good way to go about it at that time. A lot has passed in those 12 or 14 years. Now the reason that we are making the same base pay as they were making 12 or 14 years ago is not 80 percent. It is fear. We are all afraid to tell our constituents and the people of Maine that, yes, we work hard here. We use our vehicles to come up here. People get stuck and burn out vehicles and motors. People get into all kinds of trouble coming to work. They try to survive on the same pay and the same constituent fees that they were making 12 or 14 years ago when the economy has gone up every year and we have had some terrific years of growth and economy. I really do support the Ought to Pass as Amended report so we can be proud to serve in this House and we can be proud to tell our people that we are worth a little bit more money and ongoing increases of monies for the work we do here.

The other thing I would like to speak about, as is often said, when I meet my constituents or have gone door to door in the past few years. You people should decrease the Legislature. They always try to bring us down. Decrease the Legislature, get smaller, and my answer to them is always this. They never really argue with them on that point. If we should decrease the Legislature and have to serve 20,000, 30,000 or 40,000 instead of 8,500, we would need staff. We would need office space and staff people. That would cost a lot more than giving an increase of pay to 151 State Representatives. Really, why I stand up here, and I don't stand up very often in this House, but why I stand up is I wanted to tell you why I think that we should not be

afraid. We should not be taken by fright. At next election time we will be attacked because we want to make a couple of dollars more. We should be proud to stand up and say we work hard here. I see people running here all the time. Let's not be afraid to say that our time is worth something. Thank you very much Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I rise to speak not for nor against this particular bill, but to share with you some of my observations. In our debate a couple nights ago over term limits and also the debate here. It seems to me that there is some type of an attitude here that unless you have been here at least eight years you don't really have enough knowledge to be able to know what is going on and how to vote on issues. Tonight I hear that we don't have any common people here. I guess I don't have a definition of that. I heard someone say we need to have farmers. We need to have more working people. I submit to you that many of these people that are listed as retirees are common people. They have been out. They have worked and they have a lot of life experience. They bring that life experience to this body to help make a lot of good decisions that are made here. We have a good cross reference of people, I think, here. We do have attorneys and they share with us their expertise. We have farmers. We have people who have worked in the fields. They share their expertise in agriculture. We even have a woodchopper here who sits here and he shares his experience. I think that we do have a good cross section here. As far as competition, I think many of the people who run for office here are not running because there is a lack of competition. I think they are running because they are concerned about many things in our state today. I know myself in the Lincoln area there has been a lot of losses of jobs over the last few years. Bowater has lost several hundred jobs. Lincoln Pulp and Paper has struggled along as just a small mill. All of those people who supply wood to those mills are struggling. I, along with a lot of other people, run for office because we are concerned about those things and those trends. We are here trying to represent those people. I think for us to think that we are here for the wrong reason or that we are not qualified or not able to do the job is wrong. I just wanted to share that. Not for nor against the bill, but just because I have made some observations and I just felt that I should share them with you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I completely agree with the last speaker. I think we do have a pretty good cross section of people up here. One thing I think a lot of us keep forgetting is this is supposed to be a temporary job, a part-time Legislature. We are not supposed to be making a lot of money. I realize we don't, but for the short amount of time we are up here when you count in all the benefits, I dare say there are a lot of people out there in the hinterlands that aren't making this kind of money in the hardworking jobs that they have. They work a lot harder than we do. I realize that a lot of us, including myself, when we are not up here in the Legislature spent a lot of time helping out constituents. I don't know about you, ladies and gentlemen, but when I leave here and hopefully it will be pretty soon, I will be up on the roof pounding nails and ripping old metal roofing off and doing what I do in my regular job. This compensation we get up here, I think, is adequate. It is not lucrative by any stretch of the

imagination, but it wasn't meant to be. I realize that a lot of us think that we are worth more. Maybe some of our constituents think we are worth more, but we are up here only six months out of the year in the first session and three months in the second session and then we go back and then we are supposed to be going out and doing work in our regular jobs. Let's consider that too. This isn't the only remuneration that we get. We should have other jobs and if not, maybe we ought to get some.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I just want to make a quick point about inflation. Our salary, as you know, is \$10,500 the first year and \$7,500 the second year. That averages \$9,000 a year. Legislators received that same \$9,000 a year in 1990. With annual inflation that \$9,000 in 1990 is worth now less than \$6,000 in 1990 dollars. A person who might have been barely able to afford to serve here in the Legislature in 1990 probably cannot afford to serve here if they consider that that real \$6,000 is all they have to live on. My question to all of you is, how many more years are we going to go on watching inflation and seeing that figure of \$9,000 move down to \$6,000 and move toward and approaching zero? How long are we going to go until we actually have the courage to somehow index this to inflation? Thank you.

