

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

March 23, 2000 – May 12, 2000

**Appendix**  
**House Legislative Sentiments**  
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ONE HUNDRED AND NINETEENTH LEGISLATURE  
SECOND REGULAR SESSION  
34th Day Legislative Day  
Monday, April 24, 2000

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

Prayer by the Honorable Michael W. Quint, Portland.

Pledge of Allegiance.

The Journal of Friday, April 14, 2000 was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 427)

**STATE OF MAINE**

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

April 14, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 1911 An Act to Relocate the Maine Legislative Law and Reference Library to Comply with the Federal Americans with Disabilities Act
- L.D. 2539 Resolve, to Make Community College Partnership Programs More Accessible and Affordable
- L.D. 2616 An Act to Authorize a General Fund Bond Issue in the Amount of \$17,250,000 to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Make Drinking Water System Improvements and to Construct New or Retrofit Existing Pollution Control Structures on Maine Farms to Protect the Environment
- L.D. 2632 An Act to Appropriate Funds for the Sunset Bay Company
- L.D. 2647 An Act to Authorize a General Fund Bond Issue in the Amount of \$25,550,000 to Renovate Teaching Laboratories, Classrooms and Dormitories of the Maine Maritime Academy, the Maine Technical College System and the University of Maine System

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

Sincerely,

S/Sen. Michael H. Michaud

Senate Chair

S/Rep. Elizabeth Townsend

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 428)

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

April 14, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 2674 An Act to Protect Maine Jobs and Natural Resources

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

Sincerely,

S/Sen. Sharon Anglin Treat

Senate Chair

S/Rep. John L. Martin

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 433)

**STATE OF MAINE**

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

April 11, 2000

Honorable Mark Lawrence, Senate President

Honorable G. Steven Rowe, Speaker of the House

3 State House Station

Augusta, ME 04333-0003

Dear President Lawrence and Speaker Rowe:

Pursuant to 3 MRSA, Chapter 35, section 963, we enclose the "Report on the Government Evaluation Act by the Joint Standing Committee on State and Local Government." This report reviews the provisions and effects of Chapter 35 of Title 3 and makes recommendations for changes to the Government Evaluation Act.

Please note that Appendix B of the report includes draft legislation reflecting the changes proposed by the State and Local Government Committee. We recommend that this proposed legislation be considered by the First Regular Session of the 120th Legislature.

Please also note that Recommendation #2 (see page 1 of the Executive Summary) proposes that a subcommittee of the State and Local Government Committee meet during the interim to consider developing a revised scheduling guideline for Governmental Evaluation Act review of agencies and independent agencies. On behalf of the committee, we will be submitting a formal request for authorization to allow the subcommittee to meet during the Interim.

Sincerely,

S/Sen. Peggy Pendleton, Senate Chair

S/Rep. Douglas Ahearne, House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 434)

**STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL  
SERVICES  
BUREAU OF ACCOUNTS & CONTROL  
14 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0014**

April 13, 2000

The Honorable G. Steven Rowe

Speaker of the House

119th Legislature

The Honorable Mark W. Lawrence

President of the Senate

119th Legislature

Dear Mr. Speaker and Mr. President:

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, I am pleased to submit the Comprehensive Annual Financial Report of the State of Maine for the Fiscal year ended June 30, 1999.

Fiscal Year 2000's Comprehensive Annual Financial Report, or CAFR, will be in GAAP format rather than budgetary. The Government Accounting Standards Board, AKA GASB, has released a new GAAP reporting model for statewide government entities, which is referred to as GASB 34. Attachments to this letter give a brief summary of GASB 34.

One of the best features of the model is the readability that will be built into its construction. Like private sector annual financial reports directed at the shareholder audience, states' annual financial reports will now be tailored to the citizen. We are enthusiastically embracing GASB 34 and expect the results in 2002 to be widely read and understood.

Your support in the transition to GAAP financial reporting was certainly appreciated. As we move through this next transition to the GASB 34 model, we will keep you informed of both progress and any unforeseen needs.

Should you have any questions about the FY99 budgetary CAFR or the planning for the fiscal year GAAP 2000 CAFR, please contact Terry Brann, CPA, Manager of Financial Reporting and Analysis; Joseph Shaw, Deputy State Controller; or myself.

Sincerely,

S/Carol F. Whitney

State Controller

**READ and with accompanying papers ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 651)

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

April 14, 2000

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Minority Ought Not To Pass Report from the Committee on Education and Cultural Affairs on Bill, "An Act to Authorize Portland College to Grant Degrees," (Emergency) (H.P. 1657) (L.D. 2326), was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 652)

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

April 14, 2000

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby it Indefinitely Postponed a Joint Order relative to the Joint Standing Committee on Banking and Insurance reporting out a Bill requiring the Superintendent of Insurance to establish a plan or other legislative options for guaranteeing access to and availability of healthcare coverage for residents (H.P. 1944).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

On motion of Representative McGLOCKLIN of Embden, the following Joint Order: (H.P. 1951)

WHEREAS, this joint study order establishes the Committee to Study Access to Private and Public Lands in Maine; and

WHEREAS, the charge of this committee is vital to the interests of Maine citizens and camp and business owners in this State; and

WHEREAS, the spring and summer months begin the seasons of peak use of the Maine woods for Maine citizens and tourists and, therefore, are the optimal time for the committee to study access issues; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study Access to Private and Public Lands in Maine is established as follows.

**1. Committee established.** The Committee to Study Access to Private and Public Lands in Maine, referred to in this order as the "committee," is established.

**2. Committee membership.** The committee consists of 2 Senators appointed by the President of the Senate and 3 members of the House appointed by the Speaker of the House. When making the appointments, the President of the Senate and the Speaker of the House shall appoint at least one member of a party that does not hold the majority of seats in that body and shall give preference to members who serve on the Joint Standing Committee on Agriculture, Conservation and Forestry.

**3. Committee chair.** The first named Senator is the Senate chair of the committee and the first named member of the House is the House chair of the committee.

**4. Appointments; convening of committee.** All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all

appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee, which must be no later than June 30, 2000.

**5. Duties.** The committee shall hold a minimum of 6 meetings at locations to be determined by the chairs. Geographic locations of meetings must be chosen to accommodate maximum participation by landowners and people using lands that are the subject of this study. The committee shall gather information and request necessary data from public and private entities in order to:

A. Estimate the number of acres of land owned or controlled by landowners or landowner associations to which access is controlled by checkpoints, gates or other means and estimate the number of people accessing those lands, categorize the various uses of those lands and assess environmental damage and costs to landowners associated with public access to those lands;

B. Determine the number of acres of land managed by the Bureau of Parks and Lands within the Department of Conservation or the Department of Inland Fisheries and Wildlife that are commonly accessed via roads on which checkpoints are located and fees are charged;

C. Review existing fee structures for accessing lands beyond checkpoints operated by landowners or landowner associations and compare these fees and systems of public access to access and fee systems in other states; and

D. Assess the need for legislation to ensure reasonable access to the public resources of this State.

**6. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

**7. Compensation.** The members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at meetings to fulfill their duties as charged.

**8. Report.** The committee shall submit its report together with any recommended implementing legislation to the joint standing committee of the Legislature having jurisdiction over parks and lands matters no later than November 1, 2000. If the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the committee terminates. The joint standing committee of the Legislature having jurisdiction over parks and lands matters may report out a bill during the First Regular Session of the 120th Legislature concerning the findings and recommendations of the committee.

**9. Budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the

committee's budget, expenditures incurred and paid and available funds.

**READ and PASSED.**

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

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On motion of Representative GAGNE of Buckfield, the following House Order: (H.O. 42)

ORDERED, that Representative Bonnie Green of Monmouth be excused April 8, 2000 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas F. Shields of Auburn be excused April 7, 2000 and April 8, 2000 for personal reasons.

**READ and PASSED.**

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## REPORTS OF COMMITTEE

### Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1140)** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

(H.P. 1790) (L.D. 2510)

Signed:

Senators:

MICHAUD of Penobscot

CATHCART of Penobscot

Representatives:

TOWNSEND of Portland

STEVENS of Orono

MAILHOT of Lewiston

POWERS of Rockport

TESSIER of Fairfield

BERRY of Livermore

KNEELAND of Easton

WINSOR of Norway

BRUNO of Raymond

NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1141)** on same Bill.

Signed:

Senator:

HARRIMAN of Cumberland

**READ.**

Representative TOWNSEND of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. I rise this morning to request your support for the Majority Ought to Pass Report of LD 2510, which is, of course, the supplemental budget. First I want to thank the members of the Appropriations Committee for two years of extremely hard work. I have been really pleased to work with this group of people. I couldn't have asked for a better group to work with. They have been hard working, intelligent, paying close attention

to detail, have been strong in their wish to represent the Legislature and make the Legislature an equal partner in the budget process. They have been patient and persistent and willing to find common ground. In particular, I would like to thank the Representative from Easton, Representative Kneeland, who worked with me for over a period of two weeks trying to find compromise on this budget. We didn't get it the first time, but we came around eventually and found compromise.

There is no such thing as a perfect budget. This one is, by no means, a perfect budget. The budget, that I might personally regard as perfect, that I might write myself for the State of Maine, would be very different, for instance, which the Representative from Acton, Representative Nass, might write by himself. As close as a budget might get to being perfect is one that strikes a balance between priorities. It is one that meets the needs of most people. It is one, which addresses the priorities of either caucus and through those caucuses the people that they represent. This budget, I believe, strikes an appropriate balance in a variety of areas. In particular, it strikes an appropriate balance between tax reduction and fiscal responsibility and spending, investing in Maine people in a variety of ways.

I don't think that the Representative from Easton nor I will ever forget the day that we realized just how little ongoing money was available for the budget. It was stunning to both of us. We went through an exercise in which we chose a size of a structural gap that we might each be able to support and then jotted down the items, which we viewed as absolute must dos. Those were the things that were non-negotiable in this budget and were stunned to realize how little money was then available for expenditures, whether those expenditures are tax reductions or other forms of spending, such as general-purpose aid to education. Either one of us would rather have spent more money on an ongoing manner on either of those priorities, but recognized just how little was available if we want to keep ourselves fiscally sound and not create debt for the future. This budget was developed with those facts in mind.

One of the things that it does is it faces reality. It takes into account that the repeal of the snack tax is now a given. Rather than sending it out to referendum, it merely repeals the snack tax and it does so in part because we had the advice of our staff that we needed to budget for the loss of that revenue, whether or not we sent it to referendum. The loss of the revenue was not something that we could not expend in this budget in any case. It then goes on to address other tax reductions, which are, I think frankly, higher priorities for nearly everyone. I don't think there are many people in this chamber for whom the price of Cheese Doodles is really the issue. It does create an exemption for the first \$6,000 of one's pension for both public and private retirees with an exemption so that those who receive social security will not benefit from that reduction. It addresses and incorporates the Governor's proposal regarding the indexing of the income tax and it phases in that proposal in fiscal year '03. It adopts conformity with the federal government for the purpose of deducting one's health insurance when one is self-employed. It incorporates two other tax priorities, which I am particularly excited about. For the first time, the State of Maine will acknowledge the earned income tax credit so as with the federal government those low-income working people can receive a tax break. It is a recommendation of the Commission of Poverty Among Working Parents and a long time in coming. Secondly, it adopts revenue sharing on a one-time basis with a one-time infusion to the municipalities \$3.6 million. In recognition of the

loss of the revenue sharing, which will occur as a result of the repeal of the snack tax as well as the loss of the half penny off the sales tax. Finally, it phases in a mil rate reduction for the telecommunications tax beginning in fiscal year '03.

It reduces the amortization of the retirement system to only 19 years and saves us in the out years, something that you and I won't be spending immediately, but our children will benefit from, it saves us \$1.85 billion. It largely avoids bonding by paying cash for a number of capitol improvements across state government.

This budget invests in Maine people in a variety of ways and most importantly through education. It appropriates \$18 million for general-purpose aid to education. I wish the amount were higher. It was something that I think Representative Kneeland would tell you I spoke about incessantly. It also appropriates a \$4.3 million hold harmless so that no community will suffer under this formula. Better yet, it appropriates \$27 million in addition to the school renovation putting us in line with the three year plan to set aside \$100 million for the renovation of our schools across the state and brings us nearly to the point of having enough money to accomplish all the priority one improvements. It incorporates the contents of LD 870, which raises the school construction debt service cap to \$84 million allowing many more projects to go forward. It appropriates \$1 million to professional development for our teachers putting the learning results initiative back on track. It sets aside through cash, \$30 million and through lapsed balance, an additional \$20 million for a total of \$50 million to the Maine learning technology reserve. It then creates a committee to look at that technology and to decide and recommend to the 120<sup>th</sup> Legislature the best way to incorporate technology in our schools. In the area of higher education, it appropriates \$4 million for capitol improvements at the Maine Maritime Academy. A total of \$5.2 million to the technical colleges for a variety of initiatives including the new school in Dover-Foxcroft, increasing access to the technical college for Maine students, the use of technology to open up the technical colleges to students on line and \$1 million to match the OSHA scholarships. It also appropriates nearly \$23 million to the University of Maine for a variety of projects including centers ranging from LA College to Calais to Houlton to Fort Kent. The renovation of a hall and assistance in their base budget to address personnel matters, an adoption of \$1 million to match the OSHA scholarship and the incorporation of the patent program as proposed by Representative Sirois.

