

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
68th Legislative Day
Friday, June 18, 1999

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

Prayer by Honorable Julie Ann O'Brien, Augusta.
Pledge of Allegiance.

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

The Journal of Sunday, June 6, 1999 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Reduce the Sales Tax to 5%"

(H.P. 302) (L.D. 410)

Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in the House on June 5, 1999.

Came from the Senate with the Majority (12) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ and ACCEPTED in NON-CONCURRENCE.**

Representative GAGNON of Waterville moved that the House **RECEDE AND CONCUR.**

Representative GAGNON of Waterville moved that the House **RECEDE AND CONCUR.**

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

Representative GAGNON: Mr. Speaker, Men and Women of the House, this is a bill that would have reduced the sales tax to 5 percent. This particular bill actually reduced it this July 1, rather than what was done in the budget. As all of you know, this bill at this point is probably mute and the sales tax will be reduced and many of us supported the budget and this was a 12 to 1 Ought Not to Pass report out of Taxation Committee.

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 vote against the pending motion. This bill as the good Representative has said will lower the sales tax effective 90 days after we get out of session. It will keep the promise made to the people of Maine. I think that it's important to lower the sales tax sooner rather than later.

Also as part of the budget we repealed the trigger, which would have automatically lowered the sales tax to 5 percent this year and I think it's very important that we lower the sales tax now as soon as we get out of session and not put it off until next year.

Representative MACK of Standish **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

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

Representative MURPHY: Mr. Speaker, Men and Women of the House, we've already heard on the floor that the issue is

mute, it's included in the budget, it will go into affect. The report out of the Committee, 12 ought not to pass, reflects their position on this bill, not based upon their support or opposition to the sales tax, but because the issue had already been addressed. I feel the issue is mute, it's no longer before us. It's no longer an issue.

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

ROLL CALL NO. 405

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

NAY - Clough, Foster, Gerry, Glynn, Kasprzak, MacDougall, Mack, Madore, McKenney, Mendros, Perkins, Pinkham, Plowman, Shields, Shorey, Snowe-Mello, Stedman, Trahan, Waterhouse.

ABSENT - Chizmar, Matthews, Murphy E, Quint, Richard.

Yes, 127; No, 19; Absent, 5; Excused, 0.

127 having voted in the affirmative and 19 voted in the negative, with 5 being absent, the House voted to **RECEDE AND CONCUR.**

Non-Concurrent Matter

Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers"

(S.P. 377) (L.D. 1078)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262) in the House on June 3, 1999.

Came from the Senate **FAILING OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262)** and **SENATE AMENDMENT "A" (S-438)** in **NON-CONCURRENCE.**

Representative TUTTLE of Sanford moved that the House **ADHERE.**

Representative GERRY of Auburn moved that the House **RECEDE AND CONCUR.**

The same Representative **REQUESTED** a roll call on her motion to **RECEDE AND CONCUR.**

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

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

ROLL CALL NO. 406

YEA - Andrews, Belanger, Berry DP, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Bull, Bumps, Campbell, Carr, Cianchette, Clark, Clough, Collins, Colwell, Cross, Daigle, Davis, Duncan, Foster, Frechette, Fuller, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jacobs, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Nass, Norbert, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Povich, Richardson E, Richardson J, Rines, Rosen, Savage C, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Ahearne, Bagley, Baker, Berry RL, Brennan, Bryant, Buck, Cameron, Chick, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Gagnon, Green, Hatch, Jabar, Jodrey, Kane, LaVerdiere, McGlocklin, Murphy E, Muse, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Powers, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Sirois, Skoglund, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Watson, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Chizmar, Dugay, Matthews, Quint, Richard.

Yes, 93; No, 53; Absent, 5; Excused, 0.

93 having voted in the affirmative and 53 voted in the negative, with 5 being absent, the House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 225)

STATE OF MAINE

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

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	97
Unanimous reports	72
Ought to Pass	6
Ought to Pass as Amended	30
Ought Not to Pass	35
Referred to Another Committee	1
Divided reports	16
Carry Overs	9
Respectfully submitted, S/John M. Nutting Senate Chair S/Wendy Pieh	

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 226)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

June 5, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	135
Unanimous reports	94
Ought to Pass	4
Ought to Pass as Amended	31
Ought Not to Pass	59
Referred to Another Committee	1
Divided reports	15
Carry Overs	23
Committee Bills & Papers	2
Pursuant to Joint Order	2

Second named Committee on 3 jointly referred bills.

Respectfully submitted,
S/Michael H. Michaud
Senate Chair
S/Elizabeth Townsend
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 227)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	118
Unanimous reports	80
Ought to Pass	6
Ought to Pass as Amended	20

Ought Not to Pass	53
Referred to Another Committee	1
Divided reports	25
Carry Overs	12
Committee Bills & Papers	1
Pursuant to Joint Order	1
Respectfully submitted, S/Lloyd P. LaFountain III Senate Chair S/Jane W. Saxl House Chair	
READ and ORDERED PLACED ON FILE.	

The Following Communication: (H.C. 228)
STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

June 4, 1999
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333
 Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	111
Unanimous reports	76
Ought to Pass	10
Ought to Pass as Amended	28
Ought Not to Pass	33
Referred to Another Committee	5
Divided reports	6
Carry Overs	29
Second named Committee on 1 jointly referred bill. Respectfully submitted, S/Carol A. Kontos Senate Chair S/Gary O'Neal House Chair	
READ and ORDERED PLACED ON FILE.	

The Following Communication: (H.C. 229)
STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE

June 4, 1999
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333
 Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Criminal Justice during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	151
Unanimous reports	117
Ought to Pass	15
Ought to Pass as Amended	51
Ought Not to Pass	50
Referred to Another Committee	1
Divided reports	11
Carry Overs	23
Respectfully submitted, S/Robert E. Murray, Jr. Senate Chair S/Edward J. Povich House Chair	
READ and ORDERED PLACED ON FILE.	

The Following Communication: (H.C. 230)
STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

June 4, 1999
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333
 Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Education and Cultural Affairs during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	137
Unanimous reports	110
Ought to Pass	6
Ought to Pass as Amended	28
Ought Not to Pass	75
Referred to Another Committee	1
Divided reports	13
Carry Overs	12
Committee Bills & Papers	2
Pursuant to Joint Order	2
Second named Committee on 12 jointly referred bills. Respectfully submitted, S/Georgette B. Berube Senate Chair S/ Michael F. Brennan House Chair	
READ and ORDERED PLACED ON FILE.	

The Following Communication: (H.C. 231)
STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
 June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:
 We are pleased to report that all business which was placed before the Committee on Health and Human Services during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	168
Unanimous reports	125
Ought to Pass	6
Ought to Pass as Amended	51
Ought Not to Pass	61
Referred to Another Committee	7
Divided reports	12
Carry Overs	28
Committee Bills & Papers	3
Joint Resolution	1
Pursuant to Joint Order (1 divided)	2
Second named Committee on 2 jointly referred bills.	
Respectfully submitted,	
S/Judy Paradis	
Senate Chair	
S/Thomas J. Kane	
House Chair	
READ and ORDERED PLACED ON FILE.	

The Following Communication: (H.C. 232)

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

June 5, 1999
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:
 We are pleased to report that all business which was placed before the Committee on Inland Fisheries and Wildlife during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	126
Unanimous reports	88
Ought to Pass	8
Ought to Pass as Amended	25
Ought Not to Pass	54
Referred to Another Committee	1
Divided reports	16
Carry Overs	21
Committee Bills & Papers	1
Pursuant to Joint Order	1
Respectfully submitted,	
S/Marge L. KilKelly	
Senate Chair	
S/Matthew Dunlap	
House Chair	
READ and ORDERED PLACED ON FILE.	

The Following Communication: (H.C. 233)

**STATE OF MAINE
 ONE HUNDRED AND NINETEENTH LEGISLATURE
 COMMITTEE ON JUDICIARY**

June 4, 1999
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:
 We are pleased to report that all business which was placed before the Committee on Judiciary during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	158
Unanimous reports	95
Ought to Pass	6
Ought to Pass as Amended	37
Ought Not to Pass	51
Referred to Another Committee	1
Divided reports	32
Carry Overs	29
Committee Bills & Papers	2
Pursuant to Joint Order	2
Respectfully submitted,	
S/Susan W. Longley	
Senate Chair	
S/Richard H. Thompson	
House Chair	
READ and ORDERED PLACED ON FILE.	

The Following Communication: (H.C. 234)

**STATE OF MAINE
 ONE HUNDRED AND NINETEENTH LEGISLATURE
 COMMITTEE ON LABOR**

June 4, 1999
 The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:
 We are pleased to report that all business which was placed before the Committee on Labor during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	136
Unanimous reports	59
Ought to Pass	4
Ought to Pass as Amended	15
Ought Not to Pass	40
Divided reports	45
Carry Overs	32
Respectfully submitted,	

S/Neria R. Douglass
Senate Chair
S/Pamela H. Hatch
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 235)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

June 5, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	156
Unanimous reports	93
Ought to Pass	7
Ought to Pass as Amended	27
Ought Not to Pass	58
Referred to Another Committee	1

Divided reports	35
Carry Overs	27
Committee Bills & Papers	1
Pursuant to Joint Order	1

Second named Committee on 1 jointly referred bill.

Respectfully submitted,

S/Beverly C. Daggett

Senate Chair

S/John L. Tuttle, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 236)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	71
Unanimous reports	55
Ought to Pass	4
Ought to Pass as Amended	23
Ought Not to Pass	28

Divided reports	9
Carry Overs	6
Committee Bills & Papers	1
Pursuant to Joint Order	1

Second named Committee on 2 jointly referred bills.

Respectfully submitted,

S/Jill M. Goldthwait

Senate Chair

S/David Etnier

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 237)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Natural Resources during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	78
Unanimous reports	62
Ought to Pass	2
Ought to Pass as Amended	25
Ought Not to Pass	34
Referred to Another Committee	1

Divided reports	3
Carry Overs	11
Committee Bills & Papers	2
Pursuant to Joint Order	2

Respectfully submitted,

S/Sharon Anglin Treat

Senate Chair

S/John L. Martin

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 238)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the First Regular Session of the 119th Legislature has

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been completed. The breakdown of bills before our committee follows:

Total number of bills	141
Unanimous reports	78
Ought to Pass	6
Ought to Pass as Amended	23
Ought Not to Pass	47
Referred to Another Committee	2
Divided reports	43
Carry Overs	13
Committee Bills & Papers	7
Pursuant to Joint Order	7
Respectfully submitted, S/Peggy A. Pendleton Senate Chair S/Douglas J. Ahearne House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 239)
STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TAXATION

June 5, 1999
The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333
Dear President Lawrence and Speaker Rowe:
We are pleased to report that all business which was placed before the Committee on Taxation during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	253
Unanimous reports	196
Ought to Pass	4
Ought to Pass as Amended	35
Ought Not to Pass	156
Referred to Another Committee	1
Divided reports	37
Carry Overs	19
Committee Bills & Papers	1
Pursuant to Joint Order	1

Second named Committee on 1 jointly referred bill.
Respectfully submitted,
S/Richard P. Ruhlin
Senate Chair
S/Kenneth T. Gagnon
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 240)
STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION

June 4, 1999
The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333
Dear President Lawrence and Speaker Rowe:
We are pleased to report that all business which was placed before the Committee on Transportation during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	145
Unanimous reports	109
Ought to Pass	6
Ought to Pass as Amended	31
Ought Not to Pass	70
Referred to Another Committee	2
Divided reports	22
Carry Overs	12
Committee Bills & Papers	2
Pursuant to Joint Order	2

Second named Committee on 1 jointly referred bill.
Respectfully submitted,
S/William B. O'Gara
Senate Chair
S/Joseph M. Jabar, Sr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 241)
STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY

June 4, 1999
The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
Augusta, Maine 04333
Dear President Lawrence and Speaker Rowe:
We are pleased to report that all business which was placed before the Committee on Utilities and Energy during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	81
Unanimous reports	73
Ought to Pass	5
Ought to Pass as Amended	47
Ought Not to Pass	21
Divided reports	1
Carry Overs	7
Respectfully submitted, S/Richard J. Carey Senate Chair S/Thomas M. Davidson House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 242)
STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT

June 4, 1999

The Honorable Mark W. Lawrence, President of the Senate
 The Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Research and Development during the First Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	15
Unanimous reports	14
Ought to Pass	0
Ought to Pass as Amended	1
Ought Not to Pass	12
Referred to Another Committee	1
Divided reports	0
Carry Overs	1

Respectfully submitted,
 S/Carol A. Kontos
 Senate Chair
 S/Scott W. Cowger
 House Chair

READ and ORDERED PLACED ON FILE.

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

Representative **BUCK**: Mr. Speaker, Men and Women of the House, concerning Roll Call 406, I would like the record to show that I voted incorrectly, I should have voted yes.

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

The Following Communication: (H.C. 243)
STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

June 11, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P. 706, L.D. 973, "An Act to Amend the Illegal Transportation of Liquor Law," which I am returning without my signature or approval.

This bill would be a major blow to Maine's efforts to control alcohol sales and sustain the financial integrity of our current liquor sales and distribution system.

The Department of Public Safety's Bureau of Liquor Enforcement and the Department of Finance & Administration's Bureau of Alcoholic Beverages & Lottery Operations apparently

failed to bring the full fiscal impact assessment to the attention of the Legislature. After consultation with the sponsor, it is apparent that he and the Committee were provided with incomplete information.

Sec 2. 28-A MRSA 2075 sub-1 A, as amended by the bill would allow an individual to transport spirits into the State of Maine for personal use in a quantity not greater than 12 quarts. This represents a three-fold increase over the previously allowed quantity of 4 quarts. In 1995, a New Hampshire study reported that 7% of annual net sales of spirits were derived from Maine individuals. New Hampshire sales of spirits in FY98 were \$144 million. Assuming the loss of sales has remained consistent at 7% since FY95, Maine lost approximately \$10.1 million of sales in FY98 to New Hampshire (\$144 million x 7%) under the old 4-quart rule. The FY98 general fund transfer for Alcoholic Beverages as a percentage of net sales in Maine was 34.5%. The general fund loss even under the old 4-quart rule was \$3,484,500 (\$10.1 million x 34.5%). The increase of the legal import quantity to 12 quarts under this bill could have a \$6,969,000 added impact on the annual general fund transfer from Alcoholic Beverages based on the premise Maine individuals will purchase liquor in New Hampshire at a level commensurate with the new limit. This represents a loss of almost \$14 million to the general fund over each biennium.

This potential impact on revenues would create an unnecessary burden on the general fund and Maine taxpayers and would seriously undermine our entire control and sales system. Therefore, I respectfully request that you sustain my veto.

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

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act to Amend the Illegal Transportation of Liquor Law" (H.P. 706) (L.D. 973) (C. "A" H-383)

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House, after we had originally voted on this bill I had been asked by a member of the press, what happened in that chamber and I had said that I think the House was kind of funning that day and we also heard the government attacking the government that day within the chamber. This bill encourages our citizens to shop in New Hampshire and I fully understand that it's our tax policies that are driving many of our citizens across the state to other states to spend Maine dollars. Those dollars are either going to one of two sources. The state's stores or the agency stores and when we enact legislation which encourages Maine dollars to flow out of state, it's not only the dollars but the lose of the jobs that follow those dollars. I would urge us to sustain this veto.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is shall this bill "An Act to Amend the Illegal Transportation of Liquor Law" be approved notwithstanding the objections of the Governor. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 407

YEA - Brennan, Bryant, Bull, Cowger, Davidson, Dudley, Dunlap, Etnier, Fisher, Green, Jabar, LaVerdiere, Mack, Mendros, Mitchell, Muse, O'Neal, Perkins, Pieh, Rines, Sanborn, Stevens, Tessier, Thompson, Tripp, Volenik, Watson.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cross, Daigle, Davis, Desmond, Dugay, Duncan, Duplessie, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perry, Pinkham, Plowman, Povich, Powers, Richardson E, Richardson J, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, True, Tuttle, Twomey, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Chizmar, Matthews, Quint, Richard.

Yes, 27; No, 120; Absent, 4; Excused, 0.

27 having voted in the affirmative and 120 voted in the negative, with 4 being absent, and accordingly the Veto was Sustained.

The Following Communication: (H.C. 244)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 14, 1999

To the Honorable Members of the 119th Legislature:

I am enclosing H.P. 692, L.D. 959, "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," which is being returned without my signature or approval.

I cannot support L.D. 959.

This bill appears to conflict with other statutory obligations of the Department that affirmatively require services to be bid in certain enumerated circumstances. For example, the Department is required to bid competitively for services under contract where a provider breaches its existing contract, fails to correct deficiencies, is "inefficient or ineffective" and fails to improve or "cannot or will not respond to a reconfiguration of service delivery" as requested by the Department. See 34-B M.R.S.A. section 3605(G). L.D. 959 would impose a countervailing obligation not to put services out to bid absent good cause, and the cause standard set out in the bill is different from and potentially inconsistent with the standards set forth in section 3604.

As we continue to increase our reliance upon private contractors to provide care to adults and children with disabilities, we have a fiduciary duty to the consumers and the taxpayers to see that quality services are provided in the most cost-effective and quality-conscious way possible. This bill locks the State into a process that tips the balance too heavily toward a guaranteed contract.

I recognize that service providers need a degree of stability. They may make substantial capital investments in facilities and programs in order to provide services to Department clients, and

those investments should not be arbitrarily jeopardized. However, this should not insulate private for-profit or not-for-profit businesses from positive, healthy pressures of the market place, which can serve to foster innovation, efficiency and improved client service.

I am sensitive to the need to afford protection to clients against disruption of services. Many services provided, housing and case management services for example, are highly individualized and should not be changed or terminated abruptly or arbitrarily. At the same time, the Department needs to retain the flexibility to manage its system and operations in a way that maximizes client choice as well as fiscal and program accountability.

Finally, I recognize there has been uncertainty about the Department's expectations and practices in putting services out to bid, and that some further clarification would be beneficial. I am going to call for a Departmental review of contracting practices and procedures involving interested parties. Although this bill was well intentioned, I believe it will compound rather than resolve the process for determining when and how to put existing services out to competitive bid.

For these reasons, I respectfully request that you vote to sustain this veto.

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

READ and ORDERED PLACED ON FILE.

The accompanying Bill " 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)

On motion of Representative SAXL of Portland, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (H.C. 245)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 15, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P. 406, L.D. 548, "An Act to Appropriate Funds for Conservation at the Local Level," which I am returning without my signature or approval.

It is the cost of L.D. 548, not the policy of supporting Soil and Water Conservation Districts, which compels me to veto this bill. Soil and Water Conservation Districts provide valuable assistance to Maine farmers, other landowners, and municipalities. Accordingly, funding is provided to the districts annually through the Department of Agriculture; the Part I budget passed earlier this year included approximately \$160,000 to support district activities and projects. Given the spending in the recently enacted Part II budget, I do not think it fiscally prudent to undertake a significant amount of additional spending, including an increase of over \$1.1 million over the biennium for Soil and Water Conservation Districts.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic

situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we cannot to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002-2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002-2003.

Let's not raise expectations we can't deliver on – this does a disservice both to the program in question as well as the taxpayers.

It is for these reasons that I must return L.D. 548 and 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 Appropriate Funds for Conservation at the Local Level" (H.P. 406) (L.D. 548) (C. "A" H-173)

On motion of Representative SAXL of Portland, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (H.C. 246)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 15, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P. 676, L.D. 932, "An Act to Establish the Position of School Nurse Consultant," which I am returning without my signature or approval. This bill appropriates \$44,260 in FY 00 and \$51,755 in FY 01 for the establishment of a school nurse consultant position within the Departments of Human Services and Education.

The Part I and Part II budgets increase funding to all sectors of education, as well as for school health with the establishment of 3 federally funded positions to create a statewide infrastructure for school health programs. These positions will provide direct service to benefit Maine young people.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we cannot to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002–2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002-2003.

Let's not raise expectations we can't deliver on – this does a disservice both to the program in question as well as the taxpayers.

For these reasons I am returning L.D. 932 and respectfully request that you sustain my veto.

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

READ and ORDERED PLACED ON FILE.

The accompanying Bill " An Act to Establish the Position of School Nurse Consultant" (H.P. 676) (L.D. 932) (C. "A" H-85)

On motion of Representative SAXL of Portland, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (H.C. 247)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 15, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P. 1314, L.D. 1897, "An Act to Increase the Maximum Benefit Levels Provided for Injured Workers," which I am returning without my signature or approval.

This bill increases the maximum benefit available under workers' compensation laws to 100% of Maine's average weekly wage. Current law establishes the maximum benefit at the higher of \$441 per week or 90% of the state average weekly wage. It is estimated that the proposed change will increase system-wide costs to all Maine employers by 1 to 1.3% or \$2.6 to \$3.4 million annually.

The purpose of L.D. 1897 is to increase the benefit level for high wage earners who become injured. Currently only 17% of injured employees are receiving the maximum benefit; 83% of injured employees would see no additional benefit from this bill.

Maine's maximum weekly benefit has been \$441 since the 1993 reforms. However, current law allows for the higher of \$441 or 90% of average weekly wage. It is projected that in July of 2000 Maine's average weekly wage will rise to a high enough level to increase the maximum benefit over \$441. Thus, the benefit at issue in this bill has an existing uncapped escalation mechanism. Further, a 1998 study by Actuarial & Technical Solutions, Inc. ranked Maine as a high statutory benefit state. The study took into consideration the average wage of the injured worker, the statutory minimum and maximum benefits and the percentage rate of compensation, as well as other factors. Maine ranked 45th out of 50 states with 50th being the

highest benefit level. These facts do not present a compelling case for maximum benefit modification as contemplated by L.D. 1897.

Finally, this bill would increase the workers' compensation costs for those employers with greater than average wage levels. Those are exactly the type of employers Maine is trying so hard to attract and retain. Maine is still ranked in the middle of the country when it comes to the cost of providing workers' compensation coverage and we cannot afford to enact bills which will place us at a competitive disadvantage. As with the cost of living increase proposal, I object to piecemeal alterations to our workers' compensation system and benefit structure. If we are to readjust benefits we must rationally reallocate built-in system cost increases, such as the impending increase in benefit duration to 520 weeks at a cost to employers of approximately \$17 million per year. Despite the appeal of individual proposals, Maine is not in a position where we can provide additional benefits to employees without countervailing system cost decreases.

Because of the objections outlined above, I am in firm opposition to L.D. 1897 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 Increase the Maximum Benefit Levels Provided for Injured Workers" (H.P. 1314) (L.D. 1897) (C. "A" H-548)

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, ladies and gentlemen of the House, this particular bill was worked on very hard by the Committee on Labor. In 1995, we were told by the Workers' Compensation Board that the benefit levels would increase in 96, we were told that again in 97 about 98. We were told this year that they would increase July 1st, in the year 2000. This bill would actually put into law the trigger so that the benefits would indeed increase July 1st of the year 2000. The fiscal note for the state on this says this bill will increase the cost of the state workers' compensation program. The amount of the increase cannot be determined at this time. It will depend on the number of injured state employees eligible for the maximum benefit. Based on past experience in the 1999 state weekly wage, which this is based on, not what you earn, but the state weekly wage of 471.27, the estimated cost will be approximately \$19,150 annually beginning in fiscal year 2000 to 2001. An average annual increase of this size will not appreciably affect workers' compensation assessments on state departments or agencies. If it does not increase appreciably the state's workers comp, it should not increase the business industries' workers comp to the extent that they would like us to believe. I ask for your vote on this to override the veto and I thank you very much for your support.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I'm not going to try to read the communication from the chief executive, but I think it states the case very plainly for us. This is an inflationary factor for workers' comp insurance. We're just coming out of a period where we had the worst workers' comp system in the country and it's

starting to get healthy and if we start tinkering with it now, we're going to go back to where we were pre 1993. I think the 2.6 to 3.4 million increase in cost that's in that communication is probably very accurate. The fact that the injured employees are going to get an inflation adjustment when the state average weekly wage increases, and I can't dispute what the good Representative from Skowhegan just said about being promised that it would happen in 1996. I never heard that myself, but we were told in this session that the state average weekly wage would increase enough to trigger a rise in this benefit in the coming year. Another thing I would like to point out is the fact that the maximum benefit was artificially inflated when the workers' comp act was implemented. The act of 1992 when it took affect in 93 was inflated to an artificial level that is giving the injured workers a benefit increase already that they have had since 1993, so the fact that they haven't had an increase since then was because they were already getting a higher weekly benefit. I would urge you to sustain the veto. Thank you.

