

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 6, 2000 – May 17, 2001

Pages 1-889

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
26th Legislative Day
Wednesday, March 28, 2001

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

Prayer by Father Harry Politis, Holy Trinity Greek Orthodox Church, Lewiston.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act to Address Issues in the Maine Health Insurance Market"

(S.P. 573) (L.D. 1745)

Came from the Senate, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** in concurrence.

Bill "An Act to Authorize the Surrender of Concealed Firearms Permits of Persons Who are the Subjects of Permanent Protection Orders"

(S.P. 574) (L.D. 1750)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE** in concurrence.

Bill "An Act to Ensure Patient Access to Medicines"

(S.P. 572) (L.D. 1744)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act Regarding the Treatment of American Indian Tribes Under the Federal Unemployment Tax Act"

(S.P. 575) (L.D. 1753)

Bill "An Act to Amend the Laws of the Maine State Retirement System" (EMERGENCY)

(S.P. 576) (L.D. 1754)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 144)

UNIVERSITY OF SOUTHERN MAINE
119 BAILEY HALL
GORHAM, MAINE 04038

March 19, 2001

Honorable Michael V. Saxl
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Saxl:

The Maine State Legislature authorizes the Maine Education Policy Research Institute, University of Southern Maine office, to compile and publish a comprehensive description of public education in Maine each year. Appropriately, the recently completed book is entitled The Condition of K-12 Public Education in Maine 2000.

We would like to provide you and your staff with copies of the book for use in your daily deliberations. We hope you will find the information broad yet focused on the many aspects of K-12 public education.

Sincerely,

S/David L. Silvernail

Director

S/A. Mavourneen Thompson

Research Associate

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

The Following Communication: (S.C. 158)

SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003

March 27, 2001

The Honorable Michael V. Saxl

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Speaker Saxl:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Labor, the nominations of Eunice C. Mercier of Augusta, for reappointment to the Maine State Retirement System Board of Trustees and Peter M. Leslie of Cape Elizabeth, for reappointment to the Maine State Retirement System Board of Trustees.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

ORDERS

On motion of Representative McKEE of Wayne, the following Joint Resolution: (H.P. 1291) (Under suspension of the rules, cosponsored by Senator KNEELAND of Aroostook and Representatives: CARR of Lincoln, FOSTER of Gray, GOOLEY of Farmington, HAWES of Standish, JODREY of Bethel, LANDRY of Patten, LUNDEEN of Mars Hill, PINEAU of Jay, VOLENIK of Brooklin, Senators: KILKELLY of Lincoln, NUTTING of Androscoggin)

JOINT RESOLUTION IN HONOR OF THE MAINE FARMER AND MAINE AGRICULTURE

WHEREAS, farmers and others employed in associated industries make up 10% of the Maine work force, with about 7,400 farms operating on 600,000 acres of cropland; and

WHEREAS, Maine farmers provide in excess of \$518,000,000 in total farm income and are credited with a contribution of \$1,200,000,000 to Maine's economy; and

WHEREAS, the agri-food business provides 65,000 full-time and part-time jobs throughout the State's economy; and

WHEREAS, Maine is first in the world in the production of wild blueberries, first in the world in the production of brown eggs, home of the world's largest bioagricultural firm, first in New England in the production of food, 2nd in the country in the production of maple syrup and 8th in the country in potato production; and

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

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

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

READ.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. Today is Agriculture Day in the Maine Legislature. Some of you have already been down to the Hall of Flags and enjoyed their wonderful breakfast. It is a day to showcase Maine agriculture, which has served as a cornerstone of our economy and its cultural past for many, many years contributing over \$1.5 billion to our economy and producing more food crops from human consumption than any other state in New England except Vermont. It is second only to forestry in terms of land use and Maine farmers pay more than \$21.3 million in property taxes and are generally the largest taxpayers in our rural communities. In turn, Maine towns spend only 21 cents to 48 cents in services for every tax dollar that is received from farm and open land. We have 65,000 full time and part time jobs in agriculture. You can see it plays a tremendous role in our state, also in the responsible management of our soil, our water and wildlife resources.

As you can see this morning, or if you didn't get a chance to, I hope you will see later today, you will see that Maine's agriculture is noted for its diversity, which is a surprise to many people. We have the best seed potatoes in the entire country. They are vigorous, healthy and high yielding. If you have been to your supermarket lately, no longer do you find a bag of Maine potatoes that has two or three potatoes in it that you wish you haven't paid for. Instead you are seeing high quality Maine potatoes in every single bag. In fact, if you enjoy MacDonald's French Fries, know that they probably came from our great State of Maine because that was a contract, which our potato farmers at the county were able to secure. Blueberries, have a great popularity today with their antioxidant qualities. We are experiencing a boom in blueberries. We are also noted for having the largest number of organic growers as a percentage of the total number of farmers in the entire country. We have the largest organic farming and gardening association in the country. Our beef producers are growing. Aquaculture is growing. We

have hay. We have apples. We have Christmas trees and a growing industry of horticulture and, yes, we still have milk.