This bill incorporates and appropriates a large amount of money for economic development. It is \$10 million for biotechnology, \$5.5 million for applied technology centers around the state, \$1.5 million for business marketing, \$3 million to FAME's small enterprise growth fund, as well as a micro-enterprise initiative and the forum franca form. Also in the area of economic development it infuses over \$33 million into the area of transportation for roads, rail initiatives, marine improvements and airport marketing. I think the railroad initiative is particularly exciting extending passenger rail service north toward Rockland and again west to LA College and out towards Oxford County. I am excited about the road initiative, which will speed up the process of improving east west connections through Maine.

The budget invests in Maine's environment and it is environmentally based industries. It appropriates \$1.3 million for landfill closures, \$2.9 million for water pollution control, \$2.5 million for manure storage facilities, \$1.7 million for the smart growth initiatives, \$400,000 to restore the Kennebec River, \$1.2

million on a one-time basis for the repair of the Big E building in Springfield, Massachusetts and \$300,000 for soil and water conservation districts.

In the area of public safety, Judiciary and Corrections, it invests heavily by funding the cost overruns in the prison systems and the transition to the new prisons. It funds cost overruns at the Maine Criminal Justice Academy as well as its operations. It funds the operations of the Maine Drug Enforcement Agency as well as \$2.7 million on a one-time basis for the retirement of State Troopers. It is something that we have all talked about, the inadequate pay levels for State Troopers. This will encourage people to stay as Troopers who have been trained here and will save us money in the long run.

In the area of the Judiciary, it funds security, jury parking, indigent defense, the court unification process and eight additional assistant attorney generals for domestic violence. In the areas of social services, it funds the Medicaid shortfall. It is important to note that it does so with a one-time transfer from the tobacco fund because in this biennium we will be receiving an exceptionally high payment from the tobacco settlement. For the record, Mr. Speaker, there is no intention that that \$18 million transfer should continue in the future.

One of the more exciting pieces of this legislation is that it will bring us into compliance at long last with the AMHI Consent Degree. It is something that has been hanging over our heads for at least 10 years now. It improves the use of the Maine Governmental Facilities Authority to construct a new psychiatric facility. The decision about whether to construct a new facility is something, which has been studied a total of five times. On the fifth time, finally, the Legislature has taken action and we will be moving to a modern facility and a modern mental health system.

This budget funds long-term care needs across the board including addressing wait lists for the elderly for home care services and home based care services. There is \$5 million to address LD 42, which was a priority of the Health and Human Services Committee and addresses long-term care needs. It invests \$2 million to reduce the waiting list for services for people who have mental retardation. It incorporates the content of LD 2552, which was the tobacco settlement bill as negotiated between the parties. As you may recall, the highlights of that bill included tobacco cessation, substance abuse, early childhood development through home visitation and child care, prescription drugs for the elderly, the language which has been adopted in the budget is that, which was initially proposed by Representative Bruno. It creates insurance for working parents, incentives for physicians to treat pregnant women who smoke, as well as a bone marrow screening program.

All together it is a substantial bill. I believe that it strikes the right balance between reducing debt, reducing our tax burden, investing in Maine people for the future. It is not a perfect one. There is no such thing as a perfect budget, but it has the support of all 10 House members of the committee. I would be very grateful for your support. Mr. Speaker, when the vote is taken, I request it be taken by a roll call.

The same Representative **REQUESTED** a roll call on her motion to **ACCEPT the Majority Ought to Pass as Amended Report**.

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

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

Representative **KNEELAND**: Mr. Speaker, Men and Women of the House. I stand to echo the remarks by the good Representative from Portland, Representative Townsend, our committee chair. She has done a fine job in explaining the budget. She has worked hard and long and been very helpful in putting this budget together. I know there are parts of the budget that she didn't like and parts that I didn't like, but we got together and compromised and put this budget together and made it work. I am going to ask each one here today to vote in favor of this budget. With our tax package that we have, which we wanted, is in here and with all the other things for general purpose aid to education and numerous things that she has already mentioned, I won't go over them again because of the time factor, but I want to thank her personally for the hard work that she has done in working with us. I would like to ask each one here this morning to vote in favor of this budget. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I think when we look back two years ago, the opportunity or as people tried to look into the crystal ball what this 119<sup>th</sup> Legislature was going to accomplish, that I think given that previous Legislature where we had majority budgets and we had adjournments and we had Special Sessions, the odds makers probably wouldn't have been too optimistic about what we could accomplish in these last two years.

I think there are some real reasons for why we have proven that the odds makers were wrong. I think, first of all, the Speaker of the House back in December 1998 and January 1999 had made a personal commitment. While it is easier to go the majority budget route, adjourn and go come back in Special Session, he had made a commitment that this Legislature was going to work, as it should work. Everyone's constituency is enfranchised on the budget and with the development of the budget. No one's constituencies would be disenfranchised unless that Representative made a personal decision to disenfranchise their constituents when it came to the budget. There have been rough times. There have been times when we hit potholes along the way, but I think that commitment that the Speaker made to leadership and he made to this body was that we would prove the pundits wrong. We would identify problems here in the State of Maine and we would work together in a bipartisan way to find those solutions. It would be a two-way communication. It wouldn't be a one-way communication with a rubber stamp, but in that process, the Speaker was willing to take his chances and we see a budget that I guess must be acceptable because I understand there are people on the other side of the aisle that have heartburn and there are people on this side that have heartburn. That tells me that I think maybe we accomplished something.

We have complimented the committee and the committee has done a super job. I think the compliments have to go beyond the Appropriations Committee. It has to go out to the policy committees because as you looked at all the requests that had been made and you set your priorities in a bipartisan way, you identified those priority areas where the money should be spent. As a caucus, our priorities dealt with the debt that no bonds going out to the voters and we see the environmental, we see the higher education and the DOT being paid for with one-time dollars. On the seniors we are addressing the waiting lists and that problem no one thought could be taken care, the seniors in the nursing home we have made a substantial

commitment. In education we have gone to the 6 percent GPA in the second year. We have language in this budget, which doubles the amount of money available for new construction. We are going to see a tremendous surge in school construction to make up for those tough times when new school construction was flat funded. We are seeing a substantial investment on the renovation side that we finally now with an accumulative \$70 million are working our way through the health and safety conditions that exist in those schools. There is tax relief here. There is substantial tax relief in terms of the pensions. Indexing now is going into the statutes. The snack tax, that gimmick, is gone. That combined with that final 5 percent drop July 1 in the sales tax; we are going to finally be able to see that tax burden drop. The economic development, the good chairwoman had talked about that.

I think one of the things that we can be proudest of is what we did in a bipartisan way on the tobacco settlement dollars. We have taken the best of the two bills that were offered. We are addressing the health needs here within the state, but we are moving beyond the TV ads in looking at prevention and cessation. We are looking at a focus on community and on the students. I think that can probably be one of our proudest achievements.

I would urge the members of this body, despite the heartburn, that is usually what happens when you build a budget that we move forward, we stand in a bipartisan way and we finally put the final stamp of approval on a process that started way back in January in each and every one of your committees. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. Thank you, Mr. Speaker, for all the work you have done this entire session in setting a tone in which we can achieve. We can achieve it regardless of where we are from, which communities we represent, how old we are and what our backgrounds are. Thank you Mr. Speaker. You have really set a tone to make this budget a possibility today. Members from the House are united behind a single document. We have yet another unanimous budget in the House. Thank you Mr. Speaker for your leadership. Thank you also to Chairwoman Townsend who has done an amazing job. She has become a fiscal conservative. She has found it in her heart to support numerous tax breaks, which will have a great impact on the working people of the State of Maine. Thank you to Representative Dick Kneeland, the Representative from Easton, who has found himself a social progressive and found himself supporting a document, which fronts waiting lists throughout the State of Maine to make sure that those most vulnerable in our society get the help they need. Congratulations to you Appropriations Committee to putting more into GPA, higher education, school construction and renovation than any Legislature in a two-year period in modern history. Congratulations to you for defining what the priorities are of your caucuses here. Congratulations to each and every one of you. I am proud to vote for this budget as it stands today. I thank you each for your leadership before this body.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope that you will join me in voting against this budget. This budget is spending now and tax cuts later, maybe. It is unbelievable to me and I am sure it is to some

of the other people in this House, that in a time of such big surpluses, we are considering passing a budget that will end up with a \$260 million structural gap. There is absolutely no need to do that. Beyond that it is even more inconceivable that we are actually borrowing money when we have these surpluses. I am referring to the \$33 million for AMHI. I looked everywhere around outside and back home and I didn't see any insurrection. I didn't see any invasion. I didn't see any indication of a war approaching. The reason I say that is because back in the 118<sup>th</sup> when this Governmental Facilities Authority was being used, a large percentage of my caucus, on this side of the aisle, had a real problem with the constitutionality of that entity. In fact, at that time we asked for a solemn occasion. We didn't get that. Nothing has changed from that day to this day as far as I am concerned. If you look at the Constitution of the State of Maine, Article 9, Section 14, and read it, you can't find anywhere in there the authority to do that borrowing. I will read a section of it. "The Legislature shall not create any debt or debts, liability or liabilities, on behalf of the state, which shall singly or in the aggregate with previous debts and liabilities thereafter incurred at any one time exceed \$2 million except to surpass insurrection, to repel invasion for the purposes of war." It goes on to say that to go into debt further you have to go before the people. We are not doing that.

Even when you looked at the linty of the list of goodies in this budget and there is something in there for everybody. Most budgets do have something for everybody. The problem is the aggregate all the spending is now. The tax cuts are later, like I said, maybe. We still are violating the Constitution and creating a \$260 million structural gap for the citizens of the State of Maine. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. When we voted on the budget last year, I understood there was an agreement to slowly ratchet ourselves up to try to get to 50 percent majority funding for general purpose aid to education. We seem to have dropped off of that issue and have not gotten ourselves back to that. I understand the Education Committee had a unanimous report recommending \$44 million in GPA funding and we are \$18.5. With this huge surplus that we have, why is that no longer a commitment when it was last year when weren't expecting a surplus?

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I would be happy to address that question. I think that I was perhaps one of the more vocal members of our committee in support of the need for appropriations to general-purpose aid to education. The problem is the lack of ongoing funds. When you sit down and accept a certain amount of structural gap and list the things that you must do such as paying back the federal government for a fine that we owe them, paying a Medicaid shortfall, the consent degree, repeal the snack tax and a handful of other items. It leaves approximately \$30 million total per year available in ongoing expenditures. In order to fully fund education at \$44 million ongoing, one would have to not



adopt any of the tax repeals which are contained in this budget, not fund LD 42 or other issues having to do with elderly citizens, not address the waiting list for either elderly citizens or people with mental retardation and perhaps choose not to address the consent degree, which is an agreement that we signed and have been 10 years in neglect of. Though I wish we could appropriate more money for general-purpose aid to education. The reality is that unless we do only that, we just can't do it.

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

Representative **BUCK**: Mr. Speaker, Men and Women of the House. I think there are some of us that have a different point of view in terms of what this budget does. If we look in terms of what it does from my point of view, what we have had to do with the \$300 million this year in surplus, in my mind what we have done is we have increased the debt burden to our children, our future citizens. We have delayed most of the tax increases that we talk about and brag about for one or two years at least. We have substantially increased the structural debt. We have seen to it that most state agencies have increased spending. We have expanded the constitutionally questionable Governmental Facilities Authority at a time when we have \$300 million in surplus. In my mind we have acted like children in a candy store. We have this \$300 million in our pocket and we just feel compelled to spend it before we leave. We talk about tax reductions. In mind, the tax reductions are very deceiving. We brag about the snack tax and we brag about the sales tax, but in both cases we didn't reduce those taxes. In one case the people reduced the tax and in the other case, the sales tax was reduced by operation of a law that was on the books last year. We have, in fact, during this session, in addition to spending all of this money, actually increased taxes. We have increased taxes to small businesses by requiring them to substantially increase the amount of money they are going to spend for unemployment insurance. We have done all of this at the same time we are bragging about the fact that we have reduced taxes. I think it is very deceiving for us to stand here and say that. I would urge you all not to vote for the proposal. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. I would like to call your attention to Section FF of the budget document and take a few moments of your time if I may to describe something that we are doing that is really worthwhile in this budget document. Across this state, hundreds of people with disabilities are living better lives. They have been able to acquire assistive technology such as wheelchairs, adapted vans, and hearing aids. They also have homes with accommodations that meet their needs. Thousands of other individuals with disabilities have benefited from ramps, automatic doors, and other accessibility improvements to public buildings and businesses. All of these lives have been improved because of Maine's Adaptive Equipment Loan Program.