The SPEAKER: The pending question before the House is Shall this bill "An Act to Increase the Maximum Benefit Levels Provided for Injured Workers" become law notwithstanding the Objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 408V

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Powers, Richardson J, Rines, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Chizmar, Matthews, Quint, Richard.

Yes, 72; No, 75; Absent, 4; Excused, 0.

72 having voted in the affirmative and 75 voted in the negative, with 4 being absent, and accordingly the Veto was Sustained.

The Following Communication: (H.C. 248)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 16, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P. 291, L.D. 399, "An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education," which I am returning without my signature or approval.

I cannot support L.D. 399, which appropriates \$100,000 in each of FY 1999-00 and FY 2000-01 to enable the Interdepartmental Committee on Transition to provide grant funds to assist Maine public schools to reach compliance with federal and state transition laws and regulations.

These additional funds for a very limited pool of grants are not the optimal use of resources in light of the much more significant increases in all categories of education funding in general, and special education for students with disabilities in particular, that are contained in Part I and II of the biennium budget already enacted.

The biennium budget substantially increased general-purpose aid to education (GPA). In particular, the GPA account includes an additional \$10 million for Program Costs, which includes special education for students with disabilities. This increase is part of a four-year plan to fully fund the State's share of program costs, including special education. This increase will directly reimburse all school units – not just a few – for the majority of the costs of transition plans for students with disabilities. In addition to increased funding for special education, the budget already passed includes other significant state support for educating children with disabilities, including a large increase for the pre-school handicapped (CDS) program, additional emergency funds for the costs for children who are clients or wards of the state, and additional funds for immediate reimbursement of costs for out-of-district placements.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we cannot to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002-2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002-2003.

In light of these substantial increases in direct provision or reimbursements of special education costs, including transition planning, I do not believe it is prudent to appropriate additional funds to implement an entirely separate distribution scheme.

For the reasons outlined above, I am firmly opposed to L.D. 399, 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 Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education " (H.P. 291) (L.D. 399) (C. "A" H-26; S. "A" S-400)

On motion of Representative SAXL of Portland, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (H.C. 249)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 16, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P. 871, L.D. 1228, "An Act to Increase Payments to Foster Parents," which I am returning without my signature or approval.

I cannot support L.D. 1228 because it increases payments to foster parents by almost \$500,000 in the second year of the biennium. In August of 1996, the state increased the base amount of reimbursement for foster parents by 10%. An additional \$50-per-month increase as called for in L.D. 1228 would not be prudent at this time. I have asked the Department of Human Services to aggressively explore the maximization of federal funds which may generate an equivalent level of funding by the time this bill would have taken effect.

The state has made significant financial commitments to the child welfare system in the Part I and Part II Biennial Budgets. General Fund dollars have been appropriated in the areas of investigating previously-uninvestigated child abuse cases, as well as improving the adoption process; however, these areas continue to remain challenges for the state, and I believe these would be more appropriate places to direct the state's limited financial resources.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we cannot to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002-2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002-2003.

For the reasons outlined above, I am opposed to L.D. 1228, 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 Increase Payments to Foster Parents" (H.P. 871) (L.D. 1228) (S. "A" S-393 to C. "A" H-131)

On motion of Representative SAXL of Portland, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (H.C. 250)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 16, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P. 914, L.D. 1292, "An Act to Enhance Tourism Promotion and Provide Additional State Revenue," which I am returning without my signature or approval.

Tourism promotion is "marketing" in the truest sense of the word. Effective marketing, however, depends upon sound research and consistent, long-term campaigns to build product recognition and affinity over time. Marketing professionals understand that one-time or short-term efforts generally produce poor results, often to the point of not even recovering the marketing expense. I believe that we are looking at a similar situation with these proposed tourism marketing funds.

Tourism is a critical component of Maine's economy, and we have worked hard to establish an effective marketing program to further develop this industry for the state as a whole. In fact, since 1995, Maine's tourism marketing budget has quadrupled. Our program is based upon a 5-year plan that builds awareness in our target markets by maintaining a long-term promotional presence. This effort has shown spectacular results, earning as much as an 18 to 1 return on investment. Regional tourism promotion has the potential to be similarly effective, but only if those efforts are based upon both long-term plans and long-term funding.

I am vetoing the \$240,000 regional tourism marketing appropriation because I believe that without a sustainable source of funds, they will not be able to produce effective results for our tourism regions. Further, it could lead Maine's tourism regions to the unrealistic expectation that similar marketing funds will be available over the long term.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we can not to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the

sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002-2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002-2003.

Let's not raise expectations we can't deliver on - this does a disservice both to the program in question as well as the taxpayers.

Because of the objections outlined above, I am in firm opposition to L.D. 1292 and 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 Enhance Tourism Promotion and Provide Additional State Revenue" (H.P. 914) (L.D. 1292) (S. "A" S-406)

On motion of Representative SAXL of Portland, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (H.C. 251)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 17, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P. 163, L.D. 225, "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part," which I am returning without my signature or approval.

People in Maine who have suffered work-related amputations are among some of our most severely injured employees; we cannot help but be sympathetic to their profound loss. I have been contemplating L.D. 225 for months as it made its way through your chambers and do not relish having to inevitably arrive at the decision not to approve it.

At its core, L.D. 225 is about creating a new workers' compensation benefit for a narrow class of injured workers. This bill provides a lump sum benefit under the workers' compensation system for injuries that result in the amputation of a body part. The lump sum is in addition to existing statutory wage loss benefits for amputees. At an estimated cost to Maine employers of \$800,000 per year, this bill is not an expensive new benefit compared to other proposals put forward. It is, however, significant nonetheless because Maine's workers' compensation system provides no other class of injured worker with such a lump sum benefit.

The stated purpose of L.D. 225 is to attempt to further compensate amputees for their work-related loss of limb. The workers' compensation law already provides specific benefits to employees who have suffered such a loss. For example, in Title 39-A, section 212, the workers' compensation law recognizes that certain injuries warrant a presumption of total incapacity for

800 weeks. This is a guaranteed benefit regardless of the injured employee's functional capacity and regardless of whether the employee has returned to work. The injuries listed in section 212 include actual loss of multiple limbs, such as with amputation, but they also include significant non-amputation related injuries, such as total loss of sight in both eyes, and permanent paralysis in multiple limbs. Given that section 212 provides the guaranteed 800 week benefit to all of these injuries equally, L.D. 225's attempt to provide a lump sum benefit to amputees may be considered redundant and also arbitrary, in that it provides twice the benefit to amputees to the exclusion of persons with other multiple and grave injuries.

It is extremely difficult to object to well-intentioned attempts to assist injured employees by providing increased or additional benefits. However, our system already has built in cost drivers such as the projected 6.7% increase in annual costs that employers will experience under Section 213 of the current Workers Compensation Act. In this context, I believe it is not good policy to enact piecemeal alterations to our workers' compensation system and benefit structure. Any alterations to the current system must be done in a comprehensive way, reallocating existing resources with a focus on channeling benefits to employees who are in most need.

Because of the objections outlined above, I am in firm opposition to L.D. 225 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 Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part" (H.P. 163) (L.D. 225) (S. "A" S-380)

The SPEAKER: The pending question before the House is Shall this Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part" become law notwithstanding the Objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 409V

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Foster, Gagne, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J,

Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Chizmar, Matthews, Quint, Richard.

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

73 having voted in the affirmative and 74 voted in the negative, with 4 being absent, and accordingly the Veto was Sustained.

The Following Communication: (S.P. 841)
119TH MAINE LEGISLATURE

May 15, 1999

Senator Beverly Daggett

Representative John Tuttle

Chairpersons

Joint Standing Committee on Legal and Veterans Affairs

119th Legislature

Augusta, Maine 04333

Dear Senator Daggett and Representative Tuttle:

Please be advised that Governor Angus S. King, Jr. has withdrawn his nomination of Donald A. Strout of East Corinth for appointment as a member of the Commission on Governmental Ethics and Election Practices.

Pursuant to 1 M.R.S.A. §1002 and 3 M.R.S.A. §154, this nomination is currently pending before the Joint Standing Committee on Legal and Veterans Affairs.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/G. Steven Rowe

Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS.**

READ.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I stand today and I'm very disheartened by the withdrawal of former Representative Donald Strout of East Corinth to the appointment of the Ethics Commission. My feeling, and the feeling of most that knew former Representative Strout is the good job he would of done. Of all the number of people I've known in this institution over the last 20 years or so, I greatly admired Representative Strout. He was always a gentleman of conviction. He was an individual that placed the cause of good government above those of partisan politics, Mr. Speaker and Men and Women of the House and once again I am very disheartened by the withdrawal. I hope that at some future date that the nomination would be resubmitted and that former Representative Strout would be nominated. He is a friend of mine, a friend of many of us here and he is somebody who I would think would have served greatly in this position. It is for that reason that I stand today and would encourage anybody else wishing to respond likewise.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I concur with my Committee Chairman, Representative Strout was one of the finer examples of Representatives here in the State of Maine. He served a long very proud career here, always an example of why I feel that term limits are not good. It is tragic that the good Representative

from Corinth will not be here serving on the Ethics Committee. He was a man of the up most ethics.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 748) (L.D. 2107) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-453)**

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

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-453)** was **READ** by the Clerk.

On further motion of the same Representative **Committee Amendment "A" (S-453)** was **INDEFINITELY POSTPONED**.

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

The same Representative presented **House Amendment "A" (H-768)** 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. Over the past week to 10 days I've been contacted by a number of Representatives expressing concern about items, which were not included in the original committee version of the DEP bond issue. We met yesterday as a committee, a number of Representatives joined us and discussed ways in which to improve it and the House Amendment before you reflects yesterday's work. It includes additional funds for solid waste landfills, that was an item we heard a good deal about, as well as additional funds for small community grants for the clean up of polluted areas, particularly clam flats. It increases the amount of money contained in the bond for the clean up of tire stockpiles. We received new information yesterday from the Department of Transportation and the Maine Turnpike Authority who told us that if we did not include this level of funding in the bond for tire cleanups, they would have to import tires from Canada to chip up to use for roadbeds this year. It also includes additional funds for hazardous waste cleanup. There's in particular, as you may be aware of, a site in Gorham where some leakage from an auto repair facility has poisoned the wells of many residents. Finally it includes a funding of a million dollars for manure pits. Those are the features of the increases over the prior committee amendment and I would request your support. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I would just like to comment on the increase of the tire portion of the bond issue, which bothers me because the tire facility a lot of this money would go to is in Eliot where a lot of citizens are having a growing concern on the environmental impact it is having on the residents that live around there. They

have taken care of a few of the noise problems but the soot and the air masses that are created from the dust from the tires are terrible. Houses are getting black soot on them. As far as being worried about tires being imported from other states or Canada, it is happening now. Presently there are about \$3 million tires that are being imported into the State of Maine from Rhode Island. We have our own dumps we should be cleaning up before we should be importing tires and frankly I don't really feel that this should be happening in Eliot, so I will be opposing this due to the fact that this much of a bond issue on the tires.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to comment on the tire portion of this bond. You may recall that when you buy a new tire you pay a dollar every time you buy that tire. Over the ten years that that has been in effect, it's raised \$17 million not one dollar of that money has ever gone to clean up the tire pile, but that tax continues on and on and on. I, too, will be voting against this bill.

The **SPEAKER**: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to support the pending amendment. The changes that we discussed yesterday with the Appropriations Committee were arrived at after much discussion by the members of the Natural Resources Committee and others of the administration to come forward and they all had very valid reasons. The one that seems to have the most interest on the floor today is the tire issue. Let me speak briefly to what we have heard so far on that matter. There are problems with the existing tire processing facilities as has been described, it sounds like there are existing violations of air quality regulations as there are now and I don't know that dealing with tires this way will have any impact, in fact I suspect they won't, because the particular project in mind now to keep working on these tire piles, because the Department of Transportation and the Maine Turnpike Authority have each selected two very large road projects to be conducted here in the state, where they have found a way to take scrap tires and shred them to become fill material for those road beds. Much like what has been done recently at the Maine turnpike interchange down by the Portland airport, for example, has a very large quantity of tires. What we are doing in that situation is we are not burning those tires, we are using them in lieu of other low-density fill required for highway projects. Those road projects are going to go forward this year. They are going to be built using low-density fill from tires. We have only two choices before us. We can put this bond money into the tire piles, we can get rid of an awful lot of tires for what amounts to be a bargain price because the turnpike and the DOT are going to use them for those roads anyway. If we choose not to spend this money on those tire piles this year, those tires will still be there. They will get those tires from some other source, out of state or Canada, but they will get tires from another source to put in that road bed and then we'll come back next year or the year after with those piles of tires still there and we'll have to deal with them only than it will cost more. Then there may not be a road project to bury those tires as road fill material, maybe then the only recourse will be to burn them. Please keep that in mind. This particular reason why we want this money this year is, number one, to take care of the tire pile problem, and number two to dovetail very nicely with the

concurrent requirement to use those which really makes it an economically solution for the state. The other uses of this money in this amendment again are not controversial. I urge you to support them. A lot of thought has gone into this thing and all of them have valid reasons.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I would like to concur with the Representative from Arundel, Representative Daigle, I would like to add just a couple of comments. First, in reference to the Representative from Eliot, if there is a violation there and there could be, I have not seen it, but there is a process that it could be handled. This bill has nothing to do with rather or not tires will be taken care of at Eliot or will not. That's a matter of that operation if it is owned privately and if there is a problem with that facility, we probably should shut it down, if that should be the key and that would solve the problem for the town of Eliot. I don't know that, but this is an unrelated issue. In reference to the Representative from Cumberland, I need to just make a couple of comments, because that was one of the issues that the committee dealt with during the course of the session and I agree with him that we're still paying the dollar, but the dollar has never gone for tires. It's never gone for tires. When the law was passed to deal with solid waste in this state, you may remember you were paying a couple of dollars for boxes that you bought refrigerators or whatever else in. You may remember that. All those things were put into a massive bill a couple of years ago to fund the handling of solid waste. There was an assumption by those of us that voted for it that the dollar would be used for tires. That has not occurred. This administration and the previous administration diverted the money for whatever purpose and now it's funding the program in the State Planning Office. To eliminate the dollar would have meant having to increase funding for the State Planning Office, so the committee, therefore, didn't do it. Because we couldn't get the money from any other source, so disconnect if you might, the two, because what we are dealing with are the tire piles, and I understand the connection desirability to try to get to the point of saying it ought to be related, I hope next year that those of us that are on the Natural Resources Committee will deal with a bill, and we have by the way, the study that we've commissioned because of that, to deal with question of what dollars should go for whatever they were intended and we will deal with it. Unfortunately, today is not the day. What we are looking for is the two and a half million dollars to go to the voters to deal with the stockpiles. We have two of them that would be handled as a result of this money. It's critical, I think, for at least those two locations that we at least clean those two in addition because of what we did with an earlier piece of legislation, we'll be able to deal with Greenwood and deal with that pile there. It will make it easier for that pile to be sold to one of the paper companies located next door, or not too far away, to use that as well. We're hoping that that will work out, but keep in mind, I know we are paying a dollar, I pay it, but it isn't going to handle tires, to dispose of tires, it's funding positions in the State Planning Office.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Again, this money is going towards the clean up of tire piles throughout the State of Maine and they are being hauled into the Town of Eliot. My problem is that this is being

funded by the state and when we have a problem as a town when they are in violation, we have to go to a state agency. Now I ask you, one hand washes the other, I know and I hate to say it, but we seem to have a hard time getting answers from a state agency when there are state moneys being involved to more or less run this facility. I urge you to follow my light.

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. There's just one other thought I would like to leave with you. I do not disagree that these tire piles should be cleaned up. They should be cleaned up. They are an environmental disaster waiting to happen. I'm disagreeing with the fact that we have to pay people to take these. As the Representative from Arundel just said, these are becoming the raw material for a whole new industry. Why are we even paying tipping fees. We need to look into that. I hope that is part of that study.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would encourage you to support the amendment offered by the good Representative from Portland, Representative Townsend. I was one of those legislators that called the members of the Appropriations Committee last week as did other legislators on municipal landfills. My municipality has been working for the last decade in resolving and closing our municipal dump and we have put up substantial municipal funds in hopes of receiving additional revenue from this bond. It is something we have worked on a decade and I would really hope that you would support this amended version. It's going to help my community and many communities around the state. I realize there are some other issues but I feel that it's a step forward. It's going to help my municipality tremendously and others. I would encourage your support of this issue.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative **SHIAH**: Mr. Speaker, Colleagues of the House. I want to applaud the Appropriations Committee and the Natural Resources Committee for bringing this amendment forward. I think it addresses several of the concerns of people in this chamber, myself being one of them. I am the proud owner of the largest tire dump in the State of Maine, in the town of Bowdoin. I've visited it many times. I just want to say for those that were here in the previous Legislatures who voted on the previous bond issues to initiate the cleanup in that particular site. The residents are very appreciative of the efforts of that bond issue and are looking for additional resources to continue the work that has already been started. You know we have had various companies come forward with proposals for dealing with used tires, but none of them have panned out yet. We've just recently had someone from Montreal down, that didn't work out, so right now the problem exists and we have to deal with it now. I think again as the Representative from Eagle Lake said, they'll look at some other ideas next year but this amendment really addresses a lot of the concerns people in my district and many of the others in this chamber. I just want to remind people that we've all contributed to the tire dump problem in this state. I wouldn't be surprised if everyone in this chamber has used tires in the Town of Bowdoin right now. It's a huge pile there, we're still not sure of the total number, but progress is being made. This effort will continue that progress and I just want to remind

people this does go to the voters, it is a bond issue. I would urge everyone's acceptance of this report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. This bond issue deals with several items, one that I would bring to your attention would be uncontrolled landfills, one in my district. There have been considerable funds from the local scene that would go to this closure, however, this bond issue would provide some real help and I would leave you with the thought that where the environment is concerned, we are talking about the future of generations to come and it's where we all will live. Thank you.

The Chair ordered a division on the motion to **ADOPT House Amendment "A" (H-768)**.

A vote of the House was taken. 85 voted in favor of the same and 29 against, **House Amendment "A" (H-768)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-768)** in **NON-CONCURRENCE** and sent for concurrence.

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

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

Bill " An Act 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)

Which was **TABLED** by Representative SAXL of Portland pending **RECONSIDERATION**.

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

Representative KANE: Mr. Speaker, Men and Women of the House. I'd like to just refresh your minds for a moment or two on some of the essential features of this bill. This was a bill, you may recall, that was recalled from the Governor's desk in the waning session, waning day, the last day of our regular session two weeks ago, in order to make specific changes requested by his office. The exact changes that they wanted were incorporated into the bill and no other request of changes were made. It's beyond me as to why the Governor should veto this bill after we had tried to do everything we could to come into compliance and to increase his level of comfort with it. This bill had the bipartisan support of the Health and Human Services Committee. It has no fiscal note. It's overwhelmingly supported by consumers, family members and provider organizations. The bill was introduced initially in order to require the Department to follow it's own rules after flagrant disregard to their own statutory and regulatory procedures. This bill simply codifies the Department's own regulations what they suppose to have been doing. It clarifies essentially the circumstances under which the Department of Mental Health and Mental Retardation and Substance Abuse Services may put out services to bid. It does not stop or interfere with the RFP process, but it does require the Department to determine whether a good reason exists prior to putting existing services currently going to an established and

high performing provider to put those services out to bid. Several bankers testified that indiscriminate use of the RFP process could actually result in higher costs and reduced efficiencies. The one example was the situation in Portland at the Ingraham Volunteers Agency, which attempted to build a 14 bed residential unit. They worked through the whole project, got to the point of securing the bank loan when the Department finally established and explicated its position that this RFP process is only good for 2 years, well given that uncertainty no responsible financial organization is going to make its commitment for a 10, 15, 20, or 30 year mortgage without any long-term predictability, so the bank walked away from it. We're in increasing need for responsible stable programs in the community to serve the needs of our long-term mentally ill clients. This is increasing requiring the investment in residential services as we're bringing kids back from out of state. If our programs in Maine that we expect to take responsibility for these children don't have the financial capacity of the long-term fiscal viability and predictability, how can we establish our own in-state network of required services?

Consumers deserve to have confidence that their programs and their service providers will not be changed on an interim basis without any long-term predictability. This bill gives the Department a wide array of tools to both lower prices and to improve services. In addition to the liberal definition of good cause, the Department may take licensure actions and initiate receivership proceedings against providers. It does not take away any of the power, the clout, the teeth that the Department needs to have in order to assure compliance with its own standards. The Governor's answer in his veto message is to direct the Department to review its contracting policies and procedures. It's a pretty weak response, Men and Women of the House, to a very urgent need and I submit that the response is too little and too late. I urge you to override the Governor's veto. Thank you.

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

Representative LOVETT: Mr. Speaker, Ladies and Gentlemen of the House. Just a reminder that this bill we had once pulled from the Governor's desk and we thought that we had worked on it sufficiently, but because now I find that there are some inadequacies in this, this bill would expand the rule of statute to cover all services including mental health, mental retardation and substance abuse and I feel that this is going to create a conflict with existing statute that govern RFPs for those services. It's critical that the Department have the flexibility to institute an RFP process when good cause exists. This bill would tie the Department's hand by requiring that any rule change, even technical changes be defined as major subtenant, thus requiring full legislative approval. This is a cumbersome and potentially dangerous requirement and if the Department's job is to oversee the quality and delivery of services, they must have the flexibility to do so within reason without undue barriers being placed in their way.

Finally the Department will be involving stake holders in a review of its contract procedures over the summer. The results of that work will be presented to us in January, so let us wait to institute changes of this magnitude until such a process has been concluded. I hope you follow my light. Thank you.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. The good Representative from Saco did a good job of summarizing the issues around this bill. This bill could sound fairly complicated, but it's not. Let me try to summarize it as best I possibly can. The majority of contracts in the Department of Mental Health, the Office of Substance Abuse with community-based providers are performance-based contracts, meaning that when the provider and the Department enter into that contractual agreement there's a set of criteria and performance that that community based agency has to follow through with. If that community-based agency is not performing up to that contract, the Department of Mental Health and the Office of Substance Abuse can either terminate that contract or they can go out to RFP. What this bill simply does is say that the Department can't do that, or the Executive Branch, on an arbitrary basis, that they have to have a basis and a criteria and show cause for terminating those contracts. Again as the good Representative from Saco pointed out, it puts everybody on a level playing field. It allows the Department to still expect performance, but it also prevents the Department or the Executive Branch in acting in a capricious or arbitrary way. Thank you.

The **SPEAKER**: The pending question before the House is Shall this bill "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" become law notwithstanding the Objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 410V

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Glynn, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, MacDougall, Mack, Madore, Mailhot, Martin, McDonough, McGlocklin, McKee, Mendros, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gillis, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, Marvin, Mayo, McAlevey, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bolduc, Bragdon, Chizmar, Matthews, Quint, Richard.

Yes, 80; No, 65; Absent, 6; Excused, 0.

80 having voted in the affirmative and 65 voted in the negative, with 6 being absent, and accordingly the Veto was Sustained.

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

Bill "An Act to Appropriate Funds for Conservation at the Local Level"

(H.P. 406) (L.D. 548)

(C:"A" H-173)

Which was **TABLED** by Representative **SAXL** of Portland pending **RECONSIDERATION**.