Representative TUTTLE of Sanford **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. I hope that we can get away from the discussion about compensation and how we are not paid enough for how much we need to increase our salaries or decrease our salaries. I think the point is there is a really neat thing that the State and Local Government Committee does. The first time I was involved in it I thought that this is neat. I couldn't wait to go home and tell my kids. When we have a joint session and we invite the Executive to come in, the State and Local Government is given a task, a charge. They head out and line up and go down and they fetch the Governor, as I put it, and they come back and they announce to us all we have accomplished the task with which we were charged. The problem is with this bill and this report is the State and Local Government Committee has not accomplished the task to which it was charged. We needed more time. We needed a chance to look at the whole picture, not just a portion of the commission's report and not to hurry and scurry through things so that we had no idea what we were actually basing our whole argument on. The rationale that we received from this commission that was assembled was that we really didn't have anything to base their numbers on. They looked at our surveys and a lot of them were ex-legislators and such and so they had some idea about what we did, but 50 percent, 20 percent what was the difference. There was no rationale for the increase or decrease.

Some of us on State and Local wanted to study the issue further and see if we might come up with a real reason. We might truly accomplish the task, which we were given. We weren't given that time. With all deference to my good chair and good friend on State and Local Government, for some reason we just weren't able to accomplish that. I think what we need to do

is accomplish the task. We need to look at the whole picture, the retirement, the reimbursement for mileage and meals. Why are we paid what we are paid doesn't need to change.

I would add just one comment to the argument is that if we are trying to engineer a certain type of Legislature, I am not sure that money is the answer. I think that we have a really good cross section. We have homemakers. We have a lobsterman. We have a carpenter. We have former teachers. We have teachers who teach in the morning and then come here. We have people who own businesses. We have people who used to own businesses. We have students. We have about every kind of person you can imagine in the State of Maine here. If we don't, maybe we need to work towards campaigning for a person who isn't represented here. Where there is a will there is a way. This is America. This is the State of Maine. If we indeed want to be in the Legislature, we can do it. We have the means. I would encourage you to vote against the pending motion and maybe get to my motion.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. I have distributed a couple of handouts on this issue. I want to preface remarks by saying that I really love being a legislator. It has been one of the most rewarding gigs I have ever had. Every time I go back to the supermarket, Main Street or wherever I go in Saco, that is reinforced. I have even picked up a little trick, because it tends to be kind of time taxing. I do all the cooking in our house, so I do all the shopping too. I first go to the middle isle of the supermarket and I grab the ice cream. I put that right up there in that little child seat and then I go back to the first isle of the supermarket. That way it is not that I don't want to scrape off my constituents, but sometimes they want to talk a little too long and my wife is waiting for me to get home or I have to get to work or whatever. I can always break eye contact with a constituent and look down at that ice cream and it is kind of a subliminal message that I have to be moving on. I don't want to do that to my constituents. I think they deserve all the time I have for them. Unfortunately, that is all the time I do have for them. That being said, I went back about a month ago and I wasn't really too keen on voting for a legislative pay raise. I thought we did this for service. I think I am right. I thought we did this for the good of our communities and then we get out. I think I am right.

I can remember the first month two years ago looking up at the Representative from Wilton pouring over my daytimer and he was pouring over his. He had this anxious look on his face and I had this anxious look on mine. I said that I had to go make some phone calls and he looked at me and said I can see you are a victim of recruiting too. We both had a good laugh. It is true. Speaking of my daytimer, as a follow up to my unease with this legislative pay raise I went through my daytimer for last year. I tried not to count anything that was campaign related, but I went through session time and off session time, meetings, comprehensive plan meetings, board meeting, social events, symposium, conferences and all the things we should go to if we want to be well informed legislators, well connected legislators or if we want to be effective legislators. I went through all those things, at least all those that I could find in my daytimer and I tried to estimate the phone time, letter time, reading time and the e-mail time and all that. All that is part of the service we provide willingly. I added it up and I came up with a pretty neat program. I am sorry it didn't come out just yet, but it should be on the way.