The Adaptive Equipment Loan Program was Maine's pioneering solution to overcoming the barriers that so many people with disabilities face every day. The Loan Program has made assistive technology affordable for people with disabilities of all ages, their families, schools, businesses, and community organizations.

Maine can be proud of this extraordinary public program. More than 20 states have used our Adaptive Equipment Loan Program as a model.

While many people have contributed to the Loan Program's success, one person has long been its champion. Kim D. Wallace of Hallowell worked tirelessly to create, manage and promote the Adaptive Equipment Loan Program.

In 1986 Kim helped to craft the legislation to establish the Loan Program. He was pivotal in its passage a year later. The battle was a tough one. On its first vote in the House, the Loan Program legislation failed a two-thirds majority by five votes. Kim spent hours in these halls, talking one-to-one to legislators, convincing them that the Loan Program would significantly change the lives of people with disabilities. At the eleventh hour, following the bill's passage in the Senate, Kim persuaded the then, House Speaker to call another House vote. The Loan Program passed by a single vote.

Kim joined with other people with disabilities, business leaders, and community organizations in a grassroots effort to win voter approval of the \$5 million bond issue to fund the Loan Program. It passed overwhelmingly. Three years ago, Kim was a leader in the successful campaign for a second bond issue, adding \$1.5 million to the Loan Fund. That referendum also resulted in access improvements to state facilities and the University System.

Kim was influential in establishing the operating policies of the Loan Program. He made certain that people with disabilities would be the decision-makers in this program.

For more than a decade, as a staff member of Alpha One's Augusta office, Kim assisted people in completing their loan applications. He helped them determine what equipment would maximize their independence. Kim, once a star skier at Kents Hill, has had quadriplegia since an accident in his early 20s and has often shared his personal experience of living with a disability.

Kim may be soft spoken, but he has powerfully voiced support for the Loan Program. He has represented the Loan Program in Washington. He has relentlessly advocated for financial loan programs and other initiatives to enable people with disabilities to live fully in all aspects of their lives.

Today Kim Wallace is facing a formidable challenge. A year ago, he was diagnosed with bladder cancer. This has proven to be the fight of his life. Throughout this ordeal, he has shown the same determination and grace he has shown in everything he has accomplished throughout the years.

Today I ask you to recognize Kim's unmatched contribution to the lives of Maine people with disabilities. Section FF will change the name of the Loan Program to the Kim Wallace Adaptive Equipment Loan Program.

Let the Loan Program, a program designed by and for people with disabilities who personifies our belief in the value of each and every Maine citizen.

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

#### ROLL CALL NO. 648

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Foster, Fuller, Gagne, Gagnon, Glynn, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lovett, Mailhot,

Martin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Treadwell, Tripp, True, Usher, Volenik, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

**NAY** - Buck, Cianchette, Collins, Davis, Dugay, Fisher, Gerry, Gillis, Goodwin, Joy, Kasprzak, Lemont, Lindahl, MacDougall, Mack, McAlevey, McNeil, Mendros, Perkins, Pinkham, Shorey, Skoglund, Snowe-Mello, Trahan, Twomey, Waterhouse.

**ABSENT** - Frechette, Green, Jabar, Jones, Madore, Marvin, Matthews, McKenney, Perry, Plowman, Sirois, Stedman, Tuttle, Wheeler GJ.

Yes, 111; No, 26; Absent, 14; Excused, 0.

111 having voted in the affirmative and 26 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-1140) was READ** by the Clerk.

Representative **WATERHOUSE** of Bridgton **PRESENTED House Amendment "E" (H-1148) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Many people here know the deplorable condition of a lot of rural roads in northern Maine. Basically what this amendment does is it takes \$30 million out of the Rainy Day Fund and puts it to the Rural Urban Initiative Program within the Department of Transportation. This is badly needed. When I first came up here in the 117<sup>th</sup> we barely had, I think, \$3 million in the Rainy Day Fund. It really doesn't make any sense. It is nice to have a nice buffer in economic hard times, but I don't think a lot of these roads in western Maine and northern Maine can wait for us to fund them at an adequate level. This will attempt to do that. I would appreciate your vote. Mr. Speaker, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on **ADOPTION of House Amendment "E" (H-1148) to Committee Amendment "A" (H-1140).**

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 Easton, Representative Kneeland.

Representative **KNEELAND**: Mr. Speaker, Men and Women of the House. I am going to ask you please to vote against this pending motion because the highway funds are already in the budget. We just passed a good budget and I ask you to please vote no. Thank you.

Representative **TOWNSEND** of Portland moved that **House Amendment "E" (H-1148) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-1148) to Committee Amendment "A" (H-1140).**

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-1148) to Committee Amendment "A" (H-1140). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 649**

**YEA** - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dunlap, Duplessie, Etner, Foster, Fuller, Gagne, Gagnon, Hatch, Honey, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lovett, Mailhot, Mayo, McDonough, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, True, Twomey, Usher, Volenik, Watson, Weston, Williams, Winsor, Mr. Speaker.

**NAY** - Belanger, Buck, Carr, Clark, Dugay, Duncan, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Jodrey, Joy, Kasprzak, Lindahl, MacDougall, Mack, Martin, McAlevey, McGlocklin, Mendros, Perkins, Pinkham, Richardson E, Shields, Shorey, Snowe-Mello, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Wheeler EM.

**ABSENT** - Fisher, Frechette, Green, Jabar, Jones, Lemont, Madore, Marvin, Matthews, McKenney, Perry, Plowman, Sherman, Sirois, Stedman, Tuttle, Wheeler GJ.

Yes, 100; No, 34; Absent, 17; Excused, 0.

100 having voted in the affirmative and 34 voted in the negative, with 17 being absent, and accordingly **House Amendment "E" (H-1148) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative **FULLER** of Manchester **PRESENTED House Amendment "A" (H-1142) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. I commend the distinguished members on the Appropriations Committee, however, the amendment I have submitted is to stop the closing of small businesses by requiring that the Medicaid Program pay occupational therapists, physical therapists and speech and language pathologists at a somewhat higher rate than they are presently receiving. These are small businesses that serve primarily children, from birth through school age. We are not talking about services provided in hospital settings and by home health agencies. They already are paid at a rate at least double the rate paid to these small providers who are trying to make it as small businesses.

These are also the experienced providers, the experts, who have developed the expertise to deal with children with difficult problems to treat, such as autism, sensory integration, ADHD, failure to thrive, severe developmental delays and mental illnesses in children and a variety of unique and challenging behaviors.

The last increase in the rate paid to these providers was in 1991 when I was Medicaid Director. If you recall there was a serious economic downturn at that time, but these providers

were in crisis then, as they are now, and received a fee increase even in those bad times.

At the present hourly rate of \$40 for PT and OT treatment, we are losing providers, from fiscal year 1998 to 1999 the number of physical therapy providers decreased from 196 to 133, the number of occupational therapy providers from 162 to 82, and the number of speech pathologists from 166 to 124. This is a total of 185 providers no longer providing Medicaid services in just one year.

The number of recipients served also decreased, most markedly for occupational therapy from 1,714 to 1,087 and for speech pathology from 3,370 to 2,544. For those two services alone that is a decrease in people served of 1,453. I feel confident the number of children needing services has not decreased, but access to needed services has become more difficult or they are being served in other settings which are twice as costly and probably do not have the specialized equipment needed to provide a full range of needed services.

This bill raises the hourly rate of reimbursement for PTs and OTs from 37 to 41 percent of usual and customary charges to 50 percent of what these therapists are paid by other third-party payers, which is on average \$97 per hour. The intent is to incrementally increase reimbursement to these providers until they are on par with other Medicaid providers.

Although an increase of \$8.50 from \$40 to \$48.50 does not sound like much, it is hopefully enough to keep more providers from going under and losing their practices, which has been happening in recent years as evidenced by the numbers.

The rate for speech and language pathologists would increase by 18 percent from \$47 to \$55.46. This is the same increase granted to Speech and Hearing Centers in the first year of this legislative session, when the Bangor Center was at risk of closing because of inadequate reimbursement.

The hourly rate is paid only for direct time treatment. Other costs include downtime for snow days, now shows, travel time, meetings, conferencing, reports, billing costs, staff education, time spent dealing with billing issues when claims were not paid, in other words, all costs associated with being in a small business providing health services.

The total cost from the general fund revenues for this increase in rates for PT and OT providers is \$109,746 for fiscal year 2001 with another \$214,419 of federal matching Medicaid funds. The cost for the speech and language pathologists would be \$200,000 in general funds for a total of \$609,000 of federal matching Medicaid funds.

In the first year of this legislative session a Resolve was passed requiring the Department of Human Services to review reimbursement rates for these services, as well as other rehabilitation services and report to our committee by December 31, 1999. Some meetings were held in November and December to carry out this review, which I attended. The proposal we were discussing was to increase rates to 60 percent or 70 percent of usual and customary charges.

I believe the department was meeting with us in good faith, intending to do something about a fee increase, when the Medicaid shortfall hit. Suddenly we were told there will be no fee increase, because of the runaway costs of prescription drugs, residential care facilities, mental health clinics and some other small categories. The small providers, so essential to providing services to increase independence, function, mobility, ability to learn, etc., don't carry much weight and get treated rather badly.

How can we use the Medicaid shortfall, which the department knew was coming and did not budget for, as an excuse for not providing funding for this minimal rate increase to those providers?

It is critical for children to receive services early in their development. The preschool years, especially, are critical and if they do not receive the services they need, the costs to treat at a later age will be substantially higher. More and more children are covered under the Medicaid Program than ever. These therapists take clients regardless of funding source with caseloads of 60 percent or 70 percent Medicaid clients in some practices. They cannot continue to take a loss on every Medicaid service they provide.

I totally support economic incentives to attract new businesses to Maine. We all know that small businesses are the backbone of the Maine economy. How can we let these small businesses go under while spending money to attract other small businesses? These are good businesses and provide critical services.

I propose that the \$311,771 in general funds for this rate increase come from the \$1.5 M item in the budget to continue the business attraction and expansion marketing efforts established last year. This will generate another \$609,135 in federal matching funds.

I urge your support of this amendment to the budget and to do the only fair and right thing by these providers. Mr. Speaker, I request that when the vote is taken, we ask for the yeas and nays.

The same Representative **REQUESTED** a roll call on **ADOPTION of House Amendment "A" (H-1142) to Committee Amendment "A" (H-1140).**

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

Representative TOWNSEND of Portland moved that **House Amendment "A" (H-1142) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. I don't disagree with the merits of this proposal. Had I been writing the budget by myself, I might have made this choice. Nevertheless, a budget is a compromise. It is a delicate compromise and if we start pulling strings, there is the chance that the entire thing will unravel. I ask you to vote for Indefinite Postponement.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1142) to Committee Amendment "A" (H-1140).**

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

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Representative GERRY of Auburn **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1142) to Committee Amendment "A" (H-1140).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1142) to Committee Amendment "A" (H-

1140). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 650**

YEA - Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Etnier, Fisher, Foster, Gagne, Gagnon, Gooley, Hatch, Heidrich, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Mayo, McDonough, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Treadwell, Tripp, Usher, Watson, Weston, Winsor, Mr. Speaker.

NAY - Ahearn, Bowles, Buck, Davis, Dugay, Duplessie, Fuller, Gerry, Gillis, Glynn, Goodwin, Honey, Joy, Kasprzak, MacDougall, Mack, McAlevey, McGlocklin, McNeil, Mendros, Perkins, Pinkham, Quint, Rines, Snowe-Mello, Stanwood, Tobin J, Tracy, Trahan, True, Twomey, Volenik, Waterhouse, Wheeler EM, Williams.

ABSENT - Bumps, Frechette, Green, Jabar, Jones, Madore, Marvin, Matthews, McKenney, Plowman, Sirois, Stedman, Tuttle, Wheeler GJ.

Yes, 102; No, 35; Absent, 14; Excused, 0.

102 having voted in the affirmative and 35 voted in the negative, with 14 being absent, and accordingly **House Amendment "A" (H-1142) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative GERRY of Auburn **PRESENTED House Amendment "D" (H-1150) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. What this does is strike the sections of Committee Amendment "A" that establishes the Maine Learning Technology Endowment and instead appropriates the funds for school constructions. I am not against establishing the Maine Learning Technology Endowment, I just don't think the time is yet. They have not met once and we have no clear-cut blueprint of where this money is going to go. I would like to have more details before I pay such a huge chunk of money for this type of endeavor. Also, there are so many schools now, even though the majority budget does help a lot of schools, there is still a lot of schools that are falling through the cracks and need more improvements to make them either safe or water resistant or other different capital improvements for the school. Until all the schools get all the improvements that they need, I can't support adding more technology. Thank you. May I get a roll call?