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. I ask your support in overriding this veto. This is "An Act to Appropriate Funds for Conservation at the Local Level." This is about the soil and water conservation districts, all of you have one, there are 16 in this state. The reason given for this veto is financial, it's fiscal, as many of the bills we are dealing with today. I'd like to remind those of you that were here in the 118th session, that when we wanted to fund health care for children, cub care, we funded it out of one time money, the estate tax of Elizabeth B. Noyce, \$6 million, which is more than twice the total amount of money that was vetoed by the Governor on the basis of one time money. I'd like you to think about that as we go through these bills. Another thing I would like you to think about is the financial projection that came out yesterday, that we have a \$48 million surplus projected, \$48 million. We're talking about vetoes, about \$3 million. I'd like you also to think about the fact that the financial projections run at 2.9 percent under the money that's coming in, 2.9 percent. What we're asking for in this bill is \$35,000 for each soil and water conservation district. That \$35,000 would be paid back to us in leverage money, federal grants, private grants, corporations, like the Kellogg Foundation, have whole departments for rural development and economic development and they have supported Maine very well in the past. I was part of a half million-dollar grant that they gave to Maine for our rural committees. You also have a letter on your desk from the Soil and Water Conservation District stating that were they to receive this 2 year funding, they would not consider that themselves something that they had earned forever, that they would consider that as something that gave them a chance to demonstrate what they could do with that money to support you.

Just a little on the districts themselves. Conservation Districts were founded in 1935. We have 16 in Maine, all over the state. They do wonderful work for you and me and they are one of those organizations we take for granted. They work and serve for a variety of different groups, for instance, in education, they not only work with our elementary schools providing hands on biological scientific information, opportunities to go into the woods and learn about the soil and water. They also offer courses to people who want to do things, like put in ponds. They're not a regulatory body. They give technical assistance. An example of that is when you go to learn how to put in a pond, they'll teach you how to go through the regulatory process, but they will not themselves be capable of issuing you a permit, simply giving you advice on how to go forward and what kind of specs to do. In conservation they work with soil and water, they also work with irrigation, natural resources is an example of that, where they help out. They recycle the pesticide containers in Aroostook County, the Soil and Water Conservation District, they do it at a loss. They're going to stop doing it if this bill does not go forward because they won't have the money to continue because they are losing money doing that. Transportation, they work with flood and erosion control along our roads, whether it's a private road or public road or anything else and last but not

least, they help farmers in one of the ways which we have talked about recently is nutrient management. The Executive, yesterday, signed a bill that will require nutrient management plans to be made by the farmers this December. The Soil and Water Conservation Districts offered on a basis of this funding that they would be willing to help the farmers make those plans and thus save the Department to the tune of \$100,000. We now face an unfunded mandate on these farmers and they won't be happy about that. So I encourage you to consider these items when you are considering overriding this veto. I encourage you to vote with me to do so. Thank you very much..

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

Representative **KNEELAND**: Mr. Speaker, Men and Women of the House. About an hour and a half ago I visited down in the Chief Executive's Office and made an agreement that where this bill was vetoed that they would revisit this in January and see if we couldn't fund this on an ongoing basis and meet with the members of the Soil and Water Conservation Districts and with myself and revisit this whole issue and try to fund it on an ongoing basis. Thank you.

The SPEAKER: The pending question before the House is Shall this Bill "An Act to Appropriate Funds for Conservation at the Local Level". become law notwithstanding the Objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 411V

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gerry, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Labrecque, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler GJ, Winsor.

ABSENT - Bolduc, Chizmar, Matthews, Quint, Richard.

Yes, 83; No, 63; Absent, 5; Excused, 0.

83 having voted in the affirmative and 63 voted in the negative, with 5 being absent, and accordingly the Veto was Sustained.

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

Bill " An Act to Establish the Position of School Nurse Consultant"

(H.P. 676) (L.D. 932)

(C. "A" H-85)

Which was **TABLED** by Representative SAXL of Portland pending **RECONSIDERATION**.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I hope that everybody here will vote to override the Governor's veto. This is a unanimous committee report from the Education and Cultural Affairs Committee. We had a two and a half hour public hearing on this bill, not one person, not one state agency came and spoke in opposition of this bill. Two and a half hours and we had at least 20 different speakers who came and spoke in support of this bill. If this veto is sustained, Maine will continue to be one of only two states in the country that does not have a nurse consultant position. One of only two states in the country that does not have this position. Why do we need this position? There's a position that we have in the Department of Education in the late 80s and early 90s and because of budget considerations, it was eliminated. In the last decade we've had a number of children that are more medically fragile entering our school systems. In many ways that's good, we have children that are able now to come to school and be in school and participate as all other school children, but school nurses and other medical personnel need expertise and advice from a nurse consultant in order to allow those medically fragile students to remain in school and that's what this position does.

The Chief Executive pointed out in his veto a red herring and said that there are three positions that are being funded that are going to address school health needs. None of those three positions have anything to do with this nurse consultant position and none of those three positions will be able to provide the type of expertise that we need for school nurses. One of the things that we have struggled with in the last four years in the Education Committee over and over again and unfortunately we haven't resolved is what do we do with children that need medication on a daily basis. Some schools, because they don't have other personnel, secretaries or other staff hand out the medication, because that's the best we can do at this particular point. It's not an issue that we have been able to resolve in the Legislature, the distribution of medication for our school children. This position is vital and critical to those people across the state that are dispensing medication that aren't fully trained or fully understand from a medical prospective the implication of that medication. This bill for \$90,000 over the biennium is a major step towards insuring the well being of our children in school. It's a major step forward in providing the technical expertise that's necessary for our school nurses to make the appropriate decisions in medically difficult cases, legal cases and on a day-to-day situations involving children that are a very high risk. I urge you to look at the facts, look at the support and look at this bill and override this veto. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would urge you to sustain the veto on this, as the Committee Chair just indicated, it was a unanimous committee report, but since that time we have learned that the fed's are coming up with money to help coordinate health programs in the state, which is one of the responsibilities of this position and I would feel that for the time being, at least, we can survive on those funds, so I would ask you to sustain the veto. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. The remaining vetoes fall into the category of being rejected either because of duplication of funding, as we just heard, federal funding, or contributing to the structural gap of using one time moneys for ongoing costs. We're looking at a structural gap of \$250 million, that means for the 120th Legislature, even before they're elected, even before they convene, they have a fiscal monkey on their back or \$250 million. They either have to go back in and make cuts of that amount, they have to fall to their knees every evening and pray that the revenue growth will exceed an additional \$250 million or they have to raise taxes. So as we look at these remaining bills, they're bills we like. We like what they do. The problem now is we have to address, how do you fund these bills. There is an ongoing program using one time money and it's appropriate that this first discussion be with education, because if we don't address that structural gap and we have gone out on the limb with the GPA funding and we have taken a risk with some one time money, then not only will that commitment from this Legislature, which was substantial possibly be redressed, we may not be able to keep future commitments to the growth of GPA. I think there's an increased interest in the last week, week and a half, to tax relief for all Maine seniors and I think we'd like to come back in the next session or the next Legislature, having that as a goal of the two political parties. Those are at risk if we don't address this structural gap. I've seen in these vetoes and in some cases there's duplication, federal money coming, in some cases they're just add ons to existing programs and we've heard that there's staff in place in the Department, but when you take one time money for on going programs, you raise expectations that can't be met. We also heard in the previous bill that we have a \$48million surplus. It's not available today, it may be available at the end of the fiscal year, but that doesn't change the structural gap. As you look at that \$48 million, 50 percent rainy day fund is skimmed immediately off, \$24 million, \$12 million, 25 percent goes to the state retirement, so as we debate or discuss the fiscal impact and we talk about \$48million, it's really \$12 million net that we can not access today or in the next few days. I would urge you to sustain this veto.

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 for bringing up the whole body of vetoes we have before us today, and the actions of the Chief Executive today and where this piece of legislation fits in within that body of vetoes. If you look at the entire package of 22 vetoes we have today and you think about the structural gap we're facing in the next biennium. We're talking about to vetoes which amount to one tenth of one percent of the entire biennial expenditures we have this session. One tenth of one percent. Today you have a chance to override the Governor's veto. Why would you want to do that? Well we all in this body join together to support health care for children. We voted to do it last session and we voted again to expand it this year, because we care about these kids who are with us today and all the rest of the kids in the State of Maine. We heard a beautiful prayer this morning. The Representative from Augusta, Representative O'Brien, talked to us about how important each and every life of each and every child is in the State of Maine. She told us about how it's great that kids in the State of Maine

have a choice and have a chance. Why is it important to override this veto? What does this bill do? Well it makes nurses in our schools, it gives them a tool to do their job a little bit better. It makes sure they have the information about medication. It makes sure that there is appropriate delegation of care. It looks at immunizations where we are leading the country, but we're not doing it well enough. It looks at screening techniques and of course, what it does it looks at orientation of new school nurses to make sure they have the tools they need and the information they need to do their job better. So let's think about this, the Representative from Kennebunk has talked about a structural gap. For your information, the Chief Executive delivered us two budgets this year, which create a structural gap of approximately \$300 million through his actions. What we have today in all 22 of these vetoes would not increase that structural gap by more than \$10 million. We passed numerous pieces of legislation with great tails, which contribute to that structural gap in a bipartisan way this year. We passed legislation to eliminate a half penny on the sales tax and we did it nearly unanimously. That's \$60 million a year or \$120 million over the biennium and we only paid for half of that this year. Does that contribute to the structural gap? You bet it does. How about the BETA Program? It's a good program, we want to help Maine businesses, but does that contribute to the structural gap? Have you looked at the tail on that program? Yea, that contributes to the structural gap. My good friend, the Representative from Kittery, Representative Lemont, has come to me many times and said, hey let's get our hands around that, and we should. The question is, what are our priorities here today? What are our priorities? When we come back in this next legislative session, what are we willing to do to make this right today. Are we ready to give up on the kids in our schools? Are we ready to forget Representative O'Brien's prayer to us this morning? I listened very carefully to Representative O'Brien and I think she was right. Let's go on and work together, let's override this veto and we'll deal together as we did this session in a bipartisan fashion to take care of the structural gap next session.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. I fell compelled to speak on this issue, because the veto of this particular bill baffles me perhaps more than any of the others that we are facing today.

First of all I want to clarify for you that the second paragraph of the letter before you is inaccurate. It tells you that there are three federally funded positions which will create an infrastructure to do what LD 932 would have done. That's simply wrong. The three federally funded positions are for the purpose of teaching health to students, they are not for the purpose of coordinating, giving health services, health care to students, two different things.

Secondly, as you've heard, we have faced a structural gap for some time in the coming biennium. When the original budget was purposed, the Part I and Part II, that structural gap was at a level of \$110 million, on March 29th in reaction to rejections, the administration put forward a changed package which brought the structural gap up to \$230 million. When the Chief Executive agreed to add money for the purpose of General Purpose Aid to Education, a high priority of mine, and something I think most members of this body support, the structural gap rose to a level of \$270 million and finally when the Chief Executive gave each of the parties an allowance within which to work in closing the Part

II Budget, that brought the structural gap to a level of \$300 million. The addition of \$44,000 in year one of the biennium for the purpose of coordinating school health programs and \$51,000 in the second year of the biennium does not strike me as a terribly large increase to the structural gap in comparison to the \$300 million worth of structural gap already endorsed by the Chief Executive. It strikes me as relatively small.

Secondly, many of you will be back in the 120th Legislature, you'll even be back, we know, in the second session of this Legislature and the fact is that we can fund what we care about. There is money available for items if they are our priorities, we know that. If we truly care about children, we can find the money to fund this initiative and others. It's all a matter of priorities. You cut a little here, you add a little there, you compromise, but if we veto this bill today, if we sustain the veto, it won't be around to compete with the better program, or tax repeals, or the Maine Science and Technology Foundation, or what have you. So I would ask you to override the veto, so that this very worthy program can compete in the future with other items. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I would draw your attention to a packet which was just distributed dealing with the special appropriations table and if you turn to the second page, and a \$6.4 billion budget, you travel down to the last darkened line, we left a balance of \$155,334. Many of you that have been city councilors or selectmen would be embarrassed to do an overlay or contingency fund in your budget for \$155,000 for the municipal budget. That's how much was left unspent in \$6.4 billion. Now we agreed, we came together on the Part I. We came together on the Part II and they were very clear parameters and we face the unique situation that we had an extremely high percentage of one-time moneys, primarily CMP money. Where it began to break down is when the table was done, that was separate from the budget and I thank God the two parties worked together in a bipartisan way, halfway through that table process and then it broke down. Some of the bills that we're debating today, the vetoes, had to do with the tax increase that occurred at the table, a \$1.3 million tax increase occurred. If you're self employed, you provide health insurance for you, your family members and your employees, at the table they raised taxes \$1.3 million and then spent it on programs, so part of the problem we have to deal with today is not just yea, nay on vetoes, we have a \$1.3 million problem we have to address and the chair from Waterville, you've seen the legislation on the desk to bring us back into conformity, so what we actually did, or what happened at that table, was Mainers who provide health insurance for their employees had their taxes increased. There's been a lot of attention on the tax increase on Social Security retirees, but there was a second tax increase that occurred so we have to clean that up, but we also with these vetoes, as needs were met, a decision was made that it was more important to raise the taxes on people providing health insurance, to be able to met these spending needs. We just heard about priorities. In that budget framework, clear parameters were laid out for on going funding programs, \$12 million, these bills we see today didn't make it into that \$12 million. They became part of that table and I think what happened is we saw an overwhelming desire to spend, spend, and there wasn't enough money so we raised taxes at the table and we did things like starting bills late, or starting them in other fiscal years, so this isn't about these

particular bills and their merits, it's about how are you going to fund it and this was done with hanky panky in the early morning hours and we need to clean this up today and sustain these vetoes.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. \$44,260 in the first year of the biennium, \$51,755 in the second year of the biennium, this is what it costs to fund this position over the biennium. I don't believe anybody here, I don't believe anybody in the Executive Branch, and I don't believe anybody in the public believes that that amount of money contributes to the state's financial woes, contributes to the structural gap in a way that has just been described by the Representative from Kennebunk and I don't believe this is something that the state can't do at this point. Our children's health is at risk and is on the line here and I think this investment is well worthwhile. Thank you.

Representative SAXL of Portland assumed the Chair.
The House was called to order by the Speaker Pro Tem.

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

Representative ROWE: Mr. Speaker, Men and Women of the House. I said earlier, I only come down here when I want to change minds or I feel real strongly about a particular bill, or I want to put something on the Record. I want to do all three today. I'm not going to wax on as broadly as some of the speakers have. We know what happened. We know where we are. We see what's happening. I'm saddened by where we are. I'm saddened by most of these vetoes. I'm saddened by how it's going today and I do take exception to some of the things that were said from the corner with respect to the process and I'd like to put that on the record. We found out yesterday we have a \$48 million surplus as of the end of May. We're talking about a bill, here, that has an annual price tag of \$44,000 the first and \$50,000 in the second. I hear that we don't want to fund this because it will create an ongoing expectation. One of the reasons I came down on this particular bill, this particular bill is one that is kind of near and dear to my heart because as many of you may know, my wife is a school nurse. She has no aspirations to ever be a school nurse consultant for the state, but she is a school nurse. She gets calls from other nurses all over the state, mostly rural areas, this bill is a bill that is going to help the rural areas of this state. It's going to help the children of this state. I would ask you to go into your schools and spend some time and look at the complex issues that school nurses deal with. They have lots of questions and they often have no one to call, because other school nurses are too busy. We have best practices going on, we have great things going on in some districts, but they are not shared and those of you who care about children, this is a chance to show it today. You know I've come down here a couple of times to talk about kids. I hear what's said in the other corner, but I'm telling you, if there's a bill that can help children, this is it. Let's say we just fund the position for two years, I'll tell you that's a lot of good we've done for children in the State of Maine for two years, a lot of good. This is needed. I wouldn't say it if I didn't believe it. I'm telling you that of 300 school nurses around the state, unfortunately

they're not very organized, they didn't know the Governor was going to veto this. I got calls from some of them and they said, what happened, and I said, well, I guess we missed this. Well I wish we had had a heads up, we could have gotten organized and I said, well I'm sorry about that, so if you didn't get called by your school nurses, it's because they're not organized. They're working on trying to keep kids healthy. I know a lot of school nurses around the state. I knew the person who used to hold this position back in the late 80s, early 90s, when the position was terminated. One person can make a world of difference and if something's happening in Presque Isle that's really great, it should be shared with someone in Oxford Hills, or another school. It should be shared and this is the way you do it. It's a clearinghouse and if you think it's easy the complexity of administering medications. We have school secretaries that are doing that and those of you that are on the Education Committee heard a lot of testimony about this. You heard hours of testimony. There are a lot of things that are working very well in some schools, but other schools don't know about them and this is a way to bridge that gap. It's also a way to have somebody that is really knowledgeable who can answer a question quickly, or access a resource and get back, but I'm telling you, school nurses don't have any time, they're straight out all day long seeing sick kids and if you don't believe that ask the school nurse in your school, or the school near where your kid goes to school, or your grandchild and you'll find that out. Some of the most overworked, unappreciated people in the state, certainly that work in the school system. So, I know you're hearing a lot and I know some of you, you've vowed, I'm looking, we're not going to do this because the Governor did it, and it's the right thing to do, but I'm telling you, I'd think hard. There's a few of these bills today, it's not all 22, I understand that, but there's a few of them out here that effect the lives of people in this state. This is one of them and there's some more. Think hard please, because if we don't do this we're just really missing an opportunity. If we don't have the money in two years, we don't have the money, but I'll tell you, if you talk about an economic investment that's going to pay off, in terms of increased health and in terms of reduced expenses down the road, this is one of them. I don't know what else to say, I understand the process, some people feel that things didn't go well. I can't say much about that. We have what we have. I'm upset that the Chief Executive has done certain things with respect to these bills and we're taking a look at them now. I'm just appealing to all of you, everyone in this room, before you automatically hit the red switch on this, think about the impact that this particular bill and there are a couple more after this that are equally significant that you ought to look at carefully because they affect the lives of children, affect the lives of elderly and they affect the lives of others who are perhaps disadvantaged in a significant way. You know how people say they could have been put in the budget, I'll tell you folks we tried, we tried on this bill, we tried on some others. It was a unanimous committee report with a lot of testimony, I'm just asking you to think about this one in particular and a couple more, and you'll see them, you'll recognize them when they come, before you decide to automatically hit the red light, this is the last chance on this thing. Thank you very much men and women of the House.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I would just like to make a comment in response to

the Representative from Kennebunk. We talk about how irresponsible we were down in Appropriations Committee, we raised the cap on the rainy day fund 6 percent, it is presently at 5 percent, we didn't spend the cupboard dry. We have a safety valve. I looked around the Appropriations Room this morning, it was the nameplates of all the members and I didn't see a nameplate that said Angus King, and that's what we've got here. We've got a list of bills where the Governor has, I guess, taken a seat on our committee and he has an overwhelming vote. I work down here, we've tried to support the bills that we've all worked hard on throughout the session, you supported, they've been through the process, and we've found a way to fund them. I fully expect this bill, if we can override the veto, I fully expect it will be left out of the Governor's budget in the next biennium. It's been done in the past, it's been done with the Maine Math and Science School, the dollars for Maine graduates, the hospice council, and we've heard the testimony in the next biennial budget, we'll hear the testimony there and we'll see how it's doing. We'll have two years to say, you're doing what we expected, or you're not doing what we expected or possibly we'll find another way to make this work. I feel the Appropriations Committee did some good work. I know there were some things that caused some controversy, I probably have a part in that. I was upset about something else and I saw the task conformity issue that got dragged into this, I think that's a great program, but at the same time we're cutting another group somewhere else in this process. I think we should keep that separate. I think this bill has a merit and I think it's worth passing, it's worth overriding this veto.

From the standpoint of being a father of a son with asthma, he's got allergies to red dye. If you've gone and bought Kool-Aid or candy or anything, it's pretty difficult to find something without red dye in it and we've done well to manage that. We've had a lot of cooperation from the school nurse, at times. One year we dropped a bag of the inhalers and the epee-pin with the school secretary, and her saying I'm not taking that, I'm not going to be responsible for that medication. So what's going to happen. We've been fortunate so far, he could go in an anaphylaxis shock and what are they going to do, page me. Page me at work and I'll come down, if you can get a hold of me or my wife. It's not practical, it's important to have the support in the schools and it's important to the school nurses that they have the technical support that they need, especially with the legal implications. It's important to the school district that it be administered properly, so I guess I would ask you as a member of the Appropriations Committee and as a father of a son with some special medical requirements, I would ask you to override this veto today. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Acton, Representative Nass.

Representative NASS: Mr. Speaker, Men and Women of the House. I agree with a lot of what Speaker Rowe has suggested today. This probably is a needed position, but we've done a lot already this legislative session. We've spent \$4.6 billion. Oh by the way, if you remember the day that Jim Clair came down here and talked about a summary of the budget, what we had done. I think he shocked a lot of us when he told us we added about 400 jobs to the state's work force, some of those are funded by the federal government, a lot of them are funded by state money. Four hundred new positions. This is one of them. I say, we have done enough. Enough is enough, we don't need any more. As nice as it might be to fund this and it's needed. There are

other ways to do this. The school nurses can get together and provide the guidance, even if it's for just a couple of years. We don't need to do this. This is our opportunity to postpone it. We cannot do everything all at once. This is an item we can do without for a couple of years. It really depends on how you look at this budget. Is this budget half full or half empty. We have done a lot. This is one small place where we can draw the line. I urge you to sustain the Governor's veto. Thank you.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I just received a bulletin from my district. This is not prearranged, but it's timely and it comes from one of my constituents, Susan Berry, who has told me that in the five years that I've represented my district in Ellsworth, that she has never voted for me and probably wouldn't vote for me, but would vote for me if I took out a green card and went to the other side, but nevertheless realizes that I'm there for her and I am for her today and Susan, you aren't listening but I'm not saying this to get your vote, I'm saying this that I'm just going to relay the message that you just handed me, it's dated 6/18 at 3:02, so this is a pretty fresh message that just came in and it simply says. School nurse, health consultant, please override, so Susan, I'm going to vote green, I'm going to vote to override and I hope the people in your party will follow my light. Thank you very much.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative **BAKER**: Mr. Speaker, Men and Women of the House. If we can put \$49 million into the Better Program, to make things better for business in Maine, we can put \$44 thousand into the position for a school nurse consultant to make things better for the lives of school children in Maine. Please vote to override this veto. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Speaker Rowe.

Speaker **ROWE**: Mr. Speaker, Men and Women of the House. I apologize for getting up twice, but the Representative from Acton, Representative Nass, said something that I need to respond to. School nurses can just get together as a way to do this, boy, I'm bothered by that. My wife is a school nurse, she works all day, she goes in the evenings on her own time to do home visits. I seldom see the woman. It just bothers me that people don't understand the importance of this position. That's all I wanted to say.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Hang down your head, Chief Executive, hang down your head and cry. To pick on this bill to veto, I'm still in shock over this one, I guess, and maybe one other. The others I guess I can let go, but I can't let go this one, especially looking at these beautiful young children walking around these aisles, knowing that probably all of them have the benefit of good schools, good nurses, people who care for them. I work in a district where there are children who rely on the school nurse for their only contact with health. She's an important part of their lives, an important part of learning. I cannot imagine what it must be like to be in districts where they don't have that kind of help. I would remind the good Representative from Kennebec who is also in the teaching profession, how much we used to rely on those good folks at the Department of Education who were our so called consultants. I was a fledgling English teacher and I

wanted to do so many things, but no one in my district knew what I was talking about. I'd read about them and so I would call Augusta and that consultant would put me in touch with a good teacher from Kennebecport who taught Social Studies or English who was doing what I had read about and would make that connection for me or would tell me how to go about putting together that program and raising learning in the classroom because we had that connection, but when the economy turned sour in the 90s those people were let go and we no longer have those people and I can tell you that we in the profession are out at sea without that kind of organization. Now that's on an academic level. When we are talking about children's health and we are talking about their being able to accomplish things in the classroom, I think it's incumbent upon all of us to do everything we can to provide that in the school setting, there is no parent there, there's no relative, there is the school and hopefully there is someone these who can provide them that connection. This is a small amount of money to entrench ourselves over this amount, I think its doing a great injustice to children across this state, just like these children who are all around us and they're probably being very well taken care of. I urge you to reconsider and to vote for this consultant. It may be new, but think about the other new things that you did in your committees, maybe we put in a lakes consultant, it was very important for the environment. This is equally, I should say far more important. Let us move on, but to the Chief Executive, I would say again, hang down your head.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. Let me approach it from a different direction, perhaps. As you know I'm a member of a school board, we have one health nurse hired by the district and then we contract in order to provide the other services in the outlying schools. My concern with the veto message is perhaps the Chief Executive is somewhat misinformed because of what I read in the second paragraph, I believe, in which he refers to the federal money. For those of you that happen to have the same position that I have on the question of abortion, I want you to listen to me carefully. The three positions that are talked about here are three positions that are coming into the state with federal funds to establish school health clinics over which you and I have absolutely no control, once those are established and that's the difference between what this is and what the health clinics proposal is, so if you are in favor of providing birth control information and abortion information than you're with the Governor. Is that clear, because the federal funds are coming to establish health-based clinics throughout this state. The difference with this proposal is to provide nursing facility and instructors and health nurses in the school system to be able to coordinate the programs among one another and among the schools. If you live in Fort Kent, in SAD 27, that one nurse has got to go 20 miles to consult with another health nurse in Madawaska, or go 50 miles to Presque Isle. That's the difference, so your option here today is very clear. Vote to sustain the Governor, be for the federal health clinics or put the proposal in the Department of Education so that there could be coordination of nursing in the schools.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Cote.