To spare you the details of the math, I did the math and it came out that I earned \$6.81 an hour being a legislator. I thought that is better than minimum wage. I got to thinking about what the Representative from Rumford said the other night in a different debate. He said we are the stewards of a \$4.5 billion corporation here. The people of Maine, 1.2 million people, entrust us to handle a lot of things that are very crucial to their lives, taxation, education, health care, insurance, roads, transportation and so on and so on. It is us. It is a pretty daunting responsibility when one looks at it. The good Representative from Rumford rang true with me when he said that. He kind of pushed me over the edge a little bit. I am okay with asking for my worth. In my line of business I love to walk into a contract negotiation and say that I hope you are not looking for the low bidder because you are probably talking to the wrong outfit. That usually gets their attention and then I am open to letting the customer or the client know what it is that we provide and let them determine whether or not it is worth the asking price. We have attorneys in this place who probably charge three digits per hour and they get it because it is worth it. People are willing to pay it. We have people in here who probably earn minimum wage. For what they are doing it goes back to the old saying, where I had a trainer who taught me about 12 years ago, who said you earn exactly what you think you are worth and not a penny more and not a penny less. I think he is absolutely right.

It goes to what the Representative from Sanford, Representative Tuttle said and what the Representative from Eagle Lake said about what we believe we are worth. I think if we really step back and look at what we are worth and what most of us do while balancing our lives, granted that is part of the service. I bet you most of us can look back and say it is a little bit more than what I thought it was going to be when I first got into this gig. Most of us do that willingly. The difference is a lot of and a lot of us have talked about it as we commiserate, not complain about it, but a lot of us would love to be in a position to be a better legislator because we are able to spend more time on the details, be a better employee or employer because we are better able to spend time on the details. To my way of thinking when we force ourselves into doing half the job, maybe then, in fact, we are worth half the pay. To my way of thinking as one who has dolled out raises before to people, have always said to folks that you can always look at a raise two ways. You can look at it as an incentive or as a reward. Some folks choose to look at it as an incentive to do a better job in the future. That is great. If it gets what we want out of them, super. Others look at it as a reward for past good job performance and that is great. I would love to see us all look at a raise as both, not only for the 11 years of compensation, but for perhaps if we are a little doubtful that we are earning the pay, maybe it will give us that little impetus to really strive to make sure we are really providing the optimum value for those constituents out there. After all what could be more worthwhile than to perform the service that is so valuable and to provide value for that service. To that end, Mr. Speaker, I hope that folks would support the request for higher legislative pay. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 347

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Clark, Cowger, Daigle, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, Labrecque, Lemont, Lindahl, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Pieh, Powers, Quint, Richard, Rines, Sanborn, Savage W, Saxl JW, Shiah, Sirois, Skoglund, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Volenik, Watson, Wheeler EM, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Colwell, Cote, Cross, Davis, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Povich, Richardson E, Richardson J, Rosen, Savage C, Saxl MV, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Usher, Waterhouse, Weston, Wheeler GJ, Winsor.

ABSENT - Chizmar, Frechette, Murphy E, Perry, Samson.

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

66 having voted in the affirmative and 80 voted in the negative, with 5 being absent, Report "A" **Ought to Pass as Amended was NOT ACCEPTED.**

Subsequently, Report "B" **Ought Not to Pass** was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 816) (L.D. 2222) Bill "An Act to Retain Jobs at Paper Production Facilities in the State" (EMERGENCY) Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-373)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

ENACTORS

Emergency Measure - Confirmation Process

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain

Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001

(H.P. 454) (L.D. 617)

(H. "K" H-732 to C. "A" H-713)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative MACK of Standish **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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 Enactment. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 348

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Buck, Collins, Foster, Goodwin, Joy, Kasprzak, Lindahl, MacDougall, Mack, Marvin, Perkins, Pinkham, Sherman, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Chizmar, Frechette, Hatch, Murphy E, Perry, Samson.

Yes, 126; No, 19; Absent, 6; Excused, 0.

126 having voted in the affirmative and 19 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

On motion of Representative TOWNSEND of Portland, the House adjourned at 9:29 p.m., until 9:00 a.m., Wednesday, June 2, 1999.