The same Representative **REQUESTED** a roll call on **ADOPTION of House Amendment "D" (H-1150) to Committee Amendment "A" (H-1140).**

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

Representative **BERRY** of Livermore moved that **House Amendment "D" (H-1150) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

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

Representative **BERRY**: Mr. Speaker, Ladies and Gentlemen of the House. As the good chair from Portland spoke earlier of the balance of the parties involved in the budget, I would ask you to vote and support Indefinite Postponement. The Representative from Auburn has some very valid concerns. I don't disagree with her. The Maine Learning Technology Endowment will have more legislative oversight than the original proposal. The fund will be established and we will have the time to work out the details. It was not what was initially opposed. We have a chance for some legislative input, which I don't think we had in the original proposal. The school renovations, we have done a lot of address the school renovations over and above the original supplemental budget proposal. I think we have made some good progress. I would just ask you to continue to support the budget package. Thank you.

Representative **GERRY** of Auburn **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-1150) to Committee Amendment "A" (H-1140).**

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 Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. With all due respect to my friend from Auburn, Representative Gerry, it is well intentioned, but from my parts this technology endowment is the best part of the budget. We have raised five children, my wife and I, and I would rather have my children going to school in a trailer and being up to date on technology than I would have them be in a fancy school with atriums and so forth. I would encourage you to vote for the Indefinite Postponement.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I know we have had a long day and I will try to be brief. I just wanted to relay a little story from on the way up here today. I stopped to get gas and the woman that I paid for my gas I knew her. She saw my legislative plates and asked me what is going on with those stupid laptops. I told her we are going to be deciding on the budget today. She told me rather graphically where the Executive could put them. I won't give the details. I said there are some good points to that too. She made a point to me, if I can quote her exactly. If my roof was leaking, I wouldn't go buy a computer for my house, I would fix my roof. I turned to her and I looked her in the eyes and said, you obviously have too much wisdom to serve in the Legislature if you feel that way.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I will be very short. I would like to thank the Representative from Auburn for bringing this amendment forward. It gives some of us that aren't in the loop an opportunity to vote for what we consider priority. I would like to address Representative Perkins' previous comment about the children going to school in trailers. I wish it was just in trailers, but it is not just in trailers. What happens when the roof in a school leaks is it causes a lot more problems than just a leaky roof. It causes air quality problems. It causes mold problems. It causes a lot of health issues that are a great concern to me. I

thank the Representative for bringing the amendment. It gives me an opportunity to vote to fix those schools before I want to put laptops in kid's hands. I want them to breathe clean air.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-1150 to Committee Amendment "A" (H-1140). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 651**

YEA - Andrews, Bagley, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Chick, Cianchette, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Foster, Gagne, Gagnon, Gooley, Hatch, Heidrich, Honey, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Mailhot, Martin, Mayo, McDonough, McGlocklin, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Skoglund, Stanley, Stevens, Tessier, Thompson, Tobin D, Townsend, Tripp, True, Usher, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Baker, Berry DP, Bowles, Bragdon, Buck, Bumps, Carr, Chizmar, Clark, Clough, Collins, Dugay, Fisher, Fuller, Gerry, Glynn, Goodwin, Jodrey, Joy, Kasprzak, Lindahl, MacDougall, Mack, McAlevey, McKee, McNeil, Mendros, Mitchell, O'Brien JA, Peavey, Pinkham, Richardson E, Rines, Sherman, Shorey, Snowe-Mello, Stanwood, Sullivan, Tobin J, Tracy, Trahan, Treadwell, Twomey, Volenik, Waterhouse.

ABSENT - Frechette, Gillis, Green, Jabar, Jones, Madore, Marvin, Matthews, McKenney, Plowman, Sirois, Stedman, Tuttle, Wheeler GJ.

Yes, 91; No, 46; Absent, 14; Excused, 0.

91 having voted in the affirmative and 46 voted in the negative, with 14 being absent, and accordingly **House Amendment "D" (H-1150) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative STANWOOD of Southwest Harbor **PRESENTED House Amendment "L" (H-1156) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Stanwood.

Representative **STANWOOD**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment would appropriate \$75,000 to be used for promotion of the cranberry industry. The industry itself is in a very depressed state and in order to move it forward there are some federal funds available, but they are going to need to do a market study to apply for these funds. They have sent a priority list of six items that this money could be used for, particularly in the Downeast area. I think it is a worthwhile expenditure trying to promote jobs in the Downeast portion of Hancock and Washington Counties. I would move that you give this favorable report to this amendment and ask for your support. I would like to have a roll call when the vote is taken. Thank you Mr. Speaker.

The same Representative **REQUESTED** a roll call on **ADOPTION of House Amendment "L" (H-1156) to Committee Amendment "A" (H-1140).**

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

Representative BRUNO of Raymond moved that **House Amendment "L" (H-1156) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. For those of you that read the *Wall Street Journal* on Friday there was a big article concerning the cranberry growers in the State of Massachusetts where the price per barrel that is going to be paid by Ocean Spray, which is the biggest buyer of cranberries in the world, is down to \$10.36 a barrel down from \$25 a barrel. The market is collapsing. There is really no need to do this amendment right now. I urge you to support my Indefinite Postponement. Thank you.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "L" (H-1156) to Committee Amendment "A" (H-1140).**

Representative STANWOOD of Southwest Harbor **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "L" (H-1156) to Committee Amendment "A" (H-1140).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "L" (H-1156) to Committee Amendment "A" (H-1140). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 652**

YEA - Ahearne, Andrews, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Skoglund, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Treadwell, Tripp, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - Bagley, Buck, Dugay, Gerry, Glynn, Goodwin, Joy, Lindahl, MacDougall, Mack, Mendros, Perkins, Pinkham, Sanborn, Shorey, Stanwood, Tobin J, Tracy, Trahan, True.

ABSENT - Bumps, Cianchette, Frechette, Gillis, Green, Jabar, Jones, Madore, Marvin, Matthews, McKenney, Plowman, Sirois, Stedman, Tuttle, Wheeler GJ.

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

115 having voted in the affirmative and 20 voted in the negative, with 16 being absent, and accordingly **House Amendment "L" (H-1156) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative MacDOUGALL of North Berwick **PRESENTED House Amendment "C" (H-1146) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. What this amendment attempts to do is to take a portion of funding from the Governor's Training Initiative of \$50,000 and apply it towards the Department of Labor to heighten the awareness of domestic violence and its affects in the workplace. The attempt would be to raise the awareness of societal issues as it relates to the workplace. I believe, as I am sure most of you do, that most of our employers would certainly do the right thing to make any effort to assist any employees who are a victim of this impossible surge. What I am attempting to do with this amendment is to allocate some resources to raise that awareness that it isn't just perhaps the other company down the street, but it could actually exist and have victims of domestic violence right in my own workplace. Unlike the flu or a broken bone or something that is a physical ailment that is readily apparent, victims of domestic violence often remain invisible. The fiscal history of this Governor's Training Initiative, at least the recent history, in 1998 to 1999, was funded at \$2,872,049. The current appropriation is \$3.3 million and change. What we just passed earlier with the supplemental budget had an additional \$600,000, which brings that up to a total of \$3,877,588. That is an increase since 1998 to 1999 of over \$1 million for this program. All I am asking for is your support this morning is \$50,000 for what I think is an important help to people of the State of Maine. Mr. Speaker, when the vote is taken, I request the yeas and nays. Thank you.

The same Representative **REQUESTED** a roll call on **ADOPTION of House Amendment "C" (H-1146) to Committee Amendment "A" (H-1140)**.

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

Representative **KNEELAND** of Easton moved that **House Amendment "C" (H-1146) to Committee Amendment "A" (H-1140)** be **INDEFINITELY POSTPONED**.

Representative **MacDOUGALL** of North Berwick **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-1146) to Committee Amendment "A" (H-1140)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-1146) to Committee Amendment "A" (H-1140). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 653**

YEA - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Chick, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Neal, O'Neil, Perry, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Skoglund, Stanley, Stevens, Tessier,

Thompson, Tobin D, Townsend, Tripp, True, Twomey, Usher, Volenik, Watson, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - Belanger, Bowles, Buck, Carr, Davis, Dugay, Foster, Gerry, Glynn, Goodwin, Gooley, Joy, Kasprzak, MacDougall, Mack, McAlevey, Mendros, O'Brien JA, O'Brien LL, Peavey, Perkins, Pinkham, Sherman, Snowe-Mello, Stanwood, Sullivan, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston.

ABSENT - Bragdon, Bumps, Cianchette, Clark, Frechette, Gillis, Green, Jabar, Jones, Madore, Marvin, Matthews, McKenney, Plowman, Sirois, Stedman, Tuttle, Wheeler GJ.

Yes, 101; No, 32; Absent, 18; Excused, 0.

101 having voted in the affirmative and 32 voted in the negative, with 18 being absent, and accordingly **House Amendment "C" (H-1146) to Committee Amendment "A" (H-1140)** was **INDEFINITELY POSTPONED**.

Representative **GOODWIN** of Pembroke **PRESENTED House Amendment "B" (H-1143) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. I put forward this amendment to address the shortfall in State funding of general-purpose aid to education. The amendment increases aid to 55 percent. It will assist every community in the state. Property taxes will drop. Schools will improve. Grades will go up with a corresponding citizen attitude change, a willingness to do more towards new materials and methods of teaching our students.

Mr. Speaker, men and women of the House. What is education? How do we fund education? We have competing interests. We fund pre-Kindergarten. We fund magnet schools. We fund the University of Maine System. We fund the Maine Technical College System. We fund the Maine Maritime Academy and we fund other entities. All are funded in various requests for dollars.

Then comes the orphan. K-12 education, the battle for equity across Maine. For nine years we have under funded and worse we allowed the percent reduction to be applied by the commissioner. This is how the dollars are implemented. In 1991, \$1.5 million was cut across Washington County communities. How was it done?

The state revalued the county valuation. It went from \$1,037,350,000 to \$1,236,900,000. That is an increase of 199,550,000 in the one year. This increase with the result a decrease in tuition aid. From 1991 to the present time, the state valuation has increased from \$1,037,350,000 to \$1,632,700,000 or \$595,350,000. The county had to make up the difference in the schools by increasing the local property taxes. Statewide this is the most pressing problem our constituents have. That is loss of a student base.

Maine has a flat population growth. In 30 years we have gone from 1.2 million to 1.3 million. Our high school graduates are our states biggest export. Graduates leave for other states with more opportunities. They work, live, raise families, pay taxes and then retire, some return to Maine. In most recent years fewer retirees return. Why? The tax base is not consistent to growth. Our biggest burden is on homeowners. Retirees are not returning as permanent residents, but as seasonal tourists.

Here is an example of valuation inequity. Washington County: Baileyville/Woodland 145,900,000 in '86 and 351,000,000 in '00. That is an increase of 130 percent. Those

are state numbers. Pembroke 11,750,000 in '86 and 35,500.00 in '00. That is an increase of 199 percent.

Pembroke has 860 people now. We had 852 people in 1986. We have three small variety stores and a hardware store. Yes, we have three small variety stores and a hardware store. Yes, we have shore front property on Cobscook Bay and sales have been non-existent for years. Woodland has 1,200 people, small mall, numerous stores, water and sewerage, garbage collection, maintenance force with daily city services and a pulp mill, stud mill, wafer board complex worth in excess of \$1 billion. The whole town, mills and all, are valued at \$351,000,000, think about it. Do you the members of this body have much the same problem with state assessment?

Mr. Speaker, men and women of the House, what did the proposed \$18.5 million budget without a cushion mean? It meant that 77 individual towns and 17 entire SADs/CSD's across Maine would be raising property taxes to cover the shortfall.

The \$4.3 million hold harmless still hurts these towns. Teachers and all school personnel have contracts that must be honored with school supplies and fuel for building, heat, diesel fuel for busses to haul students long distances, line items hard pressed this school year, as we all know all fuel went astronomically high. The budget deficits will reflect in our districts.

Mr. Speaker, men and women of the House, do you think that all is well with 18.5 and the cushion of 4.3? The funding method is so bad you need to hear of the losses to our communities. They are Portland, \$572,334; South Portland, \$446,900; Madawaska, \$202,020; SAD 45, \$119,038; Phippsburg, \$18,200; Brewer, \$278,082; Gilead \$23,314; SAD 14/Danforth, \$1,939; SAD 25/Crystal \$120,213; Allagash, \$67,453; Cumberland, \$28,568; Acton, \$64,458; Limestone, \$4,641; Penobscot, \$70,474; Monhegan, \$110; Ellsworth, \$29,317; SAD 28, \$12,335; Lamoine, \$11,812; Shirley, \$36,758; Jay, \$53,857; Calais, \$107,138; Medway, \$53,258; Rome, \$50,614; Nobleboro, \$68,596; and SAD 7, \$51,000.

Mr. Speaker, men and women of the House, these numbers across the state, north and south, east and west, will tell the formula story. Without the hold harmless 4.3 million in your areas, from the towns and cities I listed, would be raising taxes to not improve education, but just to maintain last years expenditures. For each legislator here check with your principal, superintendent and your local school board. Check the line items dealing with the day-to-day necessities of school needs.

Our Constitution is to promote education. The Legislature is authorized and it shall be their duty to require the several towns to make suitable provisions, at their own expense, for the support and maintenance of public schools. It is also their duty to encourage and suitably endow from time to time academies, colleges, seminaries of learning within the state. The state does in fact provide tuition. Over the years the state has mandated numerous programs beyond the reasonable expectation that local taxpayers could or would fund these program.