Representative **COTE**: Mr. Speaker, Men and Women of the House. I wasn't going to get up and speak on this specific bill,

SENATE PAPERS

The following Joint Resolution: (S.P. 856)
**JOINT RESOLUTION RECOGNIZING JAMES GORMLEY
 ON THE OCCASION OF HIS RETIREMENT**

WHEREAS, upon his retirement and in appreciation of his years of service to this Legislature, we wish to recognize James Gormley, Sergeant-at-Arms for the Maine Senate; and

WHEREAS, James Gormley, affectionately known as "Jimmy" to coworkers at the State House, has honorably served the Legislature as postmaster during the 111th Legislature through the 116th Legislature, as a member of the chamber staff for the House of Representatives during the 117th Legislature and as the Sergeant-at-Arms during the 118th Legislature and 119th Legislature; and

WHEREAS, his careful attention to detail, his exceptional dedication and his good humor have made him an invaluable asset to this Legislature and a valued and vital member of the legislative staff; and

WHEREAS, his length of legislative service must be counted not only in years, but in the often unending hours that he has devoted to the legislative institution and its process; and

WHEREAS, he has gained the affection and respect of Legislators, coworkers and many others and will be greatly missed by everyone at the State House; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the First Regular Session, do pause in our deliberations to express our appreciation to James Gormley and to recognize his unselfish and honorable commitment to this Legislature and to the State of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to James Gormley as a lasting token of our friendship, gratitude and respect.

Came from the Senate, **READ** and **ADOPTED**.

READ.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I know you all join with me in wishing Jimmy Gormley the very, very best. I've always thought of Jimmy Gormley sort of as one of my patron saints, he's been with me through a lot of years here in the Maine Legislature. A long time ago when I was lowly session aide over in the Senate side, I would spend many hours in the Post Office with Jimmy drinking coffee, eating a lot of doughnuts, getting some financial advise, but mostly learning a little bit about how this place works. I know that Jimmy started work here with one of my neighbors when Jerry Conley, Sr., became President of the Maine Senate and he's been here ever since.

Jimmy Gormley with his love and his wisdom and his wit and his tireless good humor has just made this place a special place to be. For me Jimmy really exudes what this institution is all about. It's about the people of the State of Maine and Jimmy will never let you forget who you are, where you're from or how to smile and I'm going to miss Jimmy very, very much. He's a dear personal friend of mine, but even more than that, he's a dear personal friend of this institution. Jimmy, we're going to miss you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Usher.

but from what I was hearing I had too, due to the fact that I'm a certified nurses aide myself. I have to stand up here and speak for the nurses. It appalls me to hear the decisions you people are making on the other end. Every school that I went and visited, the nurse had difficulty handling the position herself. She or he didn't know who to turn to to help him in making decisions. I've been in some school where they asked me to give them a helping hand, as a volunteer, knowing that I was a certified nurses aide myself. Yes, I can't give medication, but I can help out, so they could go and consult somebody else, which they would have to go to another school and consult another nurse because there's no nurse consultants around. Believe me, these children are our concerns, our number one priority. That's what we are up here for, to fight for these children and fight for the elderly and stuff. Right now there's bill concerning these children, their health and their faith for the future. It is time we got off our tush and let this bill go through and reconsider the veto. The Governor doesn't go in these schools, he doesn't see this, but I do I see it every day of my life, so I urge you to reconsider the veto. Thank you.

The SPEAKER PRO TEM: The pending question before the House is Shall this Bill " An Act to Establish the Position of School Nurse Consultant" become law notwithstanding the Objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 412

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

NAY - Andrews, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Glynn, Gooley, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, Peavey, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bolduc, Chizmar, Matthews, Quint, Richard.

Yes, 86; No, 60; Absent, 5; Excused, 0.

86 having voted in the affirmative and 60 voted in the negative, with 5 being absent, and accordingly the Veto was Sustained.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **USHER**: Mr. Speaker, Men and Women of the House. I feel that I have to rise today because I was here when Jimmy got hired. Serving in the other body, Jimmy became very active. We treated him very kindly down there, he has that special Irish smile that everybody enjoyed, but he could wipe away that smile also.

Jimmy was here before the fax machine and if you were at home and you forgot something, you knew Jimmy was going to be here because he put in his full day. If I forgot something, or if it was on a holiday, or even when the session was out, you could call Jimmy and how about picking up a copy of this for me and I would meet him down in Portland park and ride area on Marginal Way. He was very, very helpful, but the fax machines put him out of business. I know Jimmy will do well whatever he pursues to do. He's always been encouraging to all the legislators, all the new ones, he's helping out the new legislators, he brings a lot of joy to the 3rd floor and many occasions we need it and I wish him the best in the coming years.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I remember when I first walked these halls when I was 10 years old, seeing Jimmy in the post office and when Mr. Pert, then the Clerk of House, I used to escape all the hard work and go and see Jimmy in the post office and sling elastics and things and getting caught up in the lights and have him go and retrieve them, that's what we used to do for fun around this place when we were kids. But when I came back here as a legislator, he helped me with the various things to do with mailings and some advice that I could go by which he learned from my father which my father didn't tell me until I got here.

The two previous speakers, Representative Saxl and Representative Usher, he is like one of the portraits on the third floor of the former governors. He is like a statue that's already been here and when he leaves this building, you'll always have some remnants of Jim Gormley around this state house. When you leave today, I want to wish you the best in whatever you do. You've been a great friend, I hope to see you many more years.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I don't think I've ever spoken on a sentiment before in my time here, but I'm moved to speak for Jim who is a friend. I met him early when I decided to run and I'm proud to say that I'm his Representative and neighbor. He's always been a smiling face and encouraging word, a clap on the back, the post office has been a place of refuge where you could go for a cup of coffee and a joke and a laugh and when you were really feeling totally down about being in this place, his presence could make you feel otherwise. I think the best example I can give is in my first term we were debating a controversial issue, it was the civil rights bill and back then, by golly, it was a very negative debate and I was getting some really unattractive postcards that Jimmy, of course, saw. So maybe I'm breaking some secrets but having seen the postcards I was getting, he wrote me a postcard as my constituent and slipped it into my box and it was a very nice thing to do. It represents to me what a terrific man he is. I'm luckier than all of you, I live less than half a mile from him and I'll get to see him on a regular basis, maybe at the new ice cream place we have down the street and we're going to miss him a lot around here.

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative McAlevy.

Representative **MCALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. First opportunity I had to have a long discussion with Jimmy was down in my post office one March day. I think he was going in to by stamps for the clerk. From that point on we struck a fast friendship. I thank him for his humor and his kind ear and he's helped keep me sane in those moments when I didn't feel sane over the past four years. Thank you, Jimmy.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. During the 1980's, I first met Jimmy as a voice. Members of the caucus know that I'm the least mechanical person walking the face of the earth and he never laughed at me as I struggled trying to get that mailbox open, then one day he took pity on me and set up an elastic so that it would always look like it was closed and locked, but all I had to do was pull it open every day, so I think of the hundreds of days that he allowed me to save face not struggling with that mailbox. The tension filled days around here and that greeting, that smile just cut through the tensions and I think on both sides of the aisle we realize with this retirement we are losing a friend.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I first met Jimmy actually in Old Town at a place called the Shuffle Inn, a well established Old Town watering hole many years back. The instructions are that you shuffle in and stumble out, but I was called there, it was an 11th hour type thing because Jimmy was driving for someone who was running for the U.S. Senate and I was the Old Town coordinator for that ill fated campaign. I had never met the candidate before and I thought since I was chairing the Old Town version of the campaign, I'd better meet him. So I went down to the Shuffle Inn and the candidate was speaking with some people there and I was kind of standing by the door and Jimmy looked at me and said, who are you, so I told him who I was and what I was there for. He said you know you ought to vote for him, I said, why is that. He said he's Irish, Joe Brennan, good Irish man, you ought to vote for him. It started a long and friendly association with Jimmy and I have a lot of fun with him. He's such a strong Irishman, I don't think he has a lot of interest in hunting and fishing, you'll never catch Jimmy wearing orange, even in the woods. It's easiest thing to make sure Jimmy's awake, just walk into the post office start humming God saved the queen and he'll snap right around, so Jimmy, there was a time when we were afraid you wouldn't leave here in such good health and it's a real pleasure to see you leaving this way, other than a different way that we might have feared earlier and with best wishes. I spent a lot of time with Jimmy down on the steps sharing a smoke and talking about the events of the day. I ran out of cigarettes and I haven't been to the store for about a week and I have not quit, but if there's a good reason to, it's because I don't have Jimmy to talk to anymore. Thank you very much.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House and especially Jim. I met Jim seven years ago and we have become very close friends so that I can peek into the post office and we can convince about a favorite subject of ours

and I thought until Representative Murphy brought up a little trick with the opening up the post office box, I thought that I was such a close friend that he was showing me something special, because he showed me that little trick too and Jimmy, I can only say I hope that you have the very, very best in your retirement, many years of good health and happiness and if you ever come to Fryeburg, as I told you before, my door is always open. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, would like to add my best wishes to Jimmy. I met him back in 83 when I first came to the Legislature and I certainly consider him a friend. He has been a friend all these years and I never meet Jimmy in the hallway that if I don't get a hug, I'll get a good smile and I really appreciate it and I just wish him the best in whatever he chooses to do.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I first met Jim when a former Senate President brought him from Portland and he's been here ever since, actually. I also remember him as campaigning with candidates around Aroostook County on weekends looking for votes and you always knew that you were going to have to do whatever Jimmy told you. There is one secret you've got to know though, I don't know whether it was 6, 8, or 10 years ago, but I had a Senate Page who came into the office and said you know I've really had it with that drill sergeant and it took me a few minutes because I wasn't sure to whom he was referring and finally I said, well what's the problem and he said well he just told me this is what I had to do and I said who told you that and he said Jimmy and I said go do it, because the one thing that Jim never took was, of course, people not doing their jobs. There was absolutely no question that an employee that was under him was going to be working or else they would not be around. For all of us, through all the years that I have been here, he's been a supporter and a friend, not that I'm planning to run for a campaign in Portland, but I certainly will be looking forward for all the votes he can give to us in the future.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. Jimmy, I surely will miss you. We've shared a lot of smokes, a lot of laughs, a lot of good times and very few bad ones, actually. It was just two weeks ago when we were adjourning when the rumor came around that the Senate wasn't going to be in, and I had occasion to be at a signing in the Governor's Office, and the rumor was down there too, the Senate was going to adjourn. I actually went to the Speaker and said to him, is it true that the Senate is not coming in on Friday and Mr. Speaker looked at me, what do you mean. It finally came out that that rumor had its start in the Senate. It was not confirmed or denied by Jimmy, but you know that twinkle in those eyes and that curled up smile. We've had a lot of good times. Good luck, Jimmy.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I don't remember when I first met Jimmy, I do remember when he did come to my house in Ellsworth, I believe he was transporting Joe Brennan around and he told me a story,

I don't think it was true. Jimmy, I'm not saying he defines blarney, but I have a lot of respect for the Irish people, but he told me a story of when he took a flight once out west and there was this Jewish lady sitting next to him on the plane and Jimmy has the map of Klarney all over his face, I believe. They got up in the air and the Jewish lady nudged him and said, you Jewish, and Jimmy said, my name is Gormley, I'm Irish, I'm not Jewish, but she persisted and they were in the air another half hour, she nudges him and said, you sure you're not Jewish and Jimmy says, no I'm Irish, very Irish. Oh, I thought you were Jewish. Finally they're over Chicago, she says, you must be Jewish, and Jimmy says, well, in frustration, yes madam, I am Jewish, to which the lady said, funny, you don't look Jewish.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I would like to thank Mr. Gormley for providing a nice place to start my day every day, with the storytelling and particularly for the deep concern he has shown for the choirboys every Thursday morning.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. It's pretty hard to sum up the years that I have known Jim Gormley, there are so many stories as many of us can recall. I'll always consider him a friend. It seems like every morning we always have a discussion and I was just thinking about one that we had probably a year ago and it was about increasing the number of moose permits. I'm an avid hunter and I have always been and every now and then Jim will catch you off guard and he says, John, he says, if they ever raise those moose hunting permits and they shoot all the moose, we're going to loose all the tourists, they're never going to come to the State of Maine again, so I just sort of listen to Jim and you know he has a way of almost making an avid hunter believe him. That's the way Jim is. I've been with him over the campaigns, as Representative McAlevee says, I remember there was a time when Jim and I was in Waterboro, it was an interesting circumstance, but I'm going to miss you Jimmy. I know, as I've said before, people who really make an impact on this institution are here long after they are gone and I know that Jim's good work and his sense of humor and his personality will live with me the rest of my life as I'm sure that it will remain with this institution.

The **SPEAKER**: The Chair would add that I'm too proud to be able to call Jimmy Gormley a friend and he's truly been a friend of this institution and he is obviously well loved and will be truly missed by the Maine Legislature.

ADOPTED in concurrence.

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

Bill "An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education "

(H.P. 291) (L.D. 399)
(C. "A" H-26; S. "A" S-400)

Which was **TABLED** by Representative SAXL of Portland pending **RECONSIDERATION**.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. The title of this bill that the Governor, Chief Executive, has chosen to veto at this point is "An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education", it's as simple as that. That it provides a small amount of money, \$100,000 in each year of the biennium to fund local transition councils of which there are 13 across the state to work with local school districts to assist students with special needs to make the transition from their school to either an appropriate workplace or postsecondary educational opportunities. These are the students that have the most difficulty making the transition from high school to either finding jobs, vocational school or other postsecondary educational opportunities. The bill and this money through the regional councils simply insures that the local school districts are in compliance with federal regulations that say, every child with special needs should have a transition plan. This bill simply allows again, local school districts to remain in compliance and to carry out the federal mandate and at the same time assist those students that have the most difficulty making that transition. This is a unanimous committee report. During the public hearing no one, nobody from the Executive Department, no state agency came and spoke in opposition to this bill. The bill initially called for \$200,000, just in the next year's biennium the Appropriations Committee amended the bill and allocated \$100,000 each year of the biennium. It's a small amount of money that does a tremendous amount of good for those students who have the most difficulty again making that transition in high school, so I'll urge you to join me in voting to override this veto.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Again, another unanimous committee report, but at the time that the report came out, we didn't know there was going to be another \$10 million added to program costs for funding of special education and it's my contention that this program could be adequately funded through that special appropriation. I urge you to sustain the Governor's veto, thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. L.D. 399 was a bill that I introduced into the 119 Legislature and as a member of the Education Committee, and I will reiterate what Representative Stedman had said. That is was a unanimous report out of our committee to fund the transitional council statewide.

I just want to give you just a little additional information to add to what Representative Brennan had stated earlier. The reason that this \$200,000 as an additional request for funding was so that they could get more school districts than they are currently able to serve. Since 1991, actually in the last two years, they've gone from a system of a handful of local transition councils to a statewide coverage structure of six regions. Theoretically they are serving the whole state, but put the structure in place with no additional funding. The aim is to do capacity building and to assist local school districts to be in compliance, as has been stated earlier. The additional funds would be used to increase the capacity to train youth and parents to do leadership training with and for school based teams, including school, community and state agency people.

I'd like to take just a few more moments of your time. In support of this very important piece of legislation and why I'm requesting the members of this body to override the Executive Officer's veto. I have a written testimony. This gentleman who is a special ed teacher in a school district here in the state and was not able to attend our public hearing, but I think that his words are very compelling as to the necessity for us to continue to fund more adequately the services that are provided. If you will allow me I'll read from his statement. Three and a half years ago I became involved with the Franklin County Council on Transition, I was introduced to the Council at a training session on student centered planning a curriculum. I attended the two-day conference along with one of my students. As the next year and a half progressed, I was able to help that student go from not wanting to be in school to graduating and becoming gainfully employed. Let me tell you his story. This student had known he wanted to work in the woods, but had no real idea of how to get from school to the world of work. Through the assistance of the Council and the ties with agencies, such as vocational rehabilitation that I made, I was able to help him achieve his goal. The student centered planning curriculum was designed to help me help him set up smaller goals, such as obtaining a drivers license, taking a CLT, a certified logging professional training course, and become trained in first aid. The Council has also helped me incorporate some of Maine's learning results into my curriculum, many of the career prep goals are being met in my class through the assistance of the activities that the Council promotes. Presently I work with eight students in a self-contained setting. Two years ago these students were responsible for beginning and maintaining a school wide recycling program. After my initial introduction to the Transition Council I became a member of the local council. This relationship has enabled me to become active in the planning process of guided business tours for students from four school districts. The students contact the council and are assisted in setting up tours of local area businesses that are of interest to the students. These tours enable the student to get a clear idea of what is necessary for them to obtain employment in these businesses. Recently one of my students has become employed by the local Shop and Save. This came about through contacts that were made through the council and as a follow up to a business tour my students took last spring. In the last year I've received a tremendous amount of support from the council in introducing transition to other area schools. Last year one of the goals was set by a team of Mount Abram High School teachers and was to introduce transition to the middle level teachers of our district. In December the Council helped the team put on a one-day introduction to transition, which will be followed up by a second day of training in March. The team felt that it was especially important due to the changes in the law that transition must begin at age 14. I believe that transition is for all students and working with special needs students is a small step in the big walk of life. For the continued help of the Council on Transition and the ongoing training more and more students will be helped in reaching their dreams and fulfilling the visions of their futures. I ask you again, members of this body, to please support me in overriding the Chief Executive's veto of this very important piece of legislation.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. Very quickly, I just wanted to disagree with the

(H.P. 871) (L.D. 1228)
(S. "A" S-393 to C. "A" H-131)

good Representative from Hartland in terms of his comments relating to not knowing that there is \$10 million of program money that is going to be available in the budget. When the Appropriations Committee voted on this bill and passed that, we certainly knew that that \$10 million was available and secondly, that \$10 million of money is used for other purposes than this transition planning, so in no way, shape or form does this suggest because we allocated additional money for program costs that it takes away from the need to fund these transitional services. Thank you.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I voted for this bill in committee, I think it's a good idea, but I'm going to vote to sustain the Governor's veto today based on a couple of reasons. First off, transition programs have been a requirement for several years in our schools and in many progressive schools have been successfully implemented and I think the money should go as the Governor infers in his veto message that it should go to all schools and hopefully, we'll carry the \$200,000 forward, and put it into program costs for all schools in another year.

The SPEAKER: The pending question before the House is Shall this Bill "An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education " become law notwithstanding the Objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 413

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Richardson J, Rines, Samson, 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, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bolduc, Chizmar, Matthews, Quint, Richard.

Yes, 76; No, 70; Absent, 5; Excused, 0.

76 having voted in the affirmative and 70 voted in the negative, with 5 being absent, and accordingly the Veto was Sustained.

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

Bill "An to Increase Payments to Foster Parents"

Which was **TABLED** by Representative SAXL of Portland pending **RECONSIDERATION**.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. This is another unanimous committee report which attempts to address a critical need in the State of Maine with respect to the adequacy and the supply of foster parents for children. The critical nature of this problem has recently brought to light as recently as yesterday in a press release by the Department of Human Services, which has been distributed, with respect to the urgent need for expanded foster care and foster care parents in the Lewiston Auburn area. It is cited in the press release that one of the important ways that Maine society tries to bring the worst situation to these children is through the provision of foster care. They cite the fact that a significant increase effort, in fact, in the Chief Executive's veto letter he points out that a significant increase in funds have been appropriated in areas of investigating previous uninvestigated child abuse as well as improving adoption services. That makes the case itself for expanded resources for adoptive parents. The more the Department of Human Services does and the better job that it does in investigating and identifying and reporting child abuse, the more there is a need for an alternative resource for these children, which is foster care. Does it make sense to veto a modest \$50 increase for foster parents and at the same time continue to do a major case finding search for children in need of such services and that's what's going on, men and women of the House, right now. I urge you to make sense out of all of this and to override the veto of the Chief Executive. Thank you, Mr. Speaker.

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

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. As a social worker and sponsor of this bill, I feel compelled to get up and speak in favor of overriding the veto even though the likelihood may be slim. The last raise that foster parents received, the last substantial raise that foster parents received was in 1993. Now in the veto letter the Chief Executive says that they received a ten percent raise in 1996, which is true, and that sounds like a significant increase until you put a dollar to it and what 10 percent raise gave foster parents is exactly that, one dollar a day raise. One dollar a day for a job that requires 24 hour care of a child. Dealing with children, seriously and emotionally damaged due to their abuse and neglect. Being available at any time of the day or night to open your home to a child in need of a safe haven. I believed it was time to provide a second raise for those who care for our most vulnerable children and therefore I submitted this bill. Part of what the veto says is also to foster parents, it's true that we have good times now but we can't give you a raise because we might have bad times ahead, so we won't give you a raise, but it also says that in bad times we can't give you a raise either because we can't afford it, so I ask you given these parameters when would a raise be forthcoming for foster parents. I think the answer is pretty simple, so what I ask you is to look into your hearts and vote your conscience on this bill.

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. I certainly agree with the last speaker and I voted to have this in the budget, however, I feel very proud of all the accomplishments and the great strides that we as a body have accomplished in this last Legislature and the things that we have done for Maine children. Just to name a few to remind you, we have the Start-Me-Right Program, we have an increase in GPA funding, we have the dental program, as well as we did fund foster children in our Part I budget. I agree with you that it might not be enough, but we cannot afford anymore and if this is important, hopefully we can place this at the top of our priority list for the next budget. I hope you will join me and vote to sustain this veto. Thank you.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I certainly intend to make this a center point of the next budget should the override fail today, however, I want to encourage you to join me in voting to override the veto and I want to remind you that we can afford what we choose to afford. If we decide that abused children are a priority in this state, if asking people of modest means to open their house to troubled abused children is a priority of this state, we can afford to pay them well enough to recruit them. I also want to draw your attention to a press release, which is on your desk, issued by the Maine Department of Human Services talking about the difficulty in recruiting parents, talking about the need for foster parents. There has been a 70 percent increase in children in the custody of the state in recent years and that is because we are doing a better job of stepping in when children are abused so that we don't have more instances such as the tragedy that is in the papers today. I urge your support, if we choose to make the issue of abused children a priority, we can do that and we can find the funds. Thank you.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I'd like everybody to take one second and just think about this. As we stand here, as we sit here, and as we deliberate, there are children at the Maine Youth Center because there aren't enough foster placements in their community. They are our children, Maine children, with significant mental health problems and who have been abused that are in out of state facilities, spread across the country, at a cost of hundreds of thousands of dollars a year to this state, because we don't have enough foster homes to place them in our communities and have them here in the state. There are hundreds of children in this state who are out of this state right now that are in psychiatric facilities or other out of state facilities because we don't have enough placements here in this state and foster homes. That's not right. We should not have any of our children, State of Maine, have to be sent to Georgia, or Texas, or New Hampshire because we don't have appropriate services here. One of the most appropriate services we have is foster care. I can't believe that we're standing here knowing that children of our state are in that circumstance and we can't afford a \$50 increase to foster parents. \$50 increase to foster parents. There's an article in the paper Sunday, a week ago, Maine Sunday Telegram, front-page article, that was about Charter Brookside in New Hampshire. That's a for-profit psychiatric facility in New Hampshire. Two months ago 37 Maine children were in that facility at a cost of up to \$700 a day. Two weeks ago there were 25 Maine children

that were still there, even though that facility had been reported for being in violation of federal regulations on safety, health and care. The parent company that owns that facility is in such dire straight. The 60 Minutes last Thursday night did an hour profile of the abuse and mistreatment across the country of Charter Brook facilities. We had 25 Maine children in that facility in New Hampshire that by state reports is filthy, where abuse was occurring and they didn't have minimum staffing requirements and we're paying \$700,000 a day for that. I'm happy to report that the state has taken quick action and that by the time we leave here today those 25 children will be back in Maine, but the reason they were there is because we didn't have appropriate foster homes and other placements in this state.