With the state funds, K-12, they should equally distribute the dollars. The amendment I propose will fund at 55 percent from one-time money on the July 1, 2000-June 30,2001 school year. The proposed budget, majority and minority, does not relieve the tax burden we have at home. GPA funding is the fastest means of lowering property taxes in every city and town in the state. The amendment asks you, the members of the 119<sup>th</sup> Legislature in its second session, to re-think your position on expending the

surplus dollars. There is no surplus until K-12 is funded per the 1985 formula.

Mr. Speaker, men and women of the House, the two documents before us with so many pages in length needs to be amended. If we so choose to vote no on each, what will be the outcome? We put forward \$4.6 billion to operate the entire state government for the biennium ending June 30, 2001. Not one segment or office will suffer ill from not funding either in the methods proposed by the Appropriations Table. If a recession had come to our stand and we had a shortfall at the start of the second session, we would not have the weighty documents here before us. Indeed, Mr. Speaker, we would have had a document of several pages requesting a vote in support of increasing the sales tax to 6 percent for several years and possibly additional taxes on gasoline, income taxes and reductions in TIFs and BETR Programs, GTI and less money for the University and Technical College Systems.

I ask you to support additional dollars for GPA and take the necessary time to adjust the budget to do the most good for our folks back home and all across the state. I thank the Speaker.

Mr. Speaker, I ask for a roll call.

The same Representative **REQUESTED** a roll call on **ADOPTION of House Amendment "B" (H-1143) to Committee Amendment "A" (H-1140).**

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

Representative **POWERS** of Rockport moved that **House Amendment "B" (H-1143) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

The **SPEAKER:** The Chair recognizes the Representative from Rockport, Representative Powers.

Representative **POWERS:** Mr. Speaker, Men and Women of the House. I appreciate the effort of the Representative from Albion, Representative Goodwin. He has well researched this and I understand exactly what he is attempting to do. The 1985 promise to reach for a 55 percent funding of GPA was a laudable effort. Much reality has ensued. We are many years beyond that. Even 1 percent increase in a budget the size of our GPA is an enormous step. This budget before you is a balanced effort. Education K through university is addressed. Long-term care and mental health needs, court unification and many, many other details have been carefully worked over many weeks. It is a bipartisan effort. Politics is the art of compromise. This budget demonstrates that. I would bring to your attention that the amendment before you, if enacted, would result in a balanced budget not being maintained for fiscal year 2000-2001. What we are proposing in House Amendment "A" is a balanced budget. I request that you continue to support that balance by voting Indefinite Postponement of House Amendment "B." Thank you.

Representative **TRACY** of Rome **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1143) to Committee Amendment "A" (H-1140).**

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1143) to Committee Amendment "A" (H-1140). All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 654**

**YEA** - Ahearne, Andrews, Bagley, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno,

Buck, Bull, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Dudley, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Heidrich, Honey, Jodrey, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, True, Twomey, Usher, Waterhouse, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

**NAY** - Baker, Belanger, Bryant, Chizmar, Clark, Davis, Desmond, Dugay, Duncan, Gerry, Glynn, Goodwin, Jacobs, Mendros, Pinkham, Richardson E, Sanborn, Shorey, Snowe-Mello, Tobin J, Tracy, Trahan, Treadwell, Volenik.

**ABSENT** - Bumps, Frechette, Gillis, Jabar, Jones, Joy, Madore, Marvin, Matthews, McKenney, Plowman, Sirois, Steelman, Tuttle, Wheeler GJ.

Yes, 112; No, 24; Absent, 15; Excused, 0.

112 having voted in the affirmative and 24 voted in the negative, with 15 being absent, and accordingly **House Amendment "B" (H-1143) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative **MARTIN** of Eagle Lake **PRESENTED House Amendment "M" (H-1157) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. Many of you have asked me about this amendment since it has been printed. I wanted to bring the issue before the body. I thought this was an appropriate way to do it. I have nothing against the City of Portland. I have supported most of the things that they want over the years. I do have a concern when the City of Portland or for that matter any municipality in this state, chooses to hire a lobbyist and pay them \$20,000 to lobby them on school subsidy. I am even more concerned when I take a look at the makeup of the present leadership that comes from the City of Portland, members of the Appropriations Committee, Education Committee and leadership from both parties and both houses. I wonder what the City of Portland was thinking when it decided to spend taxpayer dollars to use for a lobbyist. Imagine now that we are to do that in every municipality in this state and we were going to have the municipality spend taxpayer dollars to come lobby us. What is our job? Are we not the ones representing the citizens? If we are, then we ought to do so.

My concern in bringing it to you is to make it clear that this issue should be dealt with at the local municipality. It should not be a way in which taxpayer money should be spent to lobby us on appropriating funds for the various municipalities of this state. It is our job to see that the dollars are adequately allocated across the state. I congratulate the Education Committee and its chair, from Portland, and the Appropriations Committee and its chair, from Portland, in having done a job in looking out for the citizens of this state and not simply being parochial. I hope I have made my point. Mr. Speaker, I now withdraw my amendment.

Subsequently, the same Representative **WITHDREW House Amendment "M" (H-1157) to Committee Amendment "A" (H-1140).**

Representative **KASPRZAK** of Newport **PRESENTED House Amendment "G" (H-1151) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. This amendment simply removes \$400,000 from the budget that you just passed, the supplemental budget. The funds are appropriated or allocated for family planning pregnancy prevention services. In my three and a half years here in the House, I have seen some pretty creative ways to have more babies prevented from entering this world, but this has got to be one of the most creative ones I have seen thus far. I can't for the life of me figure out how contraceptives and abortions coincide with tobacco use. These funds are going to be coming from the tobacco fund. I would ask that when we vote on this measure that you support it. I request a roll call. Thank you.

The same Representative **REQUESTED** a roll call on **ADOPTION of House Amendment "G" (H-1151) to Committee Amendment "A" (H-1140).**

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

Representative **BRUNO** of Raymond moved that the **House Amendment "G" (H-1151) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I ask for a roll call. As someone who negotiated the tobacco settlement money with the Speaker's Office, I feel proud of what we accomplished on that compromise and put it into the budget. We could attack individual parts of it, but, once again, that was a compromise on a compromise that got moved into a compromise. Just to keep the balance moving forward here, I would ask that you vote for the Indefinite Postponement. We have done a lot of good things for prevention of pregnancy in this state. We have gone from a state that had very high teen pregnancy to now one of the lowest in the country. That is something good. It is something we ought to continue doing. These funds allow us to continue in that direction. Thank you.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "G" (H-1151) to Committee Amendment "A" (H-1140).**

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 Standish, Representative Mack.

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

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. To anyone who may care to answer or to the good Representative from Newport, I know that Planned Parenthood and Family Planning are known abortion providers. In essence if we fund them with this additional money, is that not taxpayer funding of abortions?

The **SPEAKER**: The Representative from Standish, Representative Mack has posed a question through the Chair to



anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. This money will not be used for the provision of abortions. It will be used for a variety of health care services, which happen to be provided at family planning clinics.

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I might pose this question. How do we know that none of these funds will be spent on providing abortions in the State of Maine?

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "G" (H-1151) to Committee Amendment "A" (H-1140). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 655**

**YEA** - Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Chick, Chizmar, Cianchette, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gooley, Green, Heidrich, Honey, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Twomey, Usher, Volenik, Watson, Williams, Winsor, Mr. Speaker.

**NAY** - Ahearne, Andrews, Berry DP, Bowles, Bragdon, Buck, Carr, Clark, Clough, Davis, Gerry, Gillis, Glynn, Goodwin, Joy, Kasprzak, MacDougall, Mack, McNeil, Mendros, O'Brien JA, Perry, Pinkham, Richardson E, Shorey, Snowe-Mello, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM.

**ABSENT** - Bumps, Duncan, Frechette, Hatch, Jabar, Jones, Madore, Marvin, McKenney, Murphy T, Plowman, Sirois, Stedman, Tuttle, Wheeler GJ.

Yes, 104; No, 32; Absent, 15; Excused, 0.

104 having voted in the affirmative and 32 voted in the negative, with 15 being absent, and accordingly **House Amendment "G" (H-1151) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative **MENDROS** of Lewiston **PRESENTED House Amendment "J" (H-1154) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. What this does is it takes off the effective date for the snack tax repeal. You know people in Maine went out and collected 50,000 plus signatures to repeal the snack tax that would be voted on in November. It is a good idea, having known some people that collected some of those signatures. I think it would have passed pretty overwhelmingly. It would have gone

into effect sometime in December at the latest. We are putting it off a couple more weeks beyond that. What we are doing that I just fundamentally don't agree with is subverting the initiative process by changing the date in Appropriations of a public law. The law was passed. We voted on it. It is supposed to go into effect 90 days after we adjourn. I don't even know if technically we can do this. I would advise people in my district to just stop collecting the snack tax 90 days after session ends and not pay it in. That is what we did and that is the shell game. We told the people of Maine we are getting rid of the snack tax. We will probably hear an argument about how we can technically do it, but when you play a shell game in Central Park, they have an argument about how they can change things around, but it is still dishonest and I, in good conscience, couldn't vote to do this. I am now giving you the opportunity to treat the people of Maine honestly.

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

Representative **MAILHOT**: Mr. Speaker, Men and Women of the House. We all have to remember that this budget was voted on by the Appropriations Committee, both sides of the aisle, in order to make a compromise and a balanced budget that a large portion of this Legislature could agree with. Although the Representative from Lewiston is a good friend of mine, saying that certain people from our district should not collect this tax illegally in the time between now and then, I don't think that is proper. I would make a motion that this amendment be Indefinitely Postponed. I would like to have a roll call please.

Representative **MAILHOT** of Lewiston moved that **House Amendment "J" (H-1154) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "J" (H-1154) to Committee Amendment "A" (H-1140).**

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 Gorham, Representative Labrecque.

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

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

Representative **LABRECQUE**: Mr. Speaker, Men and Women of the House. To anybody who wishes or cares to address this issue, had we put the snack tax issue out to referendum as opposed to putting it here in the budget and that question was on the referendum in November, if it is successfully passed, when would it have gone into effect? Thank you.

The **SPEAKER**: The Representative from Gorham, Representative Labrecque has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. I will attempt to answer the question. There is a time period in which after an election that the Secretary of State has a certain amount of time to validate the elections. It would have ranged anywhere from mid December, about December 16, to about the second week of January that we were looking at in Taxation.

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. The Maine Constitution states that the Secretary of State has 10 days from the election to declare the results and then the Executive has another 30 days to sign it into law. At the latest, it would be December 16. That would be the absolute latest if the Secretary of State and the Executive drew it out as far as they could unless in theory there was a tie vote and then they would have to have another election. Then, of course, it might go to January, but as the Constitution reads we are best two weeks.

Since I am up addressing that point, I wanted to point out that the fiscal note says that due to projected general fund unappropriated surplus at the end of the biennium a balanced budget is maintained. This does not hurt the balanced budget when you vote on this. I wanted to dispel that rumor also.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "J" (H-1154) to Committee Amendment "A" (H-1140). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 656**

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

**NAY** - Bowles, Bragdon, Buck, Cianchette, Davis, Gerry, Glynn, Joy, Kasprzak, Lemoine, MacDougall, Mack, McAlevey, Mendros, Pinkham, Shorey, Snowe-Mello, Tobin J, Tracy, Trahan, Waterhouse.

**ABSENT** - Bumps, Frechette, Jabar, Jones, Madore, Marvin, McKenney, Murphy E, Plowman, Saxl JW, Sirois, Stedman, Tuttle, Wheeler GJ.

Yes, 116; No, 21; Absent, 14; Excused, 0.

116 having voted in the affirmative and 21 voted in the negative, with 14 being absent, and accordingly **House Amendment "J" (H-1154) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative **MACK** of Standish **PRESENTED** House Amendment "N" (H-1158) to Committee Amendment "A" (H-1140), which was **READ** by the Clerk.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. For many people in Maine pets are an indispensable companion. Pets provide friendship, love and companionship to many people in the state. In the State of Maine we do not tax food. We are getting rid of the tax on snack food, which we are the only state in the nation left to tax it. For out indispensable companions, our pets, we tax their food.

Since we have the time of great budget surpluses, food for us is a necessity and food for our pets are a necessity for them, too. This amendment would exempt pet food from the sales tax. I hope you would all support it. Thank you.

Representative **BRUNO** of Raymond moved that **House Amendment "N" (H-1158) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I am sure that some of us find these things amusing when we offer these amendments like this, but some of us would like to get back to the real world and go earn a living. We don't have time to waste here with stupid amendments. I have a dog. I love my dog and people who are up here have seen my dog. He is a great dog. He is a bulldog. I didn't speak to him about this amendment before I came up here. I just think we are getting to the point of getting absurd now. I hope you vote to Indefinitely Postpone this amendment. Let's get back to reality here. Let's deal with this budget. Let's move on so that we can get out of here by tomorrow. Thank you Mr. Speaker.

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

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

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

Representative **MCALVEY**: Mr. Speaker, Men and Women of the House. In terms of your amendment, would you consider dog bones and kitty treats snack tax or dog food?

The **SPEAKER**: The Representative from Waterboro, Representative McAlevey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. To answer my good friend, the Right Honorable Representative from Waterboro, if the food is ordinarily consumed for nourishment by the animal it would be exempt from this tax. I do not know how pet snacks would be considered unless they are consumed for nourishment.

Any idea that this is silly or absurd, I take great offense to. There are many pet owners in the State of Maine who are upset when they go to the grocery store, that their food, their essential food for themselves is not taxed, but their pet's food is taxed. I have constituents who have brought this issue up to me who take this very seriously. Even though it is something you can laugh about, I think it is silly that we tax it in the first place. We have a chance to rectify the situation and I hope you would all join me in getting rid of this unnecessary tax. Mr. Speaker, when the vote is taken, I request that it be taken by the yeas and nays.

Representative **MACK** of Standish **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** House Amendment "N" (H-1158) to Committee Amendment "A" (H-1140).

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 Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to follow up on this tax here on the dog food and the biscuits and different things like that. You can be rest assured that when I left my house this morning, I do have a beagle and a cat, that I didn't have a

conversation with them, but I am sure that they would say, Representative Tracy we don't care who pays the tax, because we get it for nothing. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "N" (H-1158) to Committee Amendment "A" (H-1140).. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 657**

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

NAY - Buck, Davis, Gerry, Glynn, Joy, Kasprzak, MacDougall, Mack, Mendros, Perkins, Pinkham, Sherman, Snowe-Mello, Stanwood, Tobin J, Treadwell, Waterhouse.

ABSENT - Clark, Frechette, Goodwin, Hatch, Jabar, Jones, Madore, Marvin, McKenney, Plowman, Sirois, Stedman, Tuttle, Wheeler GJ.

Yes, 120; No, 17; Absent, 14; Excused, 0.

120 having voted in the affirmative and 17 voted in the negative, with 14 being absent, and accordingly **House Amendment "N" (H-1158) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative MENDROS of Lewiston **PRESENTED House Amendment "I" (H-1153) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I know we have a lot of amendments in front of us. A few of them are mine. We have heard talk about some of them being serious and not so serious. With this particular one, I implore you to take a look at it. I know we all want to go to lunch. I am not asking a lot here. I am not asking for me. I am asking it from probably most of you, long before it will affect me. What this does is it takes our senior citizens that are in nursing homes, I talked about it before, they get to keep \$40 a month to pay for a phone line, cable TV because that is the only way you can watch TV nowadays. You can't really put your antenna up on it. It goes to get a newspaper and any of that stuff. They only have \$40 a month. It hasn't been raised since 1983. We spend \$3,300 and now we just increased it by another \$16.9 million on nursing homes and taking care of our senior citizens. We spent in 1983, under \$1,000 on people in nursing homes. Now we spent \$3,300. We barely spend 1 percent of the money that we spend on keeping our senior

citizens alive on money to let them live. This is just a modest cost of living adjustment. We gave ourselves a cost of living adjustment. It is going to cost \$131,000. That is it. It is not going to unbalance our budget. There is plenty of money left over to deal with it. There is \$44,807 that we are going to get from the federal government for doing it. I know there is a process to do this and I followed the process. I brought this before the Legislative Council. Our Speaker supported me, but it didn't get through. I didn't have enough votes to get it through the Legislative Council. I tried it last year in a different way and it didn't go through. The good Representative from Auburn, Representative Gerry, tried to put in a Joint Order to resurrect the bill from last year. We got a majority, but we didn't get the two-thirds to resurrect it. This is the only process left to me. I was told when it didn't get through the Legislative Council that I could put it in the budget. I talked to members of the Appropriations Committee and some of them said they would consider supporting it and some said they would support it if I could get it through the other way as a bill. I tried that and we didn't get the two-thirds. I am not asking for a big amount of money. I am not asking for it for me whatsoever. Our senior citizens have been forgotten for 17 years. It might take me another 17 years to get back here, but I don't want them to be forgotten for that much longer. We are all policy makers. I am not asking you to throw down what the Appropriations Committee did. They did a lot of good work. I give them credit. I voted for a lot of these amendments, but for the most part I approve of the budget. There are a couple of things that I don't like, but they did a great job with most of it with what they had. This isn't shattering their credibility as the Appropriations Committee and their hard work. It is just telling our senior citizens that you are not forgotten. I urge you, I beg you, for all of our seniors to please support the pending motion.

Representative KNEELAND of Easton moved that **House Amendment "I" (H-1153) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "I" (H-1153) to Committee Amendment "A" (H-1140).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "I" (H-1153) to Committee Amendment "A" (H-1140). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 658**

YEA - Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Bruno, Bryant, Bull, Cameron, Campbell, Cianchette, Colwell, Cote, Cowger, Daigle, Davidson, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Green, Heidrich, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Skoglund, Stanley, Stevens, Tessier, Thompson, Tobin D, Townsend, Tripp, Twomey, Volenik, Watson, Weston, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Belanger, Bowles, Bragdon, Brooks, Buck, Bumps, Carr, Chick, Chizmar, Clark, Clough, Collins, Cross,

Davis, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Honey, Joy, Kasprzak, Lemont, MacDougall, Mack, McAlevey, Mendros, O'Brien JA, Perkins, Pinkham, Richardson E, Rines, Sherman, Shorey, Snowe-Mello, Stanwood, Sullivan, Tobin J, Tracy, Trahan, Treadwell, True, Usher, Waterhouse, Wheeler EM.

ABSENT - Dugay, Frechette, Hatch, Jabar, Jones, Madore, Marvin, McKenney, Plowman, Sirois, Stedman, Tuttle, Wheeler GJ.

Yes, 90; No, 48; Absent, 13; Excused, 0.

90 having voted in the affirmative and 48 voted in the negative, with 13 being absent, and accordingly **House Amendment "I" (H-1153) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative MACK of Standish **PRESENTED House Amendment "P" (H-1160) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. What this amendment does is it takes the money from the Technology Fund and uses that to pay cash for the new buildings at AMHI. It takes the unused surplus revenues from different parts of government that would have gone to the Technology Fund and has that go to the Rainy Day Fund and the unfounded liability and also start indexing the tax bracket for inflation starting January 1<sup>st</sup> of next year, 2001. The Maine Constitution clearly states that any large amount of debt needs to go in front of the voters. The Majority Report on this budget has the Governmental Facilities Authority issuing over \$30 million worth of debt to build AMHI. We all know there is a need to revitalize the AMHI Complex. My problem is the constitutionality of the government floating this much debt without it first going to the voters. What this amendment will do is fix that problem by paying cash for AMHI. Not only is it constitutional to do it that way, but also future generations will not be saddled with this additional long-term debt hanging over their heads. There is at least \$3 million in savings by paying cash instead of having this as long-term debt. Also, with the Technology Fund, I definitely think we need technology in the schools, but I have a problem setting up a \$50 million fund when we don't know what it is going to go for. We all like technology. Technology is wonderful, but this could go from anywhere from laptops to new wiring to we have absolutely no idea. I think it is not very fiscally responsible to spend \$50 million when we don't know what that money is going towards. Also, with the indexing of the tax brackets to inflation, of course we should start it next year. Let's give the Maine people some real tax relief. This isn't even a huge amount of tax relief. This just says that they won't be taxed more because of inflation. It is very simple and that is something that should start next year. Thank you and I urge you to support this amendment.

Representative KNEELAND of Easton moved that **House Amendment "P" (H-1160) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "P" (H-1160) to Committee Amendment "A" (H-1140).**

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

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

Amendment "P" (H-1160) to Committee Amendment "A" (H-1140). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 659**

YEA - Ahearne, Andrews, Bagley, Berry DP, Berry RL, Bouffard, Bragdon, Brennan, Bruno, Bryant, Bull, Cameron, Campbell, Chick, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lovett, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McNeil, Murphy E, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Baker, Belanger, Bowles, Buck, Carr, Clough, Collins, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Goodwin, Jodrey, Joy, Kasprzak, Lemont, Lindahl, MacDougall, Mack, McAlevey, McKee, Mendros, Pinkham, Richardson E, Shorey, Snowe-Mello, Stanwood, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston.

ABSENT - Bolduc, Brooks, Bumps, Frechette, Jabar, Jones, Madore, Marvin, McKenney, Mitchell, Norbert, Perry, Plowman, Sirois, Stedman, Williams.

Yes, 100; No, 35; Absent, 16; Excused, 0.

100 having voted in the affirmative and 35 voted in the negative, with 16 being absent, and accordingly **House Amendment "P" (H-1160) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative MACK of Standish **PRESENTED House Amendment "O" (H-1159) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. We spend hundreds of millions of dollars on general-purpose aid to education in the State of Maine and I think that is important. We need to continue to help our local government run public schools, but while we spend many more millions of dollars in this supplemental budget for GPA I think it is important that besides just giving money to GPA we try a couple new ideas in education. The government run schools do a wonderful job in most of the states, but there are a few school districts that don't do very well. That is especially hard for the parents and children in poor families. They have less resources to be able to send their children to an alternative school if their local government run school is not doing a good job. What this amendment would do is to make sure they we still spend a lot more on GPA, but take \$3 million of the increase that we are giving to GPA, a small percentage, and put it toward child centered education scholarships. What that would do is allow 1,000 students whose parents earn under \$25,000 a year and who live in the poorest performing 20 percent run schools in the state, those children would get the child centered education scholarship so the parents would be able to decide where their children go to school and that that money, that scholarship of \$3,000 that these 1,000 students would get, would follow the

child to whatever school the parents and the child deem as best for them. This amendment will make sure that poor kids in bad school districts get an opportunity to get the best education possible and at the same time ensure that we continue to spend money on GPA. Thank you and I urge you to support the pending motion.

Representative NASS of Acton moved that **House Amendment "O" (H-1159) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "O" (H-1159) to Committee Amendment "A" (H-1140).**

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "O" (H-1159) to Committee Amendment "A" (H-1140).. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 660

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

**NAY** - Buck, Foster, Gerry, Glynn, Goodwin, Honey, Joy, Kasprzak, MacDougall, Mack, McAlevey, Perkins, Pinkham, Sherman, Snowe-Mello, Tobin J, Tracy, Trahan, Treadwell, Waterhouse.

**ABSENT** - Cianchette, Frechette, Jabar, Jones, Madore, Marvin, McKenney, Mitchell, Plowman, Sirois, Stedman.

Yes, 120; No, 20; Absent, 11; Excused, 0.

120 having voted in the affirmative and 20 voted in the negative, with 11 being absent, and accordingly **House Amendment "O" (H-1159) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Representative **WATERHOUSE** of Bridgton **PRESENTED House Amendment "F" (H-1149) to Committee Amendment "A" (H-1140),** which was **READ** by the Clerk.

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

Representative **WATERHOUSE:** Mr. Speaker, Ladies and Gentlemen of the House. You probably have the amendment in front of you. I think it is the biggest amendment so far today. Basically what it is is the Minority Report. Earlier today when I was talking about the budget that we just passed, I was very concerned, and still am, about the bonding, the Governmental Facilities Authority of \$33 million. This amendment takes out

that provision. It does not bond the money. It gives \$3 million to AMHI to continue on the way it is going now until it comes back before the next Legislature. Also, this amendment takes the personal exemption on income tax and conforms it at the federal level now. The Majority Report does not do that, the budget we just passed. The income tax indexing in the budget we passed doesn't kick into effect until the year 2003. In this amendment it will kick in in 2000, which is now. Also, the public and private pensions, the exemption is at \$6,000 in the year 2000. It is also in the Majority Report, but in this amendment it further increases to \$8,000 in 2003 and then to \$10,000 in 2005. The snack tax goes into effect in August of 2000, instead of in January of 2001. There is also a reduction on capital gains of \$1,500 and the teacher's health care that we passed, I think, unanimously in the House and in the Senate to increase the state's share of the teacher's health care, is included in this amendment. The GPA gets an extra \$10 million above the budget we passed earlier today.

For all those reasons, I will hope that you will support this amendment. Mr. Speaker, I ask for the yeas and nays.

The same Representative **REQUESTED** a roll call on **ADOPTION of House Amendment "F" (H-1149) to Committee Amendment "A" (H-1140).**

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

Representative **KNEELAND** of Easton moved that **House Amendment "F" (H-1149) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED.**

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

Representative **KNEELAND:** Mr. Speaker, Men and Women of the House. We have already voted on the present budget this morning and I would ask you to continue to give the same support you did this morning and vote for this Indefinite Postponement. When the vote is taken, Mr. Speaker, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "F" (H-1149) to Committee Amendment "A" (H-1140).**

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 Lewiston, Representative Mendros.