The Representative from Saco did a very good job explaining why in the Chief Executive's comments and his veto he missed the mark and I want to tell you again why he missed the mark. As a state, we've had a major problem and just doing investigations of child abuse and neglect, and in fact two years ago, there were 3,000 cases reported of child abuse and neglect that met the state definition of screen out so the state did not investigate because they didn't have appropriate resources, 3,000. Now the Part I Budget, there was more money put in for those investigations, but as the good Representative pointed out, the conservative estimate would be that if you did those investigations at least 5 to 10 percent of those investigations would result in the state having to take custody and place that child in a foster home or some other residential program. That would mean that there would be 150 to 300 more children that would need to be placed either in foster care or some other residential program. So what we have done is create a situation where we're going to do a better job in investigation and then we're not going to have any place to put those children. That's wrong, that's bad policy and it's inconsistent with what we have done in the past. In the late 80's there were two reports done by the Attorney General, not one but two that showed the state child protective workers, we're ignoring state laws regarding jeopardy and leaving children in homes where they are being abused and neglected in violation of state law, because the workers felt that if they took them into custody they would be in worst condition than leaving them in those abusive situations, because the state's alternatives were even less desirable than leaving children in abusive situations. Just to summarize that, what that meant is those workers realize that if they took the appropriate action and followed the law and brought those children into custody, there were not enough foster homes and other placements for those children, so they left them in abusive and neglectful situations. Two Attorney General reports documented that. We can not, as a state, and we as a body, can not sit here in good conscience and vote to uphold this veto and say at the same time we're acting in the best interest of those children that are the most vulnerable, the most abused and have the least voice of anybody in the State of Maine. Foster parents do two things. They do God's work because they save children's lives and I urge you from the bottom of my heart to please override this ill-advised veto.

The **SPEAKER**: The pending question before the House is Shall this Bill "An to Increase Payments to Foster Parents" become law notwithstanding the Objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 414

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Clark, Colwell, Cote, Cowger,

Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, Peavey, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bolduc, Chizmar, Joy, Matthews, Quint, Richard.

Yes, 82; No, 63; Absent, 6; Excused, 0.

82 having voted in the affirmative and 63 voted in the negative, with 6 being absent, and accordingly the Veto was Sustained.

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

Bill "An Act to Enhance Tourism Promotion and Provide Additional State Revenue"

(H.P. 914) (L.D. 1292)

(S. "A" S-406)

Which was **TABLED** by Representative SAXL of Portland pending **RECONSIDERATION**.

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

Representative O'NEAL: Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask you to help us overturn the Governor's veto, you've heard a lot of that today, this is also a unanimous committee report. I'd like to share with you that research just released by the Department of Economic and Community Development shows that tourism advertising brought in an 18 to 1 return on investments in the fall of 1997 to the fall of 1998. The summer and fall advertising campaign brought in 1.1 million new visits to Maine and generated 18.8 million in new taxes on investments of under a million dollars. Tourism continues to be one of the best investments for the Maine taxpayer said Governor Angus King, Jr. It's my belief that this is one time money. The communication from the Chief Executive, I agree with everything that he said until he got down to the point that he was vetoing this bill because he couldn't find sustainable source of funds. It's my opinion that this is a one-time appropriation and I believe the sponsor will speak to that also. The \$240,000 in my opinion is seed money with an 18 to 1 return. We see this being turned over and the funds, also like on a grant type investment, so I urge you to overturn the Governor's veto.

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

Representative COWGER: Mr. Speaker, Men and Women of the House. I was very proud to sponsor this legislation and I

would just like to talk about it a few minutes with you. I'd also like to reflect for a moment that this Legislature, the 119th, has invested over \$35 million this year of new money in research and development. I think that we should all be very proud and I'm personally very thrilled that we've made this major investment and I'd like to take this opportunity to thank all the members of this body and the other body for investing in R & D. I think we need to continue to invest in the state's second largest industry and that industry is, of course, tourism. The bill before us today unanimously passed this House earlier in the year and it had the unanimous endorsement of the Appropriations Committee. What this bill does is simply creates a modestly funded tourism matching grant fund. This fund will immediately upon enactment will leverage an equal amount of private money. This fund on a competitive basis will help promote your local chamber, perhaps your regional tourism organization, perhaps a cultural alliance that may be formed and other statewide groups involved in this industry. I believe this is a very good program to help spread tourism dollars throughout our state, in inland areas that are especially economically depressed right now as well as coastal Maine. I think it's an excellent opportunity to help benefit our entire state.

As the good Representative from Limestone said, the Executive says that this bill smells of an ongoing appropriation that we can't sustain, but I would agree but let's give this matching fund two years of funding at a very moderate level of \$120,000 a year, let's see if this fund proves that it can produce additional revenue to this state by promoting interior regions and off season opportunities for example. If this fund does perform, we can reassess the performance and decide in the future if we want to continue the funding for this purpose. There is no guarantee that this fund will be replenished if future bienniums choose not to fund it. Please look at this as one time money.

Again I just want to remind you this bill had unanimous endorsement from the Business and Economic Development Committee as well. In its original form which had a much higher appropriation and it's been trimmed down to an absolute minute match grant program. Please join me in voting green to override the veto of the Executive on this measure.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. This is one of those issues, tourism, that we all agree on and I think if we had the ongoing dollars, that we would be able to make that \$240,000 commitment. We have seen the benefits of the state advertising. We've seen what the local chambers have done. We've seen what's been done on a regional level and so we don't forget the literally millions of dollars being spent by individual businesses promoting themselves and the state. I think we've seen with the early spring this year and the warmer spring we've had that it's going to be a very dynamic tourism season. The Governor in his veto message had indicated that there had been substantial increase in funding. I went and pulled the appropriations and the fiscal year ending June 1996, the commitment to tourism was \$1.85 million, June 1997 increased to \$3.44 million, FY 98 \$3.46 million and the year that we are about ready to finish \$4.62 million. That included a one time \$250,000 appropriation that we did in a previous session. Allowing for that one time appropriation this is almost a 4 percent increase in funding for FY 2000. It's ongoing costs. We've done this once already. There's a five-year plan, it's been returned in terms of some of the advertising. We're

seeing in the revenues that it is working and we are in the middle of that five-year plan. We've made a substantial, we've quadrupled in the last four years the funding level for tourism. I would hope that we could sustain this veto.

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

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I rise also to speak in support of this bill. I am well aware of the substantial increase in funding for tourism in this state, however, that's being used at the state level and if you look what's going on for promotion it's basically still focuses on our coastal areas and does little to help our regional areas of this state that have some very special and unique opportunities to offer for tourists. It is a major factor in my district and I would urge that we vote to override the veto of the Governor.

The SPEAKER: The pending question before the House is Shall this Bill "An Act to Enhance Tourism Promotion and Provide Additional State Revenue" become law notwithstanding the Objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 415

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Clark, Collins, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Richardson J, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Cross, Daigle, Davis, Foster, Glynn, Heidrich, Jones, Kasprzak, Kneeland, Labrecque, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Plowman, Richardson E, Rines, Rosen, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Winsor.

ABSENT - Bolduc, Chizmar, Joy, Matthews, Quint, Richard.

Yes, 91; No, 54; Absent, 6; Excused, 0.

91 having voted in the affirmative and 54 voted in the negative, with 6 being absent, and accordingly the Veto was Sustained.

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

COMMUNICATIONS

The Following Communication: (S.C. 345)

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

June 16, 1999

To The Honorable Members of the 119th Legislature:

Enclosed please find S.P. 518, L.D. 1552, "An Act to Ensure Adequate Nutrition Services for Maine's Elderly," which I am returning without my signature or approval."

This bill provides a general fund appropriation of \$100,000 for each year of the next biennium for the Meals on Wheels Program.

Meals on Wheels is an important program, and state government demonstrated its support for these services with a \$100,000 Supplemental Appropriation in the FY '98 budget. Also included in FY '99 is an additional \$150,000 appropriation for other supportive services, which includes transportation, outreach and adult day services. Both of these increased appropriations are reflected in the already enacted Part I budget. I also understand that President Clinton's budget proposal for Federal Fiscal Year 2000 includes an additional \$35,000,000 in federal funds for home-delivered meals. If the federal budget is approved, Maine should receive \$175,000 in new funding for this program.

L.D. 1552 also needs to be considered in the context of other long-term care needs. The Part II Budget contains a Supplemental Appropriation of \$3.5 million to reduce home care waiting lists and increased opportunities to enhance the affordability of drugs for the elderly.

My veto of this bill is based on fiscal prudence, not on the merits or purposes of the program.

We only have to return to the late 1980s to learn that we cannot spend every penny during good economic times. To do so will lead toward a major tax increase, reliance on financial gimmicks and painful program reductions as soon as our economy has a slight downward fluctuation, the same dramatic situation faced by the State in 1991. We need to learn from that episode in our state's history, and do everything we can not to repeat it.

The situation facing us next biennium is even more precarious because the money being used to invest in these program expansions comes from a one-time phenomenon, the sale of CMP's electrical generation assets. This money will not be available to sustain these program expansions in the next biennium. We are already facing a substantial structural gap in 2002-2003 caused largely by the commitment we all shared to increase the state's level of funding for General Purpose Aid to Education. The possibility of difficult reductions already looms based on the level of spending in the recently enacted Part II budget and the shortfall we already face between expenditures and available ongoing revenues. There is very little chance that this program expansion could successfully compete for continued funding in 2002-2003.

For the reasons outlined above, I am opposed to LD 1552, and I respectfully urge you to sustain my veto.

Sincerely,
S/Angus S. King Jr.
Governor

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The accompanying Bill "An Act to Ensure Adequate Nutrition Services for Maine's Elderly" (S.P. 518) (L.D. 1552) (S. "A" S-396 to C. "B" S-142)

In Senate, June 18, 1999, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question:

'Shall this Bill become a law notwithstanding the objections of the Governor?'

21 voted in favor and 7 against, and 21 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. This is a bill which came out of the Committee on Appropriations and Financial Affairs, it was an 11 to 2 report in its original form. There were two versions, the Minority Report went on to do other things above and beyond the Meals on Wheels, but 11 members supported the Meals on Wheels portion only and that is the piece which went to the table and was funded from the table and which the Chief Executive choose to veto. I encourage you to join me in voting to override that veto. You are familiar with this program, I don't need to tell you how it works or who it serves. You know that there are many hundreds of thousands of elderly, frail, Maine citizens in your community and in mine who are unable to access institutional care, who wish to stay at home and with just a little assistance can remain in their homes. Meals on Wheels is one relatively inexpensive form of assistance that we can give to these frail elderly citizens to allow them to remain independent, to retain their dignity and to extend their lives. Studies have shown that institutionalization often leads to swift death. The administration has claimed that we can not afford this program at this time and that is a claim which baffles me, as I have said many times this afternoon, we can afford what we chose to afford. A \$100,000 a year is a relatively small sum to keep hundreds of thousands of Maine citizens in their homes.

Another claim made by the administration is that this program is already funded in the Part I budget and that is true to some extent, but LD 1562 will extend the program into areas which are not currently being served and those are largely northern and rural areas and so I would hope that that bill would be of particular interest to Representatives who represent those areas. You have a fact sheet before you which indicates that we can expect some reductions from the federal level, again that's another reason why it is important for the state to step up to the plate and take responsibility for these citizens. As you well know cuts were made in this area during times of financial crisis in the early 1990s.

You're familiar with the program, I don't think I need to elaborate beyond that. It's a very modest sum of money and I can see no reason why we can't reach into our hearts and into our pocket books and find \$100,000 a year to allow our most frail and elderly citizens to remain independent.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. When I read that the Governor had vetoed this bill, my thought was shame on him. I urge you to override this veto.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I stand in front of you today with probably what I think is probably going to be the hardest vote that I'm going to make today and that's to sustain this veto. If we were truly thinking that we were going to do anything with this \$100,000, we would have put it in the Part I Budget. It was already an

expansion that gets \$5.2 million, we could have easily, easily, put \$100,000 into the Part I Budget to increase this program by \$100,000. Serving on Appropriations, you feel like you're the last kid at the end of the line and you're going to get slugged, you're going to get hurt, because you have to make the tuff choice. I understand that we supported this in Appropriations and there was a way to put it in the budget but now we have a bill that has this very glamorous title that if you vote against it, I can see the headlines when that Saturday before the election comes up, Representative Bruno did not support funding Meals on Wheels, which is the furthest thing from the truth. The fact is we gave \$900,000 for congregate housing for the elderly; we expanded the drug program to 185 percent of poverty so people don't have to choose between buying food and paying for their prescription drugs. We increased more funding in the supplemental budget in 98; we gave more money for supportive services. We are taking care of our elderly, probably as well as any state in the country. This \$100,000 sounds good, but in times when we are looking down the road, we could have made the choice to put it into budget and we didn't do it and now many of us are afraid to sustain this veto because we think that it will not get us reelected. Maybe it won't, maybe it will. I don't know, but I'm willing to take that risk, because servicing on the Appropriations Committee, it's my choice to be fiscally responsible. We are not here to fund every single program. We cannot do it, as much as we would like to we cannot do it. This \$100,000 in 5.2 million is less than 2 percent and we already gave them an increase in Part I, they already have a 3 percent increase there, so unfortunately I will sustain the veto. It doesn't make me feel good, but I will, because I think it is a fiscally responsible thing to do. Thank you.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I've been sitting here today listening to the litany of vetoes and the justification for the vetoes. I've heard a whole string of unanimous reports from committees that are being vetoed. Unanimous or near unanimous reports from the Appropriations Committee that are being vetoed. Bipartisan agreement for the money that was coming off the table seems to be going the way of the veto. Some of that money through negotiations on either parties went to Republican programs, some went to Democratic programs and I'm trying to figure out what's changed in the last two weeks that all of our common work in the bipartisan fashion is now unraveled into a purely partisan dog fight. I don't get it. Over and over I've heard that there's no money, and yet maybe this is something that has changed, there's no money, but yet this morning we get new revenue projections. The lead story in the Press Herald is that the surplus money keeps rolling in, so that can't be the answer. The Chief Executive often says and I've often heard it said in this chamber that we ought to Government like a business, well yesterday, I was at my senior center and I was talking to folks about various options, government programs and options to allow them to stay in their homes longer and to defer long term care until it was absolutely necessary. I guess I look at this meals on wheels as just one more of those great options that will allow those senior citizens to do what they truly want to do and even better allow us to run government like a business, allow us to invest in programs that save us money.

If I can invest money in my business and make money on it or save money, the same thing, I'd do that every day. We need

to think about that, because this Meals on Wheels program is one of the most cost effective that we have and any business who had a similar program would look at their bottom line and say, this is worth it. I guess I would urge all my colleagues in this House to do the right thing, let's override this veto. There is enough money there and not only will we be spending another \$100,000, but we'll probably be saving half a million in deferred long-term care costs.

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

Representative **MAILHOT**: Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to my colleague on the Appropriations Committee from Raymond, I do respect that he probably has a hard time voting not to sustain his vote, that he has to vote to sustain it. I just want to say in contrast that as a member of the same committee, I will vote not to sustain his veto and I will vote to override this veto and it will be the easiest vote that I have done all day. Thank you.

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

Representative **WILLIAMS**: Mr. Speaker, Ladies and Gentlemen of the House. I concur with my colleague and I also find myself in the same position, that I find that this will be perhaps the easiest vote I cast today and while I am not a member of the Appropriations Committee, as a member of Health and Human Services we deal very closely with the Maine Agencies on Aging and many issues relating to the elderly. One of the things that perhaps you don't know is that malnutrition in the State of Maine is one of the leading causes of dementia in the elderly. That's not just in the State of Maine, that's everywhere and this program helps to address that problem directly. The money that we will be receiving will help to offset a potential cut at the federal level. In his letter explaining why the veto took place, the Chief Executive cited that federal funding was being purposed that could help this program. On the contrary, the Congress is considering a 12 percent reduction in the program, so you know I think the money that we are talking about here, \$100,000 is going to help offset a cut at the federal level. In addition to which there was a minor cut last year, a \$35,000 cut to the program last year. This money goes to help some of the most vulnerable people in the state in the most rural locations, they're hard to get to and this program brings the most essential items to them and that's food. That is why I hope that you will strongly consider overriding the Governor's budget so we can put food into the homes and into the stomachs of our elderly. Thank you, Mr. Speaker.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I'd respectfully disagree with some of the things that have been said. This is not a bill; it's not a matter of getting reelected. It's not a matter of should it have been put in the budget, or should it not have been put in the budget. It's simply a matter of all of us in this room having an opportunity to reach out to help a group of people who so desperately need our help and I believe that's one of the most important things that we can do here. We can pass all the bills that we want to change, all the laws that we want, but at the end of the day if that's all that we've done, I don't believe we have done our job. If we have reached out and we've helped people in the State of Maine, then I believe we have done our job, then I believe we have done what's right. We are fortunate here in this room right now, and we're also

fortunate that there's another body at the other end of the hall, we're fortunate to be working in the system that we're working in and we're fortunate that this system is looked over by a Governor, and not a King and we have an opportunity to do what's right, right here, right now and help these people who so desperately need our help. Thank you, Mr. Speaker.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. A couple of weeks ago I made a mistake on a vote and that won't happen again tonight, I will be voting to override the veto. The reason being is because \$100,000 will buy approximately 25,000 hot meals delivered to homes of 200 frail homebound seniors in the coming year. This is very important. As selectman in the Town of Eliot for three years, I was very happy every time the budget came around and we were able to help out the Meals on Wheels Program. This is one program, folks, that the elderly really look forward to, not only for the meal, but for the company, for that visit with somebody, from someone they can talk to, someone they can tell stories to, it's the company and nothing really is so close to my heart than to try to help out somebody that is so lonely and has helped out people through their younger days and show them the way. This really means a lot. The Chief Executive says that he wants sound investments; this is a sound investment in two ways. Even if we were to keep just three people out of nursing homes for a year at the cost of \$40,000 a year by providing hot meals, this \$100,000 would pay for itself. There could not be a more efficient program for approximately \$4.30, a nutritious hot meal is delivered by volunteers to elderly that are bound in their homes, so I urge you, I repeat, I really urge you to think before you vote and to override this veto. This is very important to the elderly in our state and let's make them feel good. Thank you.

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

Representative **COTE**: Mr. Speaker, Men and Women of the House. I rise today in support of reconsideration of the Meals on Wheels, due to the fact for the last couple of weeks my phone has not stopped ringing. I get between 13 or 14 calls a day on this one specific bill and they're elderly people in my district. This is a very serious matter. I get phone calls and messages with some of my constituents crying over the phone because the Governor has vetoed this bill. I have a message right here from one of my constituents, her name is Muriel Rodrigue, she's a very sweet woman, I've spoke to her many a times. Her message to me was the Governor vetoed dollars from Meals on Wheels, we have paid hundreds of dollars for medication. We get hit every which way, please override the veto, I can't walk, I need my Meals on Wheels. Help us. Now when I get a cry from a constituent like this, I have to answer that cry. They're the ones that sent me here to fight for them, and by golly I'm going to fight them till I'm black and blue in the face. Now I urge you as my colleagues to vote with my light on reconsideration on this veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I urge you to vote to override the Governor's veto. How we as a society treat the helpless, the old, the infirmed will determine the wholeness of our society. Old people, a shadow of their former selves, once were strong and now are weak, they

need our help and I urge you to vote to overturn the Governor's veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. I, too, have a lot of trouble with this program, I had supported it in the past, I supported it early on in the appropriations process, I also occasionally go on Tuesdays when I'm home to the feeding site in Acton and visit with the people who benefit from this program. My neighbors benefit from this program so it's with a heavy heart that I find myself willing to sustain the Governor's veto. Please try to remember, we spend \$5.1 or \$5.2 million on this program in this state and we're now discussing \$100,000. Five point one million dollars a combination of federal, money the agencies raise themselves and state appropriations. The reports that I have indicate that in this current biennium, 1998-1999, we increased the allocations to the Meals on Wheels and that that increase is now part of the Part I Budget, so in recent times we have provided more general fund money to the Meals on Wheels. It is also my understanding that depending on how things go in Washington, there is a purposed increase for Meals on Wheels of \$175,000 of federal money for this program in this state. Now there are some contrary reports about that. I'm reporting what I've got. It seems to me, as I heard and remember the public hearing, the proposal as it came to us was to expand in those areas of the state where the population was thin enough so that they were really losing a lot of money. I supported that; I think it's a good thing to do. The process continues, the bill went to the table; we then had to make a bunch of choices between a number of equally good programs. That was a hard choice. Unfortunately, this particular proposal didn't survive that. Other things happened after the public hearing. I began to notice on television the same agencies that are going to get this money were advertising on television. Now maybe that's a good thing, but for people who are desperate for food, who are apparently hungry, should we be spending this money on TV advertising and something else has happened lately. I go out in the hall and whose out there but the lobbyist, paid for by these same agencies, so I say to you, what is this money going to be spent on. Is this money going to be spent to feed elderly people, or is it going to be spent on lobbying or TV advertising. I urge you to sustain the Governor's veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. It is fitting that as we end our session today, we speak about the most vulnerable people who I was sent here to represent and I think all of us were sent here to represent. Some of the arguments, I don't want to be repetitious but it's bogging to hear about lobbyist, there are so many lobbyist who represent so many different factions. The Chamber of Commerce and the BETA Program, and I can go on and on. I do take issue, however, with the Representative from Raymond, I am sickened really to always hear the argument about the next election. Maybe as a freshman this isn't what I thought it was going to be and maybe the next election isn't that important to me. Maybe what is important to me was to come up here and do the work that I was sent here to do this session and do the right thing and not worry about the next election all the time. I take also issue with somebody on this side of the aisle, my premise and my philosophy, running government as a business is not my

philosophy. Running business, business cares about the bottom line and I was sent here to care about people who couldn't speak for themselves or who don't have what they need and it's not always necessarily the bottom line, making a profit, business making a profit. That's not what I think government is about, but that's my philosophy and that's probably why I sit on this side of the aisle.

There's a man on my street who gets Meals on Wheels and I helped to deliver it one time when they needed volunteers and like Representative Wheeler said, it's not just the food that we are bringing to these people, it's the championship. He lost his wife, he was lonely, he was a shut in. It is more than food, it is spirituality, it is friendship and a hundred more thousand dollars, I'd give them five hundred more thousand dollars. It is political will, we can do it if we don't lack political will, or if we only worry about the next election. I would urge you to stand tall and stand for those people who cannot speak and who are proud people who don't want a hand out. Some little old ladies that I see at the super market are buying cat food, they're afraid to ask for help. We were sent here to be their voice and I don't think in the whole scheme of things, when you're talking about this whole budget, \$100,000 is going to break the bank. Thank you.