Representative **MENDROS:** Mr. Speaker, Ladies and Gentlemen of the House. I have an amendment coming too, but it is slightly larger than this one, but it is slightly better. I would urge you to defeat the pending motion and pass this budget. I can tell you that an extra \$9.5 million in GPA in my city is an extra half a million dollars. I don't know how good the rest of your property taxes are in your towns where you all come from, but it is a big issue in my city and I have to believe it is a big issue in every city and town in the State of Maine. We have a commitment that we made to fund 55 percent. Earlier we had an amendment that would bring us right to that in one fell swoop. We have a responsibility to attempt to get there. We made a commitment to educators that we would pay 35 percent of their costs for their insurance. We passed it unanimously. They were all here. We patted them all on the back and said we are there for you and then we ripped it out of the budget. I just don't understand how we can look people in the eyes and tell them we are going to do something and then not do it. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who may answer, isn't the City of Lewiston accepting the highest amount of the GPA that we have now?

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-1149) to Committee Amendment "A" (H-1140).. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 661**

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

NAY - Belanger, Buck, Collins, Davis, Foster, Gerry, Gillis, Goodwin, Gooley, Honey, Joy, Lindahl, MacDougall, Mack, Mendros, Peavey, Pinkham, Sherman, Shorey, Snowe-Mello, Stanwood, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Cianchette, Frechette, Jabar, Jones, Madore, Marvin, McKenney, Mitchell, Perry, Plowman, Sirois, Stedman.

Yes, 114; No, 25; Absent, 12; Excused, 0.

114 having voted in the affirmative and 25 voted in the negative, with 12 being absent, and accordingly **House Amendment "F" (H-1149) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

On motion of Representative TOWNSEND of Portland, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-1140)** and later today assigned.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews who wishes to address the House on the Record.

Representative MATTHEWS: Mr. Speaker, Ladies and Gentlemen of the House. I will speak briefly. I am withdrawing the amendment that I offered. I want to commend the Committee on Appropriations. This is probably the first time in 12 years that I have strayed. I have said five Act of Contrition's today, seven Hail Mary's and few other ecumenical prayers that I could think of. I did stray. The amendment, as you know, was offered to deal with health insurance and the lack of it for people that this Legislature has been committed to helping. I will offer that bill, hopefully, next session. We will see if I am here. I am sorry that some were offended. It was not an attempt to subvert the budget

in any sense. I think I voted for every budget that I have been here as a legislator for, both in the other body and in this body. My apologies to the membership.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1808) (L.D. 2534) Bill "An Act to Make Supplemental Allocations for the Expenditures of State Government, Highway Fund, and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1139)**

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

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

**ENACTORS**

**Acts**

An Act to Create Employment Opportunities by Clarifying Maine's Tax Laws Regarding Mutual Fund Companies

(H.P. 1694) (L.D. 2400)

(H. "A" H-1133 to C. "A" H-867)

An Act to Create a Heating Oil Emergency Management Program

(H.P. 1922) (L.D. 2668)

(H. "A" H-1136)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Resolve, Authorizing Certain Members of the Sullivan Family to Bring Suit Against the State

(S.P. 605) (L.D. 1728)

Signed:

Senators:

DAGGETT of Kennebec

FERGUSON of Oxford

Representatives:

CHIZMAR of Lisbon

FISHER of Brewer

GAGNE of Buckfield

MAYO of Bath

LABRECQUE of Gorham

HEIDRICH of Oxford

McKENNEY of Cumberland

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

Signed:

Senator:

CAREY of Kennebec

Representatives:

O'BRIEN of Lewiston

PERKINS of Penobscot

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ.**

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

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Weston.

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. I feel I have to speak on behalf of the families of this bill that this bill was brought forward to represent. This family was in an automobile coming up the crest of a hill when one of our Waldo County Deputy Sheriffs passed another vehicle and struck them head on. The piece of legislation that you have before us was amended eight times. It is now back in its original form, which is very difficult for me to defend. I can't let this pass without sharing a bit of the tragedy and some of the complications that families go through in our state when they are innocent victims of a representative from our county or state government. This family has been disabled for life, two of the members. They have no income and nearly a half a million in medical expenses, that at this point have been paid by Medicaid. The tort limit, as you all know, is \$300,000. That has already been spent. They are going to be left with nothing, but their handicap. This bill addresses only the liability for the state, which I cannot argue for. I just hold this family before you and to think that perhaps in some future date we can address situations like this so that no one is left in the state that they are. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. First of all let me say that this is absolutely no relation to me whatsoever. However, I do have a constituent who is related to the brother. I was aware this was coming through. In fact, this chamber did pass that and I made a phone call to the family. It is not my place to judge, but hearing the facts as put on paper what everybody seems to agree to. We were wrong. This family has been changed forever. This man will never know, through no fault of his own, but through the fault of somebody representing the state, a normal pain free life. I truly believe that if we are here to service people, then we need to be brave enough, strong enough and honest enough to admit when we are wrong. The state was wrong. Someone acting in the capacity committed and changed somebody's life forever. If this man had been a drunk driver, you can be assured there would be a charge. He would be held responsible. When do we put the state above the law? I am truly disappointed this is back before us, especially given the fact that we had given this family a chance to have some hope. We had caps and limitations. I am very disappointed. How you vote today, I think, tells something about when we accept and step up to the bat at the plate and we say we are responsible and there needs to be some recourse for that.

Again, I will tell you that there is absolutely nothing related between my last name and their one, except the spelling is the same. I do not know the person. I only know the facts as presented. It has been accepted by a court of law. We owe, the

State of Maine Representatives, to make good on this. Thank you.

Representative SULLIVAN of Biddeford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative O'BRIEN of Augusta **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **LINDAHL**: Mr. Speaker, Ladies and Gentlemen of the House. This is a difficult case. However, the Sullivan's have never been in court with a lawsuit yet. They have the right to go to court and sue, but as yet they have not. There has been no finding of fact in this case. The deputy involved in this accident was charged with a crime and was found not guilty. There has been no finding in court. The Sullivan's still have their right to go to court. They should pursue that right first and then after a finding of fact come to the Legislature. Do we, as a legislative body, want to be the tryer of these facts prior to a court of law? Are we going to take all lawsuits involving a county employee directly to the Legislature for determination? I think we ought to accept the Majority Ought Not to Pass Report. Let the Sullivan's go to court and have their finding of fact in a court of law and then come to the Legislature.

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

#### ROLL CALL NO. 662

YEA - Andrews, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Cote, Cowger, Cross, Daigle, Davidson, Davis, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Martin, Matthews, Mayo, McAlevy, McDonough, McGlocklin, McKee, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Stanley, Stanwood, Stevens, Tessier, Thompson, Tobin D, Townsend, Treadwell, Tripp, True, Usher, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Berry DP, Buck, Campbell, Collins, Desmond, Dugay, Gerry, Goodwin, McNeil, Mendros, Murphy E, O'Brien LL, Perkins, Pinkham, Rines, Sanborn, Savage C, Skoglund, Snowe-Mello, Sullivan, Tobin J, Tracy, Trahan, Tuttle, Twomey, Weston.

ABSENT - Brooks, Colwell, Frechette, Jabar, Jones, Madore, Marvin, McKenney, Mitchell, Plowman, Sirois, Stedman.

Yes, 112; No, 27; Absent, 12; Excused, 0.

112 having voted in the affirmative and 27 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

**SENATE PAPERS  
Non-Concurrent Matter**

Bill "An Act to Amend the Laws Governing the Designation of a Beneficiary of Maine State Retirement System Benefits"

(S.P. 625) (L.D. 1790)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-684) AS AMENDED BY HOUSE AMENDMENT "A" (H-1115)** thereto in the House on April 12, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-684) AS AMENDED BY SENATE AMENDMENT "A" (S-715)** thereto in **NON-CONCURRENCE**.

On motion of Representative HATCH of Skowhegan, the House voted to **RECEDE AND CONCUR**.

**ORDERS**

On motion of Representative SAXL of Bangor, the following Joint Order: (H.P. 1952)

ORDERED, the Senate concurring, that Bill, "An Act to Establish a Patient's Bill of Rights," H.P. 543, L.D. 750, and all its accompanying papers, be recalled from the Governor's desk to the House.

**READ and PASSED.**

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

**BILLS RECALLED FROM GOVERNOR**

(Pursuant to Joint Order - House Paper 1950)

An Act to Limit Mandatory Overtime

(H.P. 729) (L.D. 1019)

(S. "A" S-630 to C. "A" H-893)

- In House, **PASSED TO BE ENACTED** on April 7, 2000.

- In Senate, **PASSED TO BE ENACTED** on April 8, 2000.

On motion of Representative HATCH of Skowhegan, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-893) as Amended by Senate Amendment "A" (S-630)** thereto was **ADOPTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "A" (S-630) to Committee Amendment "A" (H-893)** was **ADOPTED**.

**Senate Amendment "A" (S-630) to Committee Amendment "A" (H-893)** was **INDEFINITELY POSTPONED**.

The same Representative presented **House Amendment "A" (H-1145) to Committee Amendment "A" (H-893)** which was **READ** by the Clerk.

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

Representative HATCH: Mr. Speaker, Men and Women of the House. This amendment, as drafted, takes into substance the Senate Amendment that was added in regards to taking off

the fiscal cost and for the printing and mailing. It also would give an additional exemption to mill shutdowns over a four week period if they had to do annual maintenance. Many of the paper mills in this state have regular maintenance shutdowns at regular intervals over a year's time. This would give them up to four weeks where they could work their employees more than the 80 hours in a two-week period of overtime. That would be the exemption that we are considering now. I would ask that as we have done in the past that we pass this bill. I thank you very much for your time.

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. This amendment does nothing to ease my concern and the concern of some of the other members of the committee regarding this bill. I don't want to repeat the entire debate that we have had earlier, but I just would like to remind the members of the House that we would be the first state in the union with such a law that was one, possibly two, cases where excessive overtime was being requested. I don't consider it was mandatory. Actually the cases that were brought to our attention were members of a bargaining agreement. The amendments that we have had so far would allow somewhere around 13 exemptions to the law, which makes it very difficult to figure out who is covered by the law. The other thing that I would like to do is pose a question to anybody who would care to answer. We have several large manufactures in the State of Maine and some not so large actually, that I think would not be exempted by this bill, some of those being National Semi-Conductor, Pratt and Whitney and probably others that will be affected. If any of those companies had a short-term production commitment that they had to fulfill, would they be prevented from overtime in excess of the amount that the good Representative from Skowhegan just mentioned? Would they be required to comply with this law at the expense of completing that production schedule?

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

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House. A while ago we heard Representative Samson say that he had been working overtime to the detriment of his health. At the time he said that, it rang true. I also had that experience when I was 19 years old. I have asked members of my family who were there. Sometimes companies do, in fact, abuse overtime. I think the exemption would be good. It gives four weeks for a company when they are downsizing or whatever they are doing. I urge you to reconsider this. I have changed my view on it. Thank you.

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

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. The idea of plant maintenance is just that. It is planned. I submit to you that abundant overtime or overtime that is excessive is generally on an emergency type basis, something has come up that is out of the norm because most companies don't want to be paying overtime in such a fashion that they would be better off hiring additional workers and paying them at straight time. From a financial point of view, it is not a normal course of action for that kind of hours as approached in this bill would call for. Where this excessive overtime can come up, particularly in manufacturing because that is what I am most familiar with are those times when you have to meet your commitments to a customer and technology



being what it is, if machinery goes down and you have maintenance personnel or the types of people would be important qualifications to fix that machinery there is a very limited pool. You can't call down the street and get someone to help out. In those instances, it could mean the difference between meeting the customer's orders or not and in some cases meaning whether those orders will be any good at all. In my case we are in a mail order business. We are allotted one-day sales for the department stores. If you are a day late, you missed the one-day sale that is a revenue nightmare. There are times when those things could come up. At my place, it hasn't. I am just saying that we haven't had anything demonstrated to us that we need to fix this with this particular bill. The fact that we have these exemptions, to me indicates that we are going to miss a few and someone is going to get hurt out of this and we will not solve anything.