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

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. I'm told millions of people go to bed every night hungry. Did anybody go to bed hungry last night? There are people in Maine going to bed hungry, they're our elderly. Unfortunately, or fortunately, depending on how you look at it, our generation of elderly paid their price through the great depression, through World War II. They deserve a lot more than what we are giving them. We have in our hands a merger opportunity to do something little, something small and as a result of that, less people will go to bed hungry at night in the State of Maine.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I feel I must stand for just a moment and offer a little bit different of a perspective. I don't really know yet how I'm going to vote on this, but I want to remind you that when bills like the social security bill come up and we vote to tax social security, we're voting to take food out of the mouths of these very same people we're talking about right now. I think that we need to stand back for a moment and take a look at our tax policies in the state. A lot of the reasons why my 87-year-old grandmother struggles to pay her property taxes and pay her upkeep on her home is because we have high taxes in this state. I think that we need to stand back for a moment and say do we want to make people more dependent, I know that there are people out there that need this Meals on Wheels and I'll probably support it, but you know what would be better for the people of the State of Maine is if we reduced their taxes so they can buy their own food. I know from my 87 year old grandmother who will not take a hand out from anyone and if you even paint her porch for her, she has to pay you. She's a proud lady and she's proud because she grew up earning her money, saving and paying for what she gets in life and that's something we should never loose as a society, so the next time the social security bill comes here, people, vote it down. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. To the Representative from Waldoboro, people who receive Meals on Wheels are proud people, too. To the Representative, people who receive Meals on Wheels aren't the people who would have paid into that social security tax, none of them, zero, none of them. Now that may not have been a good policy, we may not have made a good choice here on the floor of this House in that regard, but the people in the State of Maine who receive Meals on Wheels are not the people that Democrats and Republicans alike in this chamber voted to tax in that social security tax.

Let's talk about Meals on Wheels. What is it? I've had the great pleasure to hear from the Representative from Biddeford that she's been a volunteer. The Representative from Bowdoinham and I have been talking about our experiences, I've been a volunteer delivering meals on wheels. I've worked with the Representative from Bangor when she delivered meals on wheels and I know many Representatives in this chamber have reached out to seniors in their community to bring them a helping hand when they needed it most.

I heard on the floor of this House from the Representative from Acton that there is \$5.1 million in state funding for Meals on Wheels, but that's as far as I can read from the budget, that ain't true. That's a mistake. There's \$5.1 million in blended state and federal spending in this budget in the State of Maine to support our Area Agencies on Aging and that does not exclusively mean Meals on Wheels, that's senior volunteer programs, those are Senior Spectrum and outreach programs and it's a lot more than just Meals on Wheels. For those of you who have had the pleasure to participate in Meals on Wheels, you know that it is a pleasure. It's a volunteer based program and it's bureaucrat light, and it should be the kind of program that the people in this chamber all can rally around. You take your station wagon out, you get a big cooler and you have meals in the back of that cooler and you go on a route around your town. I've done it in Bangor, I've done it in Portland and it's a wonderful thing because you have a chance to visit with people who are shut in their homes, as the Representative from Biddeford said, who don't have anybody else to talk to, who don't have any other human contact. It's about simple decency.

Does any of this money go to advertising? No, not a cent. What this money goes to is to providing 25,000 meals for \$100,000. Twenty-five thousand meals for \$100,000 bucks, it's beyond me how we cannot support overriding the Governor's veto. It's beyond me how the Chief Executive could veto this measure. We come together on so many important issues in this chamber. We had two-thirds budgets twice this year and we've reached beyond party boundaries so many times. I am heartened by the words of the Representative from Falmouth, I'm heartened by the words of the Representative from Waldoboro. This is such a simple step we can take today. We heard in our caucus, one of my Representatives mentioned that it's too bad that children couldn't pick up and use the phone themselves to lobby us here in the Legislature, I feel sorry about that, too. I feel sorry that we haven't been able to reach out in so many of these other vetoes, but let's think about \$100,000 in the face of a \$4.6 billion budget and if we really want to reach out to the seniors who are in the most dire need in the State of Maine, why don't we make sure today that they don't go hungry and they don't go alone.

The **SPEAKER**: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. For approximately 18 years, I had what we called the Tracy Meal on Wheels, my wife when she made supper, she made extra for the elderly people down the road, which were my beloved grandmother and grandfather and my wife would always say, Dick, call up and see if they would like to have a hot meal for supper and they always enjoyed the hot meal, but I didn't use any wheels, I always walked it down, because it was a close enough distance and having a hot meal when you're in your 90's and your late 80's, and just being there getting them a cup of tea, or a cup of coffee or waking my grandfather up to tell him the meal is out there and the smile that was on his face and my grandmother's face.

Going throughout the district in my last campaign, going door to door and knocking and talking to different individuals, especially the elderly, the ones that have been mentioned, the shut in ones that invite you into their house and talking to them on various issues, the cost of drugs, the cost of food, rent, taxes and the whole bit. It gets you in there and they are so lonely and you're probably the only person that's been by that house for the longest time and they talk, and they talk and they talk. You try to make a polite exit, but they really don't want you to go, so what I guess I'm about to say is I hope that you people in this chamber can find it in your conscience and in your heart to override the Governor's veto.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Bolduc.

Representative **BOLDUC**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of this very important bill. Yesterday morning I received dozens of phone calls from elderly constituents scared by the actions of the Chief Executive. In fact I don't think that I have ever received so many phone calls on any one issue, which this body has dealt with during my very short three years as a Legislator here. I must admit that the complaints at the beginning of the morning went in one ear and out the other. As I listened to an 85-year-old woman tell me that she would have to go into a nursing home if she were to lose the benefits of this program. What could I have said to her, I supported the program 100 percent and I told her I would vote to override the Chief Executive's veto today, but what more could I do. I explained to her that I am only one vote, one of 151 and part of a group, which is only one of three other branches of government that must determine the fate and the funding levels of this program. She went on to say that she understood how little I could do as one Representative, but that one thing I could do was to go up there and give all of you a little heck. After I got off the phone with her, I continued to receive more phone calls from elderly constituents concerned they might lose their service of receiving meals at their homes and would as a result have to be institutionalized.

By noon yesterday I was angry and I was frustrated. This state has a \$4 billion budget and this House will debate what the state soil should be with a passion and a whit not seen since Daniel Webster, yet this government will deny a modest increase to a program which provides the most vulnerable in our society with the opportunity to receive a basic necessity of life. This is the point that we need to remember and emphasis and put into perspective today so that we can override this veto. We are denying the most vulnerable in our society the most basic need. This is the most affluent nation in the world and that the world has ever known. This nation, our nation has a food producing capacity unrivaled in the history of the world and this state

refuses to expand services for the invalids and the elderly of our communities. Someone once asked me why I'm here in this job when I should be out making money at my age and I must admit that starting my second term was a deflating experience. Submitting serious and specific proposals in this House and seeing your bills and your ideas and your energy, squashed or cut up by committees or personalities or flat out opposition and lack of support is a very unsettling experience and leave a rather bitter taste of disenchantment with my colleagues and with my choice of occupation at present. Sometimes it overwhelms me with a lack of a sense of purpose and a sense of direction. On thing I have learned however is that you must choose your fights wisely and save your anger for when the occasion calls for it and today, for me, is one of those days. We can argue whether or not this proposal is sound spending policy until we are blue in the face, but sooner or later we have to stand up and define what a decent society is obligated to do. This clearly is an obligation. To increase this program by almost as much as the Commissioner of the state makes in one year would help hundreds of our state's elderly live out the remainder of their lives in dignity and decency, so this is why I am here. This is why after graduating from college I came back to my community, which I was born and raised in and am a product of, unlike some of those who would deny them this support. My community is an ageing French Catholic and Democratic community. My moral principals and convictions will always be based on what was passed down to me by my community, so I am very proud to stand here today and defend and look after them, and give all of you some help. Our lives on this planet are too short and the work to be done too great that we should ignore this cry for help from our fellow citizens. The question is not what programs we should enact, the question is whether we can recognize in our own hearts the leadership of humane purpose that we should all take.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I'd like to direct your attention to something in the Executive's veto message. It's actually the 5th paragraph, it's one line. It says, my veto of this bill is based on fiscal prudence, not on the merits or purposes of the program and I think it's probably appropriate given that statement for me to sort of focus on the issue of fiscal prudence and not on the merits or purposes of this particular program. I've never volunteered for Meals on Wheels, I know very little about it. I know what it does, my only experience in this type of thing was I did spend Thanksgiving feeding the homeless in a kitchen one time, and to be honest with you it was only because my car broke down, I was a cook, I didn't have a ride to my parent's house and I had no food in my own refrigerator so it was a chance for me to get a free meal as well, so let the record so reflect that my charity is somewhat limited at times.

On the issue of fiscal prudence one of the things that's been talked about, rather contentious here today is the whole issue of taxation, tax policy, and the tax burden and under the general umbrella of fiscal prudence and I think it's really appropriate to talk about that because this is why this bill is where it is before us today, under the cloud of a veto. I share these concerns with my colleagues on both sides of the aisle and with our Chief Executive about the issue of fiscal prudence. As my good friend from Portland, Representative Brennan, knows I have had some concerns about the spiraling costs of school funding, not that I

don't support it, but it does concern me. We spend a lot of money on schools and we're still in the same position percentage wise as we were three years ago when I first came here, but we're putting \$74 million into it and those kind of things do worry me and I was on the outside looking in here in the early 90s when the budget crisis hit. I watched this Legislature struggle with those very issues and the lessons that our Chief Executive spells out in his veto message are very plain, I think. We are not talking about mistakes that we have made in this Legislature here, since I came here we've put hundreds of millions of dollars into tax relief. We've had the BETA Program, the Homestead Exemption, we've cut the sales tax, we've done a number of things along those lines, which I think are very reasonable and very prudent, however, they still do not address the core issues which led to those crisis in the first place, which is basically a flawed tax structure and I really have to commend the Taxation Committee for the work they've done to try to correct that. They have been buffeted at every turn, they've been blocked and they have not been able to accomplish that mission and I fear that we never really will until there is an even greater crisis and that's just a reality, but let's call that what it is and talk about what we have been in terms of tax relief. You talk about the fiscal policies I think that it's prudent also to talk about the social structure. The social purpose of tax policy and where this money for this particular program would come from.

About 2,000 years ago, Julius Caesar ran for his first elected office. He was running for Edail, and in the City of Rome Edail were in charge of things like public entertainment and feeding the poor. His campaign slogan was bread and circuses. It's interesting to note that the social function of tax policy that now we no longer expect government to fulfill many of those needs. In place of government fulfilling the needs, we have tax exemptions on groceries and public entertainment, sort of interesting delineation, really. I think that all being said, what we have before us here today is a program that serves a great many people and having cooked for many years and worked on kitchen budgets, I can tell you that at \$4 a plate, is really amazing food costs, I'll tell you. It's a bargain. Even feeding students in the cafeteria on subsidized meals. I couldn't do it for less than \$5 a plate. It's really amazing what this money goes too.

Looking backwards into this particular issue, this particular program, I think it's important for us to remember that while it's really right and proper for us to examine every dollar that we spend and make sure that our citizens are not over taxed and that we don't over spend. The money that we have allocated aside, beyond tax relief that we have promised people should be spent prudently to help people and that's what this really does. It actually helps people. It's not setting up an infrastructure of bureaucracy. It's setting up money to buy meals for people to help them and feed them. I have met some these people that have benefited from this program and I have talked with them. Not recently, they have not contacted me about this particular action, but I do know that's it a very, very good thing. It's a bargain, when you're talking about spending. You're talking about what a \$100,000 buys, my good friend from Eliot, Representative Wheeler, talked about how many meals that \$100,000 buys. I was really glad he did because I was thinking about some of the things you can buy for \$100,000 and let's put it in perspective. I mean you talk about the highway budget that we just funded. \$100,000 is about 176 yards of fresh pavement, so the cost of a tenth of a mile of fresh pavement, we can feed

25,000 people. I think that should carry a little bit of weight. You're not even talking about the cost of three police cruisers when you're talking about \$100,000. It's amazing what we are spending this money on, I think it's a great expenditure, very wise and I really hope that you will overturn this particular action and go on and do something really just and proper for the people of the State of Maine. Thank you.

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

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. Some of you might be aware in my career in state government, I did work for the state agency on aging for about 7 years and was partly responsible for the meals programs. There are meal site programs where people go to congregate meal sites, but that's not what we are talking about. We are talking about the elderly folks who in order to get Meals on Wheels have to meet certain criteria. The criteria are that they must be home bound, which means they can not get out and go to a meal site and number two, they must be unable to prepare their own meals, so we are talking about a very vulnerable population where most at risk of no longer being able to remain in their own home. I will tell you that the money the way it is allocated and the oversight that goes on from the Bureau of Maine's Elder and Adult Services assures that that money goes to the meals program. That's all it can be used for, it's a program that is heavily supported by volunteers and that's why they can do it so cheap and I urge that we vote to override the Governor's veto.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. I rise to ask you to join me in overriding the Executive's veto on this bill and I do so because I ask that you look at the economics of what we are talking about here. Sometimes we can be a penny wise and a pound-foolish. The average cost of someone going to a nursing home is somewhere between \$48,000 and \$52,000 a year. I'm going to repeat that between \$48,000 and \$52,000 a year for someone to be in a nursing home. That means two people, if there are two people in the State of Maine that can stay in their home because of this program, we have made money. In large part, if they go into a nursing home that's going to come out of Medicare or Medicaid dollars and it's going to cost us the taxpayer, so the bottom line is, the elderly in our communities want to stay in their home, this provides them an opportunity to stay in their home and it's just good economics. I would urge you to join me in overriding the Executive's veto in this matter. Thank you.

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

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. If I could pose a series of questions through the Chair.

The SPEAKER: The Representative may pose her questions.

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. These are not rhetorical questions, although they may appear to be. I am hearing that this \$100,000 if we do not allocate \$100,000, this program will stop, that people will starve in their homes, that people will have to go into nursing homes, that if don't allocate this money that there is a waiting list that will continue. Can anyone tell me with assurance that these are true assertions, because we're also hearing that this money, they

don't know where it's going. It could go to pay the drivers to increase their mileage. I want to know, I'm not ready to vote for this and it's not because as we may be betrayed that we don't have compassion, it's because I'm not assured that this money is going to direct service and going to meals, so if anyone can answer those questions with assurance, I would appreciate it. Thank you.

The SPEAKER: The Representative from Augusta, Representative O'Brien has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. From the testimony we heard in the Appropriations Committee, the \$100,000 is meant to expand the services to hard to serve areas, much like the Representative from Waldoboro referred to the social security, we got hundreds of calls on that. These people weren't going to be affected by that at all, it could only affect the people over a certain range. Not to be side tracked, the Meals on Wheels services, as the Representative from Acton stated, we have funded existed services. My understanding from the Appropriations Committee was this would again reach those hard to serve areas that don't have a center. I know the Representative from Wilton, there's a center there in Wilton where they prepare the meals and they deliver them. They try to get people in there as well, to eat their meals there, it's better for them to associate with other seniors. In the rural areas that's not possible, this money is meant to get those meals into those hard to serve areas. As the Representative from Wilton again stated, it saves people from going into nursing homes.

I know one case they had in Livermore Falls the lady was to be discharged from the hospital and at that time there was a waiting list for Meals on Wheels, there were no meals available and the option was to hire a nurse that could come in at a much greater expense to cook a meal. This is a money saving program. I think it's reasonable to try to get this into the rural areas. I don't think it will affect the Lewiston Auburn area, but unfortunately they hear the title and they get nervous about it. I would ask for your support in overriding this veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I've been listening very intently to this debate and I can see you all have also, this is one of the best-attended debates of the session. Obviously, it is not just in the late hours, but we deeply care about what is being spoken about here. I see that we are finally getting around to properly characterizing this program. Early on in the debate it was characterized as either you are rejecting this program if you were against this bill and if you sustained the Governor's veto, you are endorsing the fact that you want to give Meals on Wheels a vote to overrule the Governor, but that's not so. This is about an expansion to the program. It's become very clear in some of the speeches, an expansion to the program. We went through the development of a Part I and a Part II Budget and we all together accepted the outcome of that work. That involved a compromise, many, perhaps thousands of compromises about what we would be spending our money on and now we want \$100,000 more to expand this particular program. I don't believe that the members of this body rejected the elderly in passing the Part I and the Part II Budget. I know from what other people

have spoken to earlier, there were many, many programs that included additional services to the elderly in that Part I and Part II Budget. We have done a very good job, we should go home and be proud of that back in our districts. What this \$100,000 represents to me is a program that we set aside on the table, it did not pass mustard to be on the budget, it was on the table. By definition to me, that is a funds available process, that's if we get around to it, if we want to do that at the end, because if it was really, really important it would have been in the Part I and the Part II Budget. Look at the many things that made it there and you're telling me how important this is than why are so many things in that budget instead of this money. There are a lot of things in the Part I and Part II Budget that I don't think you can stand next to this money and call the same thing, but they are there. We accepted that compromise. Now I'm hearing people scaring our elderly, there was talk earlier about the Governor hanging his head in shame. The people that should hang their head in shame are the people that are going to our elderly population and lying to them and telling them that if we sustain this veto is taking food out of their mouths. That is wrong. It is not only wrong factually, it is wrong morally. When I hear people talk about scaring the elderly, and when you received phone calls at home I hope you told those people that was a lie. Or did you pander them and say, Oh you're right, you're right, I'm going to stand up there and defend you. If people called you and you did not tell them that was a lie, there's a moral lapse on your part for that. That is not what this program is, it is an expansion. I'm going to vote to sustain this veto, and it's not because I don't want to give food to the elderly, it's because I think it is so important that we properly pay for this program, it doesn't belong on the table on a funds available status. It belongs in the budget itself and it didn't get there and if there was an error made, that's where the error occurred that it didn't get in the Part I and the Part II so it had to wait for the table and it had to come back to us this way and if that's what we have to do perhaps we come back next year in the supplemental and we put that in the budget where it is not at risk and I'm going to go home and tell it to my constituents that I didn't support Meals on Wheels Program, I supported securing it with the right funding mechanism that is stable, that is secure and not putting it at risk, because if it's that important it not in funds available, it belongs in the budget.

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

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to respond to some of the issues that were raised by a couple of my previous colleagues. The need for Meals on Wheels to cover more people is very real. This bill came to the Health and Human Services Committee; the estimated number of people based on the information from the Area Agencies on Aging who are not being served adequately with Meals on Wheels is 570 people. We're talking about serving maybe 200 people with this additional \$100,000, so we're not even beginning to meet the need for Meals on Wheels that is out there. Let me also respond to the Part I and Part II Budget issue. Having been a part of the budget process for many years in my work in state government, having been a director of a bureau in the Department of Human Services, I can assure you that state agencies do request additional funding for support programs for which there is an additional need and I can also assure you that we usually don't get that additional funding, because all of your requests get cut back along the way and the budget that you get as a Part I and

Part II Budget is the Governor's budget after he has made his decisions about what different departments have requested, so people came to our committee to request additional funding for the Meals on Wheels Program and we heard a lot of very valid testimony about the importance of this program. I urge that you override this veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I will stand before you today and explain one of the rewarding things that I've had in my life was serving on the Council for Southern Maine Area Agency which covers York and Cumberland Counties. There are five districts in Maine. At the center where we met in Saco, there were two groups and while I cannot mention names of people here in the House, there are people today who served either on the Council or the Board. The Board deals mostly with matters I've heard discussed here today about money and how it will be spent and my observation was on being there a number of years, the Board was made up of very fiscally responsible people, business people from our community. On the Council we dealt more with the everyday happenings there at the center where we met in Saco and is where the meals are prepared for those that are being delivered to the homes and also the meal center, which there are numerous meal centers in the two counties. While I was there I visited many of them, I always enjoyed attending their meeting. They all have a character, some couldn't get finished with the meal soon enough to play bingo, or dance or whatever. In fact, Wednesday, this past week, I attended the meal in my own town, in Little River, at the Grange Hall and of course, wasn't aware of what bills were going to be vetoed, but I can assure you if I'm only talking about Meals on Wheels, I have the same outlook and try to do the same thing in representing my district or anyone else in the State of Maine. I will say that I personally know of many people today in the outlying districts in these country towns that really get some great service, something that improves their lives. The visitation by the person who is delivering the meal and I hear from lobbyist in the corridor and I don't know if somebody who talks to another person about some bill if that qualifies them as being a lobbyist. The only fellow I saw there was the executive secretary, York and Cumberland Counties and I don't consider him a lobbyist. He's up here to talk to people, let them know that funds that have been coming from the federal level have been diminishing and on Wednesday, last, I saw people that are living on very modest incomes would put money in the plate for their meal and they would also look in their pocket or their purse and put some coins in a jar that was for activities that would be carried on at that meal center during the year. I would say again, this experience I had opened my eyes to the need and it exists now in outlying districts. There are areas that are not covered and I would sincerely ask you to consider the expenditure that would help provide this service to the elderly in the State of Maine. Thank you.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. Real briefly, just a couple more number crunching thoughts for you, first off just remind everyone, this is the fact. \$100,000 will buy approximately 25,000 hot meals delivered to homes of just over 200 frail homebound seniors in the coming year. That's a fact.

Number two, as far as drivers getting paid, I can speak of my district. The drivers there are all volunteers, in fact, a lot of the people who are cooking the meals and so on and so forth, are volunteers. Last of all, I did a few dividing of the numbers and crunching of the 25,000 hot meals, if this does fail, if the veto does go forward, then there's 151 members of the House, we could make 165 meals in the coming year and deliver those to those in need. Thank you.

The SPEAKER: The pending question before the House is Shall this Bill "An Act to Ensure Adequate Nutrition Services for Maine's Elderly," become law notwithstanding the Objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 416

YEA - Ahearn, Andrews, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Carr, Chick, Clark, Collins, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mendros, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Berry DP, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Cianchette, Clough, Daigle, Glynn, Heidrich, Jones, Kasprzak, Kneeland, Labrecque, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien JA, Plowman, Richardson E, Savage C, Sherman, Shields, Snowe-Mello, Stedman, Trahan, Treadwell, True, Waterhouse, Winsor.

ABSENT - Chizmar, Joy, Matthews, Quint, Richard, Volenik.

Yes, 107; No, 38; Absent, 6; Excused, 0.

107 having voted in the affirmative and 38 voted in the negative, with 6 being absent, and accordingly the Veto was Not Sustained in concurrence. **ORDERED SENT FORTHWITH.**

ORDERS

On motion of Representative TOWNSEND of Portland, the following Joint Order: (H.P. 1611)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out, to the House, legislation amending the Agricultural Marketing Loan Fund to assist the cranberry industry.

READ and PASSED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature" (EMERGENCY)

(H.P. 1612) (L.D. 2255)

Presented by Representative MARTIN of Eagle Lake. (GOVERNOR'S BILL)

Committee on **JUDICIARY** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Representative SAXL of Bangor **PRESENTED House Amendment "A" (H-769)**, which was **READ** by the Clerk.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. This very simply removes the enacting date from September of this year to July of the year 2000 and that's to make it feasibly for the insurance companies to handle the new legislation. Thank you.

House Amendment "A" was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-769)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements"

(S.P. 748) (L.D. 2107)

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-768) in the House on June 18, 1999.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453)** and **ASKED FOR A COMMITTEE OF CONFERENCE** in **NON-CONCURRENCE.**

On motion of Representative TOWNSEND of Portland, the House voted to **INSIST** and join in a **COMMITTEE OF CONFERENCE.**

On motion of Representative WINSOR of Norway, the House **RECONSIDERED** its action whereby it voted to **INSIST** and join in a **COMMITTEE OF CONFERENCE.**

The same Representative moved that the House **RECEDE AND CONCUR.**

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. Let me tell you what would happen. Those of you who are interested in this \$3.5 million contained in the DEP Bond for your landfills wouldn't get it. Thank you.

Representative ETNIER of Harpswell **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

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

ROLL CALL NO. 417

YEA - Buck, Cameron, Campbell, Cianchette, Foster, Glynn, Heidrich, Jones, Kasprzak, Labrecque, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Pinkham, Plowman, Richardson E, Rosen, Shields, Shorey, Snowe-Mello, Stedman, Trahan, Treadwell, True, Waterhouse, Wheeler GJ, Winsor.

NAY - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon,

Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Carr, Chick, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Watson, Weston, Wheeler EM, Williams, Mr. Speaker.

ABSENT - Chizmar, Joy, Matthews, Muse, Perry, Quint, Richard, Volenik.

Yes, 31; No, 112; Absent, 8; Excused, 0.

31 having voted in the affirmative and 112 voted in the negative, with 8 being absent, the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST** and join in a **COMMITTEE OF CONFERENCE**. Sent for concurrence. **ORDERED SENT FORTHWITH**.

Reference is made to Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements" (S.P. 748) (L.D. 2107)

In reference to the action of the House on Friday, June 18, 1999, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative TOWNSEND of Portland
 Representative MARTIN of Eagle Lake
 Representative DAIGLE of Arundel

ORDERS

On motion of Representative SAXL of Portland, the following Joint Order: (H.P. 1614)

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 119th Legislature.

Agriculture, Conservation and Forestry

H.P. 333, L.D. 449 - An Act Requiring Disclosures to be Made to Purchasers of Land Abutting Agricultural Land.
 S.P. 157, L.D. 477 - An Act Requiring Legislative Approval of Ecological Reserves.

H.P. 615, L.D. 855 - An Act to Improve the Management of the Allagash Wilderness Waterway.

S.P. 490, L.D. 1475 - An Act to Clarify the Tree Growth Tax Law.

H.P. 1108, L.D. 1567 - An Act to Help Farmers to Protect the Quality of Milk.

H.P. 1163, L.D. 1674 - An Act to Exempt from Certain Regulations Crabmeat That Does Not Cross State Lines.

H.P. 1378, L.D. 1985 - An Act to Require the Labeling of Irradiated Food Sold at Retail.

H.P. 1400, L.D. 2005 - Resolve, to Establish the Maine Forest Policy Round Table Study Commission.

S.P. 736, L.D. 2086 - An Act to Preserve the State's Farm Economy and Heritage.

Appropriations and Financial Affairs

H.P. 25, L.D. 35 - An Act to Authorize a General Fund Bond Issue to Create Affordable Housing.

H.P. 90, L.D. 103 - An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to State Earned Income Credit.

S.P. 62, L.D. 132 - An Act to Increase the Cap on the Maine Rainy Day Fund.

H.P. 104, L.D. 135 - An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Help Increase Fish Production at the State Hatcheries.

H.P. 123, L.D. 154 - An Act to Provide Funding to the Maine Center for the Blind and Visually Impaired.

S.P. 88, L.D. 191 - An Act to Provide Equitable Treatment of Visitor Information Centers.

H.P. 191, L.D. 269 - An Act to Authorize a General Fund Bond Issue for the Repair and Renovation of Schools.

H.P. 193, L.D. 271 - An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Build or Rehabilitate Regional Psychiatric Facilities.

H.P. 346, L.D. 462 - An Act to Require That All Fines Collected by State Agencies Be Deposited in the General Fund.

H.P. 385, L.D. 516 - An Act to Restore and Improve Family Planning and Pregnancy Prevention Services.

S.P. 289, L.D. 807 - RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing a Rainy Day Fund.

H.P. 624, L.D. 864 - An Act to Establish the Expenditure Forecasting Committee.

H.P. 681, L.D. 937 - An Act to Improve Access to Health Care for School-age Children.

H.P. 881, L.D. 1238 - An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Historic Preservation.

H.P. 962, L.D. 1360 - An Act to Implement the Recommendations of the Joint Committee on Substance Abuse.

H.P. 1031, L.D. 1453 - An Act to Expand the Homestead Exemption Program Based Upon the Level of Funds in a Homestead Tax Relief Fund.

H.P. 1131, L.D. 1590 - An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Support the Construction of the Gulf of Maine Aquarium.

S.P. 582, L.D. 1662 - An Act to Protect the Public's Health through State-funded Rabies Testing.

S.P. 659, L.D. 1881 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Debt Issued by the Maine Governmental Facilities Authority.

H.P. 1328, L.D. 1911 - An Act to Relocate the Maine Legislative Law and Reference Library to Comply with the Federal Americans with Disabilities Act.

S.P. 688, L.D. 1934 - Resolve, to Reinstate Emergency Assistance for Dependents of Veterans.

H.P. 1511, L.D. 2159 - An Act to Reimburse Androscoggin County for Shortfalls in State

Reimbursement for Jail Costs.

S.P. 790, L.D. 2203 - An Act to Appropriate Funds for the Welfare-to-work Program.

H.P. 1553, L.D. 2210 - An Act to Encourage Expanded Use of Maine's Port Facilities.

Banking and Insurance

H.P. 543, L.D. 750 - An Act to Establish a Patient's Bill of Rights.

S.P. 346, L.D. 1000 - An Act to Provide Insurance Parity for Substance Abuse Treatment.

H.P. 835, L.D. 1158 - An Act to Ensure Equality in Mental Health Coverage for Children and Adults.

H.P. 1062, L.D. 1493 - An Act Regarding Private Long-term Disability Insurance for Mental Illnesses.

S.P. 557, L.D. 1619 - An Act to Create a Patients' Bill of Rights.

S.P. 573, L.D. 1640 - An Act Regarding Service Contracts.

S.P. 622, L.D. 1787 - An Act Regarding Dependent and Family Coverage in the State Employee Health Insurance Program.

H.P. 1422, L.D. 2029 - An Act to Update and Amend the Preferred Provider Arrangement Act.

S.P. 723, L.D. 2043 - An Act to Clarify Underinsured Motor Vehicle Coverage.

H.P. 1435, L.D. 2058 - An Act Relative to Insurance Compliance Self-audit.

H.P. 1494, L.D. 2138 - An Act to Permit the Transfer of Liabilities by a Member of a Workers' Compensation Group Self-insurer.

H.P. 1578, L.D. 2225 - An Act to Permit Certain Referrals by Health Care Practitioners.

Business and Economic Development

S.P. 65, L.D. 168 - An Act to License Home Inspectors.

H.P. 348, L.D. 464 - An Act Concerning Notification by Oil Burner Technicians of Inadequate Chimneys.

H.P. 395, L.D. 526 - Resolve, Creating the Commission to Study Economic Development Opportunities for Lewiston and Auburn.

S.P. 253, L.D. 675 - An Act to Amend Consumer Protection Laws with Respect to Internet Service.

S.P. 318, L.D. 952 - An Act to Reduce Unsolicited Communications from the Internet.

H.P. 771, L.D. 1094 - An Act to Promote Economic Development in Northern Maine.

H.P. 824, L.D. 1147 - An Act to Decriminalize Resource Protection Violations by Seafood Dealers.

H.P. 842, L.D. 1176 - An Act to Amend the Real Estate Brokerage Laws Regarding Property Disclosure.

H.P. 848, L.D. 1182 - An Act to Amend the Qualifications of Weighmasters.

H.P. 896, L.D. 1253 - An Act to Create the Board of Cemetery and Crematory Services.

S.P. 476, L.D. 1414 - Resolve, to Support Downtown Revitalization through the Location of State Facilities and Targeting Economic Development Funding.

S.P. 585, L.D. 1665 - Resolve, to Promote Natural Resource-based Industries.

S.P. 603, L.D. 1726 - An Act to Ensure Fair Competition within the Motor Fuels Industry.

S.P. 624, L.D. 1789 - An Act to Improve the Licensing Procedures for Veterinarians.

H.P. 1285, L.D. 1846 - An Act to Require Motion Picture Distributors to Give Exhibitors an Equal Opportunity to Bid for the Right to Exhibit Motion Pictures.

H.P. 1312, L.D. 1895 - An Act to Establish Enterprise Zones to Fund Businesses in Areas of High Unemployment.

H.P. 1327, L.D. 1910 - An Act to Promote Economic Development in Central Maine.

H.P. 1334, L.D. 1917 - An Act to Encourage Growth and Development in Cumberland County.

H.P. 1336, L.D. 1919 - An Act to Promote Economic Development in Eastern Maine.

H.P. 1339, L.D. 1922 - An Act to Establish the Maine Internet Policy Act.

S.P. 681, L.D. 1931 - An Act to Amend the Franchise Law.

H.P. 1364, L.D. 1962 - An Act to Establish the State Revolving Loan Fund for Small Business Initiatives.

H.P. 1434, L.D. 2057 - An Act to Amend the Regulation of Dentists Regarding the Use of Anesthesia.

H.P. 1437, L.D. 2060 - An Act to License Home Building Contractors.

S.P. 746, L.D. 2105 - An Act to Improve the Maine Economy Through Small Businesses.

H.P. 1475, L.D. 2115 - An Act to Promote Economic Development in Western Maine.

H.P. 1498, L.D. 2142 - An Act to Change Laws Pertaining to the Loring Development Authority of Maine.

H.P. 1515, L.D. 2163 - An Act to Require Contractor Registration.

H.P. 1566, L.D. 2217 - An Act to Promote Economic Development in Androscoggin County.

Criminal Justice

H.P. 188, L.D. 266 - An Act to Require Records Checks for Persons Providing Direct Care to Clients of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

S.P. 111, L.D. 308 - An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators.

H.P. 249, L.D. 353 - An Act Regarding the Administration of Polygraph Tests to Prospective Law Enforcement Personnel.

H.P. 250, L.D. 354 - An Act to Establish Certain Crimes of Domestic Violence.

H.P. 338, L.D. 454 - An Act to Establish the Crime of Rendering a Telephone Inoperable during a Domestic Violence Incident.

S.P. 154, L.D. 474 - An Act Relating to the Crime of Murder and to the Murder of Children.

H.P. 404, L.D. 546 - An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy.

H.P. 466, L.D. 629 - An Act to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems.

S.P. 215, L.D. 637 - An Act to Amend the Law Enforcement Officer Certification Standards.

H.P. 471, L.D. 678 - An Act to Require Completion of an Ambulance Operator Course.

H.P. 653, L.D. 903 - An Act to Amend the Concealed Weapons Permit Laws.

H.P. 772, L.D. 1095 - An Act to Expand the Geographic Availability of the Supervised Community Confinement Program.

S.P. 413, L.D. 1202 - An Act to Ensure Just Sentences.

H.P. 902, L.D. 1280 - An Act to Provide Funding for School Drug Awareness and Education Programs.

H.P. 971, L.D. 1369 - An Act to Transfer Responsibility for Youth Corrections from the Department of Corrections to the Department of Human Services.

H.P. 1124, L.D. 1583 - An Act to Amend the Definition of Sex Offender and to Require Sheriffs to Notify the State Bureau of Identification of a Sex Offender's Release from Jail for Purposes of Registration and Notification.

S.P. 636, L.D. 1803 - An Act to Revoke Probation and Require Incarceration for Repeated Domestic Abuse.

H.P. 1297, L.D. 1858 - An Act to Amend the Possession of Firearms by Felons.

H.P. 1316, L.D. 1899 - Resolve, to Require the Department of Public Safety to Study the Security and Protection of State Government Employees.

S.P. 687, L.D. 1933 - An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies.

H.P. 1448, L.D. 2069 - An Act to Establish a Critical Incident Review Panel Regarding Physical Force Used by Officers Causing Serious Bodily Injury or Death to Another Person.

S.P. 775, L.D. 2174 - An Act to Protect the Citizens of Maine from the Dangers of Counterfeit Consumer Goods.

H.P. 1542, L.D. 2196 - An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center.

Education and Cultural Affairs

H.P. 365, L.D. 490 - An Act to Assist Students with Disabilities.

S.P. 298, L.D. 870 - An Act to Improve School Safety and Learning Environments.

H.P. 677, L.D. 933 - An Act to Permit the Submission of Citizens' Initiatives and Citizens' Vetoes to School Districts.

S.P. 424, L.D. 1261 - An Act to Require the Training of School Personnel Who Administer Medications.

H.P. 928, L.D. 1305 - An Act to Establish and Fund Conflict Resolution Programs in the Public Schools.

H.P. 949, L.D. 1346 - An Act to Amend the Laws Regarding the School Administrative District Budget Approval Process.

S.P. 528, L.D. 1561 - An Act to Require High School Students to Earn a Certificate of Mastery Before Graduating.

S.P. 602, L.D. 1725 - An Act to Allow the Towns of Wells and Ogunquit to Withdraw from Their Community School District.

H.P. 1251, L.D. 1799 - An Act Regarding the School Funding Formula.

H.P. 1366, L.D. 1964 - An Act to Establish the Charter School Authority.

H.P. 1420, L.D. 2027 - An Act to Enable the Formation

of Public Charter Schools.

H.P. 1431, L.D. 2054 - An Act to Extend New Teachers' Probationary Periods.

Health and Human Services

S.P. 403 - Joint Order to Establish a Study Commission to Assess the Health Care Delivery System for the Elderly.

H.P. 33, L.D. 42 - An Act to Implement the Recommendations of the Commission to Examine the Rate Setting and Financing of Maine's Long-term Care Facilities.

H.P. 101, L.D. 114 - An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Human Services.

H.P. 178, L.D. 256 - An Act to Enhance the Health of Maine Citizens by Improving Community Health Programs.

H.P. 397, L.D. 528 - An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Mental Health, Mental Retardation and Substance Abuse Services.

H.P. 708, L.D. 975 - An Act to Establish a Mental Health, Human Services and Corrections Ombudsman.

H.P. 912, L.D. 1290 - An Act to Create the Position of Ombudsman in the Department of Human Services.

S.P. 447, L.D. 1322 - An Act to Ensure the Availability of Home-based Care.

H.P. 980, L.D. 1378 - An Act to Ensure Access to Long-term Care Services for Persons with Dementia.

H.P. 1021, L.D. 1432 - An Act to Improve Care to Nursing Home Residents by Requiring Adequate Staff to Provide Hands-on Care.

S.P. 492, L.D. 1477 - An Act to Promote Healthy Maine Families.

H.P. 1138, L.D. 1623 - An Act to Provide Services for Children in Need of Supervision.

S.P. 588, L.D. 1668 - An Act to Create the Drive ME Wheels-to-work Program.

S.P. 610, L.D. 1733 - An Act to Amend the Laws Regarding the Provision of Services to Persons with Alzheimer's Disease.

H.P. 1253, L.D. 1807 - Resolve, to Encourage Access and Quality Care for People with Alzheimer's Disease in Residential Care Facilities.

H.P. 1260, L.D. 1814 - An Act Establishing the Newborn Hearing Program.

H.P. 1277, L.D. 1838 - An Act to Include Mental Retardation, Developmental Disability and Substance Abuse Services in the Community Service System of the Department of Mental Health, Mental Retardation and Substance Abuse Services and to Consolidate Those Advisory Bodies to the Department.

H.P. 1278, L.D. 1839 - An Act to Maintain High-quality Services in Long-term Care in Maine.

H.P. 1352, L.D. 1952 - An Act to Simplify the Process of Determining the Eligibility of Homeless Persons for

General Assistance.

- H.P. 1365, L.D. 1963 - An Act to Establish the Maine Council on Aging.
- H.P. 1377, L.D. 1984 - An Act to Establish Department of Human Services Review Panels.
- S.P. 726, L.D. 2046 - An Act to Amend the Powers of Hospital Administrative District No. 1.
- H.P. 1479, L.D. 2119 - An Act to Enhance Competition and Public Health.
- H.P. 1490, L.D. 2128 - An Act to Amend the Laws Governing the Licensure of Dental Hygienists.
- H.P. 1507, L.D. 2150 - An Act to Ensure Community-based Services for Persons With Mental Retardation or Autism.
- H.P. 1532, L.D. 2185 - An Act to Promote Workplace Safety.
- H.P. 1534, L.D. 2187 - Resolve, to Implement the Study and Report on the Problems of Homeless Youth.
- H.P. 1555, L.D. 2212 - An Act to Revise Laws Regarding Persons with Mental Retardation.

Inland Fisheries and Wildlife

- S.P. 16, L.D. 8 - An Act to Allow Hunting from Motor Vehicles for Persons Limited in Their Ability to Walk.
- S.P. 56, L.D. 126 - An Act to Expand Maine's Moose Hunt.
- S.P. 113, L.D. 310 - An Act to Allow Children to Fish from the Banks of Rivers Designated as Quality Fishing Rivers.
- H.P. 239, L.D. 343 - An Act to Protect Deer in Wintering Areas.
- H.P. 267, L.D. 371 - An Act to Allow A Disabled Person to Use a Crossbow during Archery Hunting Season.
- S.P. 161, L.D. 481 - An Act to Keep Public Lands Open to Hunting, Fishing and Trapping.
- H.P. 523, L.D. 730 - An Act to Allow Certain Disabled Persons to Fly-fish With Open-faced Reels.
- H.P. 606, L.D. 846 - An Act to Allow Elderly License Holders and Children to Fish by Any Method.
- H.P. 704, L.D. 971 - An Act to Allow Three Hunters to Hunt Deer Together.
- H.P. 736, L.D. 1026 - An Act to Allow Crossbow Use During Archery Season by a Person who has Lost the Use of a Hand.
- S.P. 348, L.D. 1052 - An Act to Assist Disabled Fly-fishing Anglers.
- H.P. 868, L.D. 1225 - Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans With Disabilities Act.
- H.P. 936, L.D. 1313 - An Act to Give the Commissioner of Inland Fisheries and Wildlife the Sole Discretion to Determine the Need for and Location of Boat Launches.
- S.P. 457, L.D. 1332 - An Act to Prohibit Hunting Animals in Enclosed Areas.
- H.P. 941, L.D. 1338 - An Act to Provide a Free Hunting License to a Person Who Has Lost the Use of One Arm.
- H.P. 972, L.D. 1370 - An Act to Reduce the Age at which a Maine Citizen May Obtain a Free Fishing and Hunting License and to Provide Free Licenses for Military Personnel.
- H.P. 992, L.D. 1390 - An Act to Expand Hunting Options for Disabled Military Veterans.
- H.P. 1024, L.D. 1435 - An Act to Promote Equitable and

Professional Management of Moose.

- H.P. 1266, L.D. 1820 - An Act to Decriminalize Certain Fish and Wildlife Statutes.
- H.P. 1269, L.D. 1830 - An Act to Provide Complimentary Hunting and Fishing Licenses to Persons on Active Military Duty and Low-cost Licenses to Their Families.
- H.P. 1321, L.D. 1904 - Resolve, to Study Issues Related to the Muzzle-loading Season.

Judiciary

- H.P. 182, L.D. 260 - An Act to Enhance the Enforcement of Civil and Criminal Violations.
- H.P. 243, L.D. 347 - An Act to Amend the Installment Payment Order Capability of the Disclosure Court.
- H.P. 354, L.D. 470 - An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation.
- H.P. 480, L.D. 687 - An Act Regarding Wrongful Death Actions.
- H.P. 720, L.D. 1010 - An Act Regarding the Family Court.
- H.P. 894, L.D. 1251 - An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court.
- H.P. 916, L.D. 1294 - An Act to Provide for a Limited Waiver of Immunity.
- H.P. 926, L.D. 1303 - An Act to Amend the Statute of Limitations for Medical Malpractice.
- H.P. 1049, L.D. 1471 - An Act to Amend the Laws Governing Wrongful Death.
- S.P. 523, L.D. 1557 - An Act to Expand a Judge's Powers for Contemptuous Failure to Pay.
- S.P. 541, L.D. 1603 - An Act to Amend the Wrongful Death Laws.
- H.P. 1135, L.D. 1620 - Resolve, to Extend the Statute of Limitations for Victims of Abuse at the Governor Baxter School for the Deaf.
- S.P. 593, L.D. 1717 - An Act to Make Privileged Communication Between a Licensed Counseling Professional and a Patient.
- H.P. 1242, L.D. 1771 - An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions.
- S.P. 630, L.D. 1795 - An Act to Validate Pierringer Releases and Reform Procedures in Multiparty Lawsuits.
- S.P. 695, L.D. 1941 - An Act Regarding Involuntary Commitment for Substance Abuse.
- H.P. 1363, L.D. 1961 - An Act to Amend the Right of Entry Clauses.
- S.P. 696, L.D. 1971 - An Act Regarding Property Tax Liens.
- H.P. 1383, L.D. 1990 - An Act to Require Economic and Taking Impact Analyses to Protect Individual Rights.
- H.P. 1409, L.D. 2014 - An Act to Institutionalize Substance Abuse Treatment Courts in Maine.
- H.P. 1428, L.D. 2051 - An Act to Clarify the Immunity of Law Enforcement Officers in Enforcing Protective Orders.
- H.P. 1446, L.D. 2067 - An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide.
- H.P. 1451, L.D. 2072 - An Act to Clarify the Admissibility

of Electronic Records and Signatures.

H.P. 1481, L.D. 2121 - An Act Regarding Regulations and Compensation to Property Owners.

H.P. 1525, L.D. 2178 - An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians.

H.P. 1557, L.D. 2213 - An Act to Create and Regulate the Profession of Legal Document Technician.

H.P. 1579, L.D. 2226 - An Act Relating to Remedies for Unlawful Housing Discrimination.

S.P. 840, L.D. 2239 - An Act to Ensure Civil Rights and Prevent Discrimination.

H.P. 1601, L.D. 2245 - An Act to Adopt the Model Revised Article 9 Secured Transactions.

Labor

H.P. 105, L.D. 136 - An Act to Forbid Hiring Replacement Workers during a Strike.

H.P. 253, L.D. 357 - An Act Raising the Minimum Wage.

S.P. 197, L.D. 586 - An Act to Abolish Apportionment in Workers' Compensation Claims.

S.P. 292, L.D. 810 - An Act to Encourage Responsible Employment Practices.

H.P. 595, L.D. 835 - Resolve, Establishing a Commission to Study the Interrelationship Among the Maine State Retirement System, Social Security and Tax-advantaged Accounts.

S.P. 333, L.D. 987 - An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies.

H.P. 729, L.D. 1019 - An Act to Limit Mandatory Overtime.

H.P. 768, L.D. 1091 - An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit.

S.P. 386, L.D. 1165 - An Act Regarding the Retirement Plan for Rangers in the Law Enforcement Bargaining Unit at Baxter State Park.

S.P. 387, L.D. 1166 - An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals.

H.P. 889, L.D. 1246 - An Act to Protect the Rights of Judicial Employees.

S.P. 425, L.D. 1262 - An Act to Increase the Minimum Wage in Maine.

H.P. 959, L.D. 1357 - Resolve, to Create a Commission to Study the Hearing Process of the Workers' Compensation Board.

H.P. 960, L.D. 1358 - An Act to Promote Stability in Labor Management Relations in the Public Sector.

H.P. 979, L.D. 1377 - Resolve, Directing the Department of Labor to Establish Standards for Providing Heat in Buildings.

S.P. 607, L.D. 1730 - An Act to Increase Health Insurance Benefits for Retired Educators.

H.P. 1238, L.D. 1767 - An Act to Allow Recovery of Provisional Payments by Employee Benefit Plans.

S.P. 625, L.D. 1790 - An Act to Amend the Laws Governing the Designation of a Beneficiary of Maine State Retirement System Benefits.

H.P. 1303, L.D. 1864 - An Act Concerning the Political Use of Union Dues.

H.P. 1325, L.D. 1908 - An Act to Establish as an

Employee Any Person Who Collects Signatures on Petitions for Direct Initiative or People's Veto Legislation for Any Person, Firm or Organization that Contracts, Subcontracts or Agrees to Collect the Signatures for Anything of Value.

S.P. 677, L.D. 1927 - An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law.

H.P. 1381, L.D. 1988 - An Act to Provide for Benefits to Surviving Dependents of Employees Who Die as a Result of Work Injuries.

H.P. 1382, L.D. 1989 - An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected.

H.P. 1390, L.D. 1995 - An Act to Clarify the Workers' Compensation Laws Regarding the Agricultural Laborer Exemption.

H.P. 1454, L.D. 2075 - An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health.

H.P. 1455, L.D. 2076 - An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance.

S.P. 745, L.D. 2104 - An Act to Provide Equity for Unemployment Compensation.

H.P. 1484, L.D. 2124 - An Act to Change the State Retirement System from a Defined Benefit Plan to a Defined Contribution Plan.

H.P. 1503, L.D. 2147 - An Act to Ensure Just Cause Termination in Employment.

S.P. 778, L.D. 2177 - An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits.

S.P. 783, L.D. 2194 - An Act Regarding Doing Business with Burma.

S.P. 852, L.D. 2251 - An Act to Provide Health Insurance Benefits to Dwight Parsons.