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. I don't want to take and debate this bill at length although I know we are waiting for more paperwork for other things we are doing and maybe we are just taking up time. The problem that we are trying to solve is to give people the option of whether or not they want to work this overtime and give them more family time. There is a business that came before the Labor Committee some six years ago in regards to this mandatory overtime bill. At that time they were working their employees 12 or 14 or even 16 hours a day, seven days a week. The same company was down here a couple of weeks ago on a bill dealing with a totally different issue and they are still working their people 12 hours a day. They told us six years ago that this bill would go away and they would solve that problem. They haven't done it. I realize there are going to be times when production picks up and people have to work an inordinate amount of overtime. All this says is that they can't mandate that you work more than 80 hours of overtime in a two-week period. You can volunteer as many hours as you want, although you may want to take a couple hours off a day and just do some sleeping. If anybody has worked for 48 straight hours on the floor of this House at any time in your life, you remember how tired you were. You remember that you couldn't even think. I am talking about physical work, not sitting in a chair in a nice warm place, but in an industry where machines are going all around you and if you fall asleep, you get hurt. The only thing that can happen to you here if you fall asleep is somebody might take your picture and you might be on the front page of the paper. I guess what I am trying to say to you is this isn't an extraordinary bill. It just gives people an option to have a family life, to actually get some sleep if they are tired, to say no to an employer that I have worked 80 hours this week or I have worked 120 hours this week and you can only work me 40 hours next week. It is not saying to the employer that we don't want to work or we don't want our employees to work, but to at least give them a choice. Don't tell them they have to work. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to make a comment to the good Representative, Representative Hatch's, about working 40 some odd hours. In my older life as a former millwright over to Statler Tissue, I can recall one of those instances during a flood. Being in the millwright crew, when a flood is coming in, you have

to start pulling the motors on your pumps and pulling all your equipment and everything up to the next floor and sandbagging and everything. I do recall working 32.5 straight hours, ladies and gentlemen, maintaining and getting ready for that flood. If anyone in this chamber believes that 32.5 hours doesn't pay a toll on your body and you are not tired and you are fully coherent and working safe, you are absolutely wrong. There is nothing wrong with this bill, ladies and gentlemen. All this bill does is say you can volunteer. It is not mandatory. Never once in my former career as a millwright, did I ever see one of my 17 men or the mill's 17 men, in a situation like this, ever refuse to work. I would suggest that we pass this on out and send it back where it belongs down to the Chief Executive and have him sign it. Thank you.

Representative TREADWELL of Carmel **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1145) to Committee Amendment "A" (H-893)**.

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 Winslow, Representative Matthews.

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

The SPEAKER: The Representative may pose his question.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. To the opposition of this amendment, my question would be to the good Representative from Carmel, Representative Treadwell, what would your amendment state? What are your concerns and where is the amendment that you would put on to make this bill more palatable? I believe it is very palatable, very fair and very humane. What are your changes or what are your concerns?

The SPEAKER: The Representative from Winslow, Representative Matthews has posed a question through the Chair to the Representative from Carmel, Representative Treadwell. The Chair recognizes that Representative.

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. Since the question is directed to me, I will be very happy to answer that. There are times when in any production facility, I mentioned a couple that we have here in the State of Maine, National Semi-Conductor and Pratt and Whitney Aircraft, are involved in providing components in the case of Pratt and Whitney engines for the Department of Defense to put in their airplanes, as well as commercial airliners. If Pratt and Whitney got an order that had to be fulfilled within a month's period of time, I could envision there would be times when they would be required to bring their employees in on an overtime basis. I don't think that any company in the State of Maine would do this routinely as a matter of, as we sort of infer here, as punishment or a lack of planning on the part of the management of that company. I do foresee times when overtime is going to be required in the cases like I just mentioned. My amendment would be to leave the law alone. We don't need to be in front of the rest of the country by enacting legislation that is not required.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I just saw a study the other day that said that the average working man or woman in the United States is working 12 to 16 hours a week more. They have just that much more time and even more less time to share with their families to go to church, synagogue or to do whatever, the kinds of things that are

called a quality existence in life. The employers are demanding more of workers today. There is no question about it. If someone has some other information to share against that, I would like to hear it.

Eighty hours in a two-week period. I think the question was asked of the opposition before, what would your ceiling be? As the good gentleman from Rome mentioned, when you work 100 hours a week, you cannot stand on the floor of this House and say that your coherence, your ability to perform the work, your safety concerns are not seriously impaired. It is a safety issue, ladies and gentlemen. We need to pass this bill as amended. Again, no employer would be prohibited from having employees voluntarily take more time if they can do so or bring in more workers to do those kinds of situations. There are exemptions in this bill that allows for an employer to seek that kind of emergency remediation if they are in that situation. We are here to protect working men and women, wage and hour laws, safety in the workplace and all the kinds of issues that at one point or the other Legislatures across the country have been asked to stand up to prohibit child labor, to make corrections that need to be taken. Time and time again we are being submitted information that workers are being asked to do more. When are we going to protect workingmen and women and working families? Our children at home, do they have a right to see their mother or father? Do they have to be totally subservient to the workplace to the tune of 80 plus hours a week?

We have not had any kind of amendment from the opposition in dealing with their concerns other than criticism. The good chair from Skowhegan has tried tirelessly to find a bare amendment to pass protections for Maine workers and this is it. Nothing has come from the opposition. It is time, ladies and gentlemen, men and women of this House of both parties to stand up and do what we know is right. Thank you Mr. Speaker.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I just wanted you to know there are companies that do insist on seven days a week mandatory, week after week, month after month, simply because demand for their product is so strong that they must keep their machines going. They are working to full capacity. They are keeping their machines going for the all mighty dollar. There have been employees that could not take time for family weddings that had been planned. They could not attend church services because their shift and church hours coincided. They are well paid, but mandatory time seven days a week, month after month is wrong. If we truly believe in family values and there were many who would like to have worked that time, fine, but when you have family commitment, you need to be able to go. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-1145) to Committee Amendment "A" (H-893). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 663

YEA - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Green, Hatch, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh,

Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Cianchette, Clough, Collins, Cross, Duncan, Foster, Glynn, Gooley, Heidrich, Honey, Jodrey, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Richardson E, Savage C, Schneider, Shields, Shorey, Snowe-Mello, Stanwood, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Andrews, Campbell, Frechette, Jabar, Jones, Madore, Marvin, McKenney, Mitchell, Plowman, Sirois, Stedman, True.

Yes, 89; No, 49; Absent, 13; Excused, 0.

89 having voted in the affirmative and 49 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-1145) to Committee Amendment "A" (H-893) was ADOPTED.**

**Committee Amendment "A" (H-893) as Amended by House Amendment "A" (H-1145) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-893) as Amended by House Amendment "A" (H-1145) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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#### UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, April 14, 2000, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1665) (L.D. 2334)

TABLED - April 14, 2000 (Till Later Today) by Representative THOMPSON of Naples.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1121) AS AMENDED BY HOUSE AMENDMENT "A" (H-1124) thereto.**

Representative THOMPSON of Naples **PRESENTED House Amendment "B" (H-1161) to Committee Amendment "A" (H-1121), which was READ by the Clerk and ADOPTED.**

On further motion of the same Representative, **TABLED pending ADOPTION of Committee Amendment "A" (H-1121) as Amended by House Amendment "A" (H-1124) and House Amendment "B" (H-1161) thereto and later today assigned.**

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

Representative GREEN: Mr. Speaker, Ladies and Gentlemen of the House. In reference to Roll Call 648 on LD 2510, if I had been present, I would have voted yea.

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

**HOUSE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (H-1140) - Minority (1) Ought to Pass as Amended by Committee Amendment "B" (H-1141) - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

(H.P. 1790) (L.D. 2510)

Which was **TABLED** by Representative TOWNSEND of Portland pending **ADOPTION of Committee Amendment "A" (H-1140)**.

Representative MENDROS of Lewiston **PRESENTED House Amendment "K" (H-1155) to Committee Amendment "A" (H-1140)**, which was **READ** by the Clerk.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I have before me as many of you have before you this amendment. With all due respect to the good Representative from Bridgton, Representative Waterhouse and Senator Harriman, they did a good job with their budget and their proposals, but as many of you I am sure saw as you read this over before you sent it back to me, this is much better than their proposal because it includes an increase for our nursing home residents, which I know many of us feel very strongly about. It also includes \$50 million less in the structural gap. It includes everything we heard about with one exception. Everything we heard about when we heard about the Majority Report and all the great things that were in there to help all these different groups. It is all in there with one exception, correctional facilities cost overrun. The juvenile facilities cost overrun is in there. The State House cost overrun isn't in there, but we didn't hear about that when we heard about the majority budget. Also I have in here, I am very hesitant to send copies around of, how much each particular school district will get in money between the two budgets, the \$28 million as opposed to the \$18.5 million that is in our current report. If anyone has anything specific that they would like to know, I can tell you. The City of Bangor is looking at an extra half a million dollars in GPA funding. Any town is in here. Please feel free to ask. I just got them. I asked for it from the department and I didn't have them. I just got them and I haven't had a chance to copy them and send them around. I have a feeling they wouldn't get looked at anyway, but I will gladly give you any specific towns or cities on how much more money you are looking at or how much money is being taken away from your town that is going to have to be raised in local property taxes. Mr. Speaker, to save time, I will move Indefinite Postponement myself and I will ask for a roll call.

The same Representative moved that **House Amendment "K" (H-1155) to Committee Amendment "A" (H-1140) be INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Wiscasset, Representative Rines.

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

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

Representative **RINES**: Mr. Speaker, Men and Women of the House. To anyone in the House that could answer, how much did it cost the taxpayers of the State of Maine to prepare a 176-page amendment?

The **SPEAKER**: The Representative from Wiscasset, Representative Rines has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I would like to answer that question. It cost approximately \$2,000 to prepare this amendment and the one we saw earlier today. I found the one on the pet food relatively amusing. I feel strongly that every member of the Legislature is entitled to their opinions and their input into the budget, but I really get offended by the extraordinary waste of paper and worse yet, of the time of the staff at these efforts. I left here early Saturday morning a week ago as tired as I have ever been in my life and the people in the Office of Fiscal and Program Review haven't stopped working yet. They haven't stopped because there are no little budget fairies who make this up overnight. They are human beings. I am offended by the fact that we drive them like slaves to put out frivolous amendments, which the members then indefinitely postpone themselves. It is offensive and it makes me very, very angry.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I want to applaud my right honorable friend from Lewiston and other Representatives who take the time to put an amendment on the budget. The Appropriations Committee did spend a lot of hard work coming up with a budget agreement amongst themselves. As I went door to door throughout my district, people did not say when I knocked on their door that whatever agreements the Appropriations Committee comes up with, go right along with it. Don't challenge it. Don't do anything different. People in my district told me that they wanted to see legislators coming up with new ideas and fighting for what they believe in. I think it is a great service to the people of Maine that alternative amendments are put on the budget. The people of Maine get roll calls on how their legislators have voted on different alternatives. I want to applaud those Representatives and Senators from the other body who took the time and the hard work to come up with budget amendments. Some may think they are frivolous and some may not. I tell you that if you are one of the people out there, the Maine citizens, who is affected by something in one of these amendments, it is definitively not frivolous to you. You are glad that there is someone out there fighting for you who won't go along just to get along and go along with the tide. I want to thank the good Representative for his hard work. I am going to be voting against Indefinite Postponement of this amendment. Mr. Speaker, when the vote is taken, I request that it be taken by the yeas and nays.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "K" (H-1155) to Committee Amendment "A" (H-1140)**.

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 Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank the good Representative from Standish, Representative Mack. I would like to say that I really couldn't care less who I offend. If people choose to be offended because I want to speak for my constituents, so be it. If people choose to be offended because it is frivolous that these retired teachers in my district have been asking me for an increase in the share that we pay of their health insurance and we have all told them we will do it. They came up here and we voted unanimously to do it. It was tossed out. I don't care if you think that is frivolous of me. I don't think it is. They are the ones that elect me. They are the ones that bring me here. The only option available is to print these up. Put in your amendment and print it up. If I need to be personally attacked for it, so be it. I think it is wrong that we are not funding education to a level where we should. We are putting that pressure on our property taxpayers. If that is frivolous of me, fine, I am frivolous. I moved to Indefinitely Postpone this because I know what I am saying is falling upon deaf ears. They can say it to me and it is my job to say it to you and that is what I am doing. It is all I am asking. I know you are going to vote against me because you don't care about these issues or you don't care as strongly as I do. I have the responsibility that I take pride in to bring these forward. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "K" (H-1155) to Committee Amendment "A" (H-1140). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 664**

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

**NAY** - Buck, Gerry, MacDougall, Mack, Mendros, Perkins, Pinkham, Snowe-Mello, Tobin J, Tracy, Trahan, Waterhouse.

**ABSENT** - Bragdon, Campbell, Cianchette, Plogay, Frechette, Jabar, Jones, Joy, Madore, Marvin, McKenney, Plowman, Sirois, Stedman.

Yes, 125; No, 12; Absent, 14; Excused, 0.

125 having voted in the affirmative and 12 voted in the negative, with 14 being absent, and accordingly **House Amendment "K" (H-1155) to Committee Amendment "A" (H-1140) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-1140) was ADOPTED.**

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

Representative **MACK** of Standish **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

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

**ROLL CALL NO. 665**

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

**NAY** - Buck, Cianchette, Collins, Davis, Gerry, Gillis, Goodwin, Joy, Kasprzak, Lindahl, MacDougall, Mack, McNeil, Mendros, Perkins, Pinkham, Shorey, Skoglund, Snowe-Mello, Stanwood, Tobin J, Trahan, Twomey, Waterhouse.

**ABSENT** - Frechette, Jabar, Jones, Madore, Marvin, McKenney, Plowman, Sirois, Stedman.

Yes, 118; No, 24; Absent, 9; Excused, 0.

118 having voted in the affirmative and 24 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1140)** and sent for concurrence.

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

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On motion of Representative **THOMPSON** of Naples, the House adjourned at 9:22 p.m., until 9:00 a.m., Tuesday, April 25, 2000 in honor and lasting tribute to Philis Bartlett Beaupain, of Millinocket.