Legal and Veterans Affairs

H.P. 120, L.D. 151 - An Act to Prohibit Mandatory Maine National Guard Membership.

S.P. 302, L.D. 873 - An Act to Clarify Municipal Responsibility for the Maintenance of Veterans' Gravesites.

H.P. 745, L.D. 1035 - An Act to Require Maine's Off-track Betting Facilities to Promote Maine Racing.

H.P. 826, L.D. 1149 - An Act to Require the Municipal Clerk to Attend at Least One Training Session that is Approved by the Secretary of State Every 2 Years Regarding the Conduct of Elections.

S.P. 412, L.D. 1201 - An Act to Require Licensing Fees of Tobacco Products Manufacturers.

S.P. 420, L.D. 1257 - An Act to Regulate Push Polling.

S.P. 478, L.D. 1438 - An Act to Allow for Expeditious Improvements to Commercial Tracks.

S.P. 479, L.D. 1439 - An Act to Ensure the Preservation of Maine's Commercial Racetracks.

S.P. 503, L.D. 1504 - An Act to Amend the Lobbyist Registration Fee Provisions.

H.P. 1097, L.D. 1544 - An Act to Study the

Effectiveness of Harness Racing Promotions.

H.P. 1147, L.D. 1644 - An Act to Clarify Laws Governing Simulcasting.

H.P. 1205, L.D. 1715 - An Act to Allow Charitable Nonprofit Organizations to Conduct Limited Video Gaming.

S.P. 605, L.D. 1728 - Resolve, Authorizing Certain Members of the Sullivan Family to Bring Suit Against the State.

H.P. 1214, L.D. 1743 - An Act to Preserve Live Harness Racing in the State.

S.P. 631, L.D. 1796 - An Act to Improve the Absentee Voting Process.

H.P. 1318, L.D. 1901 - An Act to Prohibit the Scalping of Entertainment Tickets.

S.P. 682, L.D. 1932 - An Act to Create the Beano and Games of Chance Commission.

H.P. 1413, L.D. 2020 - Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou.

S.P. 710, L.D. 2032 - An Act to Clarify Maine's Campaign Finance Laws.

S.P. 757, L.D. 2133 - Resolve, Directing the Commission on Governmental Ethics and Election Practices to Simplify the Reporting Form for Candidates.

H.P. 1497, L.D. 2141 - An Act to Remove the Limit on the Amount of Complimentary Wine that a Wine Retailer may Receive Annually.

H.P. 1505, L.D. 2148 - An Act to Improve Harness Racing in the State.

H.P. 1508, L.D. 2153 - An Act to Modify the Campaign Finance Laws with Regard to Running for Federal Office.

H.P. 1514, L.D. 2162 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Persons with Mental Illness to Vote.

H.P. 1530, L.D. 2183 - An Act to Clarify Provisions of the Laws Administered by the Commission on Governmental Ethics and Election Practices.

H.P. 1541, L.D. 2195 - An Act to Allow a Specialty Wine Store to Provide Free Wine Samples.

S.P. 785, L.D. 2200 - An Act to Permit Persons Out-of-state to Ship Malt Liquor and Wine to Maine Residents.

Marine Resources

S.P. 59, L.D. 129 - An Act to Prohibit the Harvesting of Elvers.

S.P. 70, L.D. 173 - An Act to Outlaw the Use of Fyke Nets in the Taking of Elvers.

S.P. 299, L.D. 871 - An Act to Amend the Process for Granting Aquaculture Leases.

S.P. 304, L.D. 906 - An Act to Improve Elver Fishery Management.

S.P. 567, L.D. 1634 - An Act to Allow Certain Aquaculture Activities by Rule.

S.P. 647, L.D. 1827 - An Act to Establish the North Atlantic Cold Water Observatory.

Natural Resources

H.P. 1591 - JOINT RESOLUTION SUPPORTING THE EFFORTS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN PROTECTING THE PEOPLE AND RESOURCES OF MAINE FROM

OIL SPILLS.

H.P. 11, L.D. 21 - An Act to Eliminate the Use of MTBE in Maine.

S.P. 379, L.D. 1080 - An Act to Direct State Capital Investments to Locally Designated Growth Areas.

H.P. 852, L.D. 1209 - An Act Regarding Property Owners Whose Land Abuts a Solid or Special Waste Landfill.

H.P. 934, L.D. 1311 - An Act to Repeal the Emissions Testing Program in Cumberland County.

H.P. 1035, L.D. 1457 - An Act to Decrease Restrictions on the Sale of Land.

S.P. 505, L.D. 1506 - Resolve, to Require the Department of Environmental Protection to Reimburse Homeowners for Malfunctioning On-site Peat Sewage Disposal Systems.

H.P. 1072, L.D. 1519 - An Act to Encourage Environmental Management Systems.

S.P. 529, L.D. 1562 - An Act to Establish the Environmental Leadership Program.

S.P. 734, L.D. 2084 - An Act to Reduce the Release of Mercury into the Environment from Consumer Products.

H.P. 1529, L.D. 2182 - An Act to Improve Air Quality through Market Incentives for the Purchase of Cleaner Vehicles.

S.P. 825, L.D. 2228 - An Act to Provide for Alternative Treatment of Biomedical Waste.

State and Local Government

H.P. 73, L.D. 86 - An Act to Establish a Children's Bureau within the Executive Department to Serve the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Education and the Department of Corrections.

H.P. 175, L.D. 253 - Resolve, to Cable Televisize the Proceedings of the Legislature.

H.P. 221, L.D. 299 - An Act to Create a Governance System for Unorganized Towns.

H.P. 283, L.D. 391 - An Act to Develop a Department of Children.

H.P. 332, L.D. 448 - An Act Regarding the Maintenance of Private Roads.

S.P. 173, L.D. 529 - An Act Regarding Retainage on Major State and School Construction Projects.

S.P. 179, L.D. 533 - An Act to Prohibit the State from Competing with Private Industry.

H.P. 612, L.D. 852 - Resolve, to Study Outdated, Contradictory and Unenforced Laws.

H.P. 711, L.D. 1001 - An Act to Repeal Term Limits.

H.P. 1288, L.D. 1849 - An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways.

S.P. 654, L.D. 1876 - An Act to Reform County Governance.

S.P. 737, L.D. 2087 - An Act to Establish the Public Resources and Information for Maine Foundation.

S.P. 777, L.D. 2176 - An Act to Prohibit State Government from Using Automated Telephone Answering Equipment During Business Hours.

Taxation

S.P. 63, L.D. 166 - An Act to Amend the Public Property Tax Exemption.

H.P. 219, L.D. 297 - An Act to Exempt Capital Gains from the Maine Income Tax.
 H.P. 402, L.D. 544 - An Act to Value Homestead Exemption Farm Land at Current Use.
 S.P. 291, L.D. 809 - An Act to Create a Local Option Sales and Use Tax.
 S.P. 360, L.D. 1064 - An Act to Stimulate Job Creation and Investment in Maine by Amending the Income Tax Apportionment Formula.
 H.P. 799, L.D. 1122 - An Act to Return a Percentage of the Meals and Lodging Tax to the Municipality in Which Those Taxes were Levied.
 H.P. 1128, L.D. 1587 - An Act to Allow the Surviving Veteran Spouse of a Veteran to Continue to Receive the Property Tax Exemption.
 S.P. 532, L.D. 1594 - An Act to Promote Equity Among Health Care Clinics.
 S.P. 642, L.D. 1824 - An Act to Encourage Equity Equivalent Loans or Investments in Community Development Financial Institutions.
 S.P. 661, L.D. 1883 - An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax.
 H.P. 1338, L.D. 1921 - An Act to Promote Land Conservation at the Local Level.
 S.P. 694, L.D. 1940 - An Act to Create Standards of Eligibility Governing Certain Tax-exempt Organizations and to Phase in a Reduction of the Rate of Exemption to Reflect the Cost of Providing Essential Municipal Services.
 H.P. 1416, L.D. 2023 - An Act to Authorize a Local Option Tax on Wages Earned in a Municipality.
 H.P. 1417, L.D. 2024 - An Act to Establish the Local Option Tax on Liquor, Meals and Lodging.
 S.P. 713, L.D. 2035 - An Act to Clarify That Sales Catalogs and Fliers are Exempt from Sales Tax when Purchased for Redistribution at No Charge.
 S.P. 742, L.D. 2101 - An Act to Enhance the Maine State College Savings Program.
 H.P. 1482, L.D. 2122 - An Act to Base the Rate of Tax Imposed on Married Couples Solely on Income Earned in this State.
 H.P. 1550, L.D. 2207 - An Act to Eliminate the Personal Property Tax and Make Other Changes in the Tax Laws.

Transportation

H.P. 160, L.D. 222 - An Act to Alter the Firefighter License Plate.
 H.P. 187, L.D. 265 - An Act to Provide for License Plates in Support of Domestic Violence Prevention Programs.
 S.P. 114, L.D. 311 - An Act to Create a Registration Plate for Members of the Maine Snowmobile Association.
 S.P. 122, L.D. 319 - An Act to Require Commercial Vehicle Operators Involved in Fatal Motor Vehicle Accidents to Submit to Drug Testing.
 S.P. 124, L.D. 321 - An Act to Create a License Plate for Veterans Who Served in Iwo Jima, Normandy or Desert Storm.
 H.P. 845, L.D. 1179 - An Act to Amend Weight Requirement Inequalities Between Hauling Wood

Products and Hauling Other Products.
 H.P. 940, L.D. 1337 - An Act Regarding Taxation of Clean Vehicle Fuels.
 H.P. 1117, L.D. 1576 - An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles.
 H.P. 1120, L.D. 1579 - An Act to Evaluate the Compensation of Members of the Maine Turnpike Authority.
 S.P. 566, L.D. 1633 - An Act to Create a Transporter License Plate for Light Trailers.
 H.P. 1506, L.D. 2149 - An Act to Amend Motor Vehicle Title Laws.
 H.P. 1521, L.D. 2171 - Resolve, to Require the Department of Transportation to Build a Truck Escape Ramp on Route 16 in Bingham.
 H.P. 1551, L.D. 2208 - An Act to Remove Restrictions on Changeable Signs.

Utilities and Energy

S.P. 709 - Joint Order to Establish a Task Force to Study the E-911 System.
 H.P. 92, L.D. 105 - An Act to Clarify Great Northern Paper, Inc.'s Status to Furnish Electricity.
 H.P. 411, L.D. 553 - An Act to Amend the Charter of the Kennebec Water District.
 H.P. 1042, L.D. 1464 - An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District.
 H.P. 1069, L.D. 1500 - An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers.
 H.P. 1256, L.D. 1810 - An Act to Protect the Drinking Water Supply of the Portland Water District.
 H.P. 1496, L.D. 2140 - An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service.

Joint Select Committee on Research and Development

H.P. 1081, L.D. 1528 - An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy.

READ and PASSED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

COMMUNICATIONS

The Following Communication: (S.C. 355)

**SENATE OF MAINE
 OFFICE OF THE SECRETARY
 3 STATE HOUSE STATION
 AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo
 Clerk of the House of Representatives
 119th Maine State Legislature
 2 State House Station
 Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 288 Legislative Document 806 "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the

Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?" Fourteen voted in favor and twelve against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 356)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo

Clerk of the House of Representatives

119th Maine State Legislature

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 431 Legislative Document 1268 "An Act to Provide Equal Treatment in the Taxation of Public Pensions" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?"

None having voted in favor and twenty-eight against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 357)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo

Clerk of the House of Representatives

119th Maine State Legislature

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 511 Legislative Document 1512 "An Act to Amend Maine's Family and Medical Leave Law" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?"

Fifteen voted in favor and twelve against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 358)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo

Clerk of the House of Representatives

119th Maine State Legislature

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 693 Legislative Document 1939 "An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?"

Seventeen having voted in favor and eleven against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 359)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo

Clerk of the House of Representatives

119th Maine State Legislature

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 569 Legislative Document 1636 "An Act to Renew Maine's Economy" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?"

Fourteen having voted in favor and thirteen against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 360)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo
Clerk of the House of Representatives
119th Maine State Legislature
2 State House Station
Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 689 Legislative Document 1935 "An Act to Create a Staff Position at the Maine Commission on Domestic Abuse" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?"

Fourteen having voted in favor and thirteen against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 361)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo
Clerk of the House of Representatives
119th Maine State Legislature
2 State House Station
Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 656 Legislative Document 1878 "An Act to Make More Uniform the Training of Firefighters" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?"

Twelve having voted in favor and sixteen against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 362)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo

Clerk of the House of Representatives
119th Maine State Legislature
2 State House Station
Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 664 Legislative Document 1886 "An Act to Appropriate Funds for Marketing to Promote Economic Development" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?" Fourteen having voted in favor and fourteen against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 363)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo
Clerk of the House of Representatives
119th Maine State Legislature
2 State House Station
Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 735 Legislative Document 2085 "An Act to Update the Statutes and Provide for the Basic Needs of the Maine Conservation Corps" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?" Seventeen having voted in favor and eleven against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 364)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo
Clerk of the House of Representatives
119th Maine State Legislature
2 State House Station
Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 829 Legislative Document 2230 "An Act to Promote Community Mental Health Services" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?"

Seventeen having voted in favor and eleven against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

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

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Update the Statutes of the Maine Conservation Corps"

(S.P. 859) (L.D. 2257)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Came from the Senate, under suspension of rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

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

Representative **PIEH**: Mr. Speaker, Men and Women of the House. This bill is a bill that was funded off the table and was vetoed and the veto sustained in the other body. At the request of the sponsor the bill is being reoffered to us without the fiscal note. It was a unanimous committee report and I strongly urge your support.

Representative **PIEH** of Bremen **REQUESTED** a roll call **PASSAGE TO BE ENGROSSED**.

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

ROLL CALL NO. 418

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jodrey, Kane, Kneeland, LaVerdiere, Lemoine, Lindahl, Lovett, MacDougall, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Plowman, Povich, Powers, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Sirois, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Tracy,

Trahan, Tripp, Tuttle, Twomey, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Goodwin, Jones, Kasprzak, Labrecque, Mack, McKenney, Pinkham, Richardson E, Townsend, Treadwell.

ABSENT - Bolduc, Bragdon, Chizmar, Cianchette, Jacobs, Joy, Lemont, Marvin, McAlevey, Murphy E, Muse, Perry, Quint, Richard, Shorey, Skoglund, Stedman, True, Volenik.

Yes, 122; No, 10; Absent, 19; Excused, 0.

122 having voted in the affirmative and 10 voted in the negative, with 19 being absent, the Bill was **PASSED TO BE ENGROSSED** in concurrence. **ORDERED SENT FORTHWITH.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Conform the Tax Laws of this State for 1998 With the United States Internal Revenue Code"

(H.P. 1613) (L.D. 2256)

Presented by Representative **GAGNON** of Waterville.
(**GOVERNOR'S BILL**)

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

Committee on **TAXATION** suggested and ordered printed.
ORDERED SENT FORTHWITH.

SENATE PAPERS

The following Joint Order: (S.P. 860)

ORDERED, the House concurring, that the Joint Standing Committee on Taxation study and report out to the Senate in the Second Regular Session of the 119th Legislature a bill on the issue of pension equity.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

ORDERS

On motion of Representative **FULLER** of Manchester, the following Joint Resolution: (H.P. 1616) (Under suspension of the rules, cosponsored by Senator **TREAT** of Kennebec and Representatives: **BERRY** of Livermore, **BRUNO** of Raymond, **KNEELAND** of Easton, **MAILHOT** of Lewiston, **NASS** of Acton, **POWERS** of Rockport, **STEVENS** of Orono, **TESSIER** of Fairfield, **TOWNSEND** of Portland, **WINSOR** of Norway, Senator: **MICHAUD** of Penobscot)

JOINT RESOLUTION RECOGNIZING SHIRIN L. BLAISDELL ON THE OCCASION OF HER RETIREMENT

WHEREAS, Shirrin L. Blaisdell, of Manchester, is in her 25th year of state service, the last 9 years of which she has served as a Legislative Analyst in the Office of Fiscal and Program Review; and

WHEREAS, Shirrin is a dedicated individual who has labored behind the scenes of State Government; and

WHEREAS, Shirrin has earned the respect and admiration of her colleagues and Legislators with her professionalism; and

WHEREAS, Shirrin has endeared herself to her legislative coworkers and to all of the legislative staff with the cheerfulness with which she performed her work; and

WHEREAS, Shirrin also will be greatly missed for her expertise in the financial workings of State Government; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, pause in our deliberations to express our appreciation to Shirrin L. Blaisdell for her years of dedicated legislative service; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Shirrin as a lasting token of our gratitude and affection.

READ.

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

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I'm really proud to be able to present this Joint Resolution recognizing Shirrin Blaisdell, who happens to be a neighbor of mine. She lives one mile down the road from me, but my first contact with Shirrin was back in 1985 when I was dealing with the Office of Fiscal and Program Review as the Director of the Medicaid Program and at that time Shirrin was working on some Medicaid issues. She's been a familiar face since then, although she's worked primarily on education policy since then as well as some other areas. She also did a stint in the Department of Mental Health and Mental Retardation but came back to the Office of Fiscal and Program Review and I don't know what that tells you about the Department of Mental Health and Mental Retardation, but anyway Shirrin will be sorely missed in that office. She's been a hard worker and turns out large volumes of work. She's looking forward to joining her husband Steve in Boston where he has accepted a position. Her two sons will be in college this fall and I wish Shirrin well in her new life and hope she will come back to see us often. Thank you.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. I wanted to add my gratitude for all your help, Shirrin and to say that the office just won't be the same without you. You've been a resource on education issues that we've relied upon. You've always been helpful and friendly and good company and a good friend. I wish you well.

The Joint Resolution was **ADOPTED**.

Sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order (H.P. 1611)

Representative TOWNSEND from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve Financing Opportunities for the Cranberry Industry" (EMERGENCY)

(H.P. 1615) (L.D. 2258)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1611).

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

COMMUNICATIONS

The Following Communication: (S.C. 365)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo
Clerk of the House of Representatives
119th Maine State Legislature
2 State House Station
Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 409 Legislative Document 1198 "An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?" Sixteen having voted in favor and twelve against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 366)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

June 18, 1999

The Honorable Joseph W. Mayo
Clerk of the House of Representatives
119th Maine State Legislature
2 State House Station
Augusta, ME 04333

Dear Clerk Mayo:

Senate Paper 669 Legislative Document 1891 "An Act to Increase the Minimum Wage" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become Law notwithstanding the objections of the Governor?"

Thirteen having voted in favor and fourteen against, accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

ENACTORS

Acts

An Act to Update the Statutes of the Maine Conservation Corps

(S.P. 859) (L.D. 2257)

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. **ORDERED SENT FORTHWITH.**

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature" (EMERGENCY)

(H.P. 1612) (L.D. 2255)

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-769) in the House on June 18, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-769) AND SENATE AMENDMENTS "A" (S-468) AND "B" (S-469)** in **NON-CONCURRENCE.**

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

On motion of Representative **POVICH** of Ellsworth, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR.**

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I just wanted to mention that I would like to Recede and Concur and the title of the amendment speaks to it all, An Act to Make Corrections to Laws was recently Enacted by the 119th Legislature. Even in the 11th hour we're still trying to get it right so thank you very much.

Subsequently, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative **Matthews** who wishes to address the House on the Record.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. Had I been present and voting today on Roll Call 406, I would have voted nay. I would like the Record to reflect that. On Roll Call 408, had I been present, I would have voted yea. On Roll Call 409, I would have voted yea. Thank you, Mr. Speaker.

ENACTORS

Emergency Measure

An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature

(H.P. 1612) (L.D. 2255)

(H. "A" H-769; S. "A" S-468; S. "B" S-469)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 117 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

ORDERS

On motion of Representative **SAXL** of Portland, the following Joint Order: (H.P. 1617)

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 119th Legislature.

Appropriations and Financial Affairs

S.P. 400, L.D. 1191 - An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Promote the Cranberry Industry.

Taxation

H.P. 1613, L.D. 2256 - An Act to Conform the Tax Laws of this State for 1998 With the United States Internal Revenue Code.

READ and PASSED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

(10-1) An Act to Improve Financing Opportunities for the Cranberry Industry

(H.P. 1615) (L.D. 2258)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

COMMUNICATIONS

The Following Communication: (S.C. 368)

SENATE OF MAINE

OFFICE OF THE SECRETARY

3 STATE HOUSE STATION

AUGUSTA, MAINE 04333

June 18, 1999

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the President has appointed to the Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to construct Water Pollution control Facilities and Make Other Environmental Improvements" (S.P. 748) (L.D. 2107) the following:

Senator Michael H. Michaud of Penobscot

Senator Susan W. Longley of Waldo

Senator Philip E. Harriman of Cumberland

Sincerely,

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

(S.P. 748) (L.D. 2107)
(CC "A" S-471)

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Non-Concurrent Matter

An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature (EMERGENCY)

(H.P. 1612) (L.D. 2255)

(S. "A" S-468; S. "B" S-469; H. "A" H-769)

PASSED TO BE ENACTED in the House on June 18, 1999.

Came from the Senate **FAILING OF PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

On motion of Representative MARTIN of Eagle Lake, the House voted to **INSIST**. Sent for concurrence. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements"

(S.P. 748) (L.D. 2107)

has had the same under consideration, and asks leave to report:

That the Senate **RECEDE** from Passage to be Engrossed as Amended by Committee Amendment "A" (S-453); **RECEDE** from Adoption of Committee Amendment "A" (S-453) and **INDEFINITELY POSTPONE** the Same. **READ** and **ADOPT** Committee of Conference Amendment "A" (S-471) and **PASS THE BILL TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-471) IN NON-CONCURRENCE.**

That the House **RECEDE** and **CONCUR** with the Senate.

Signed:

Senators:

MICHAUD of Penobscot

LONGLEY of Waldo

HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland

MARTIN of Eagle Lake

DAIGLE of Arundel

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-471).**

The Committee Report was **READ** and **ACCEPTED**.

Subsequently, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

ENACTORS

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements

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.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 419

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Bouffard, Bowles, Brennan, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lovett, Madore, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Pieh, Povich, Powers, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Sirois, Stanley, Stevens, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Tracy, Treadwell, Tripp, Tuttle, Twomey, Usher, Wheeler GJ, Williams, Mr. Speaker.

NAY - Clough, Foster, Glynn, Goodwin, Kasprzak, MacDougall, Mack, McKenney, Mendros, Plowman, Rosen, Schneider, Shields, Snowe-Mello, Tessier, Trahan, Waterhouse, Weston, Winsor.

ABSENT - Baker, Berry RL, Bolduc, Bragdon, Brooks, Buck, Chizmar, Cianchette, Duncan, Fisher, Jacobs, Jones, Joy, Lemont, Lindahl, Marvin, Matthews, McAlevey, Muse, O'Brien JA, Perkins, Perry, Pinkham, Quint, Richard, Shorey, Skoglund, Stanwood, Stedman, True, Volenik, Watson, Wheeler EM.

Yes, 99; No, 19; Absent, 33; Excused, 0.

99 having voted in the affirmative and 19 voted in the negative, with 33 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

At this point, a message came from the Senate borne by Senator William B. O'Gara of Cumberland informing the House that the Senate had transacted all business before it and is ready to adjourn without day.

The Speaker appointed Representative SAXL of Portland on the part of the House to inform the Senate that the House had transacted all business before it and is ready to adjourn without day.

After Midnight

The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor Angus S. King, Jr., and inform him that the House had transacted all business before it and was ready to adjourn without day.

Representative TOWNSEND of Portland
Representative STEVENS of Orono
Representative BERRY of Livermore
Representative MAILHOT of Lewiston
Representative POWERS of Rockport
Representative TESSIER of Fairfield
Representative KNEELAND of Easton
Representative WINSOR of Norway
Representative BRUNO of Raymond
Representative NASS of Acton

Subsequently, Representative SAXL reported that he had delivered the message with which he was charged.

Subsequently, the Committee reported that they had delivered the message with which they were charged.

On motion of Representative SIROIS of Caribou, the House adjourned without day at 12:10 a.m., Saturday, June 19, 1999 in honor and lasting tribute to the memory of our departed friend and colleague Albert P. Gamache, of Lewiston.