I also want to invite all of you to a lunch today at the grange, which is just one or two building just this side of the retreat center on State Street. It is the best lunch of the year. It is an old fashioned meal at the grange. If you haven't had breakfast, don't have it because this meal will fill you up until tomorrow morning. Thank you very much.

ADOPTED.

Sent for concurrence.

On motion of Representative RICHARDSON of Brunswick, the following Joint Order: (H.P. 682)

ORDERED, the Senate concurring, that the Joint Standing Committee on Business and Economic Development report out, to the House, a bill regarding a study to eliminate cigarette littering.

READ and PASSED.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

John D. Bagnulo, of Farmington, who along with seven other climbers, will join a select few who will tackle the 4th highest mountain in the world. John leaves March 29th for a 2-month expedition to climb Lhotse I, which is 27,890 feet high. He is a Ph.D. candidate in nutrition at the University of Maine and an outstanding Maine citizen. John has already climbed Mt. Rainier (14,410') and Mt. McKinley or Denali (20,320') in North America and Mt. Aconcagua (22,831') in the Andes of Argentina, the highest peak in the Western Hemisphere. After climbing Lhotse I, John plans to climb K-2 (28,250') in Kashmir, the second highest mountain in the world and then Mt. Everest, the highest mountain in the world. All climbs will be attempted without oxygen, which has not been done before. We acknowledge John's extraordinary qualities and we extend our very best wishes to him on his present and future goals;

(HLS 165)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator WOODCOCK of Franklin, Representative LaVERDIERE of Wilton, Representative McGLOCKLIN of Embden.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I think it is important to recognize John Bagnulo from Farmington today. He is not able to be with us today. Actually, he is getting ready to leave on a trip over to Nepal tomorrow to climb the fourth highest mountain in the world. It is important to recognize him here today. He is going over there with seven others to climb a mountain. It is Lhotse I. It is over 27,000, almost 28,000 feet high. No one else from Maine has ever done this, to my knowledge. It is fitting that we honor him today for doing what he is doing and to pass this sentiment and recognize what a fine young man he is. He is also a PHD candidate at the

University of Maine. He is actually working on blueberries as his thesis. We honor him here today and thank you very much.

PASSED and sent for concurrence.

H. Kenton Bailey, of Farmington, recipient of the 2001 Maine Dairy Shrine Pioneer Award. The award posthumously recognizes individuals whose foresight, dedication and lifetime achievements will forever have an impact on the dairy industry in the State. Dairy farming was in Kenton's blood. He was the seventh generation since 1781 to farm the land on Bailey Hill. Kenton was an innovator. In 1984, he took the old concept of direct marketing and home delivery and made it new again. He was the first in a new wave of producers to use value-added marketing of milk directly to consumers to increase farm income. As consumers demanded a safer product, Kenton followed with the addition of a pasteurizer to his operation in 1995. Kenton was active in a number of farm organizations. He utilized his keen mind and eloquent speaking style to inspire farmers and help them to organize in order to attain fair market prices for their products. Few individuals were as passionate in their support of family farms as Kenton. We extend our congratulations to his family on Kenton's receiving this award;

(HLS 169)

Presented by Representative GOOLEY of Farmington.
Cosponsored by Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. Today we are honoring H. Kenton Bailey of Farmington. He is the recipient of the 2001 Maine Dairy Shrine Pioneer Award. The award recognizes individuals whose foresight, dedication and lifetime achievements will forever have an impact on the dairy industry in the state. Dairy farming was in Kenton's blood. I know that for sure because I have known him for many years. He was the seventh generation since 1781 to farm the land on Bailey Hill. Kenton was an innovator, that is for sure. In 1984, he took the old concept of direct marketing and home delivery and made it new again. He was the first in a new wave of producers to use the value added marketing of milk directly to consumers to increase farm income. This is something that they continue to do today. As consumers demanded a safer product, Kenton followed with the addition of a pasteurizer to his operation in 1995. Kenton was active in a number of farm organizations. He utilized his keen mind and eloquent speaking style to inspire farmers to help them to organize in order to maintain fair market prices for their products. Few individuals were as passionate in their support of family farms as Kenton. We certainly extend our congratulations to his family on Kenton's receiving this award. I hope the family is upstairs now to be recognized, Mr. Speaker. Thank you.

PASSED and sent for concurrence.

Colby and Lois Whitcomb, of Springdale Farms in Waldo, recipients of the 2001 Maine Dairy Shrine Distinguished Dairy Cattle Breeder Award. The award honors individuals for outstanding accomplishments in the genetic advancement of dairy cattle and service to the dairy industry of the State. The

Whitcombs have bred many outstanding cattle that have the balance of type and production to win in the showing and perform in the milking string. They have won numerous awards for their cattle within the State and regionally at the Eastern States Exposition and have had a number of National Hall of Fame cows. The combination of longevity and production in their cattle has earned them the New England Jersey Senior Breeder Award. We extend our congratulations to Mr. and Mrs. Whitcomb on their receiving this award;

(HLS 172)

Presented by Representative BERRY of Belmont.

Cosponsored by Representative WESTON of Montville, Senator LONGLEY of Waldo.

On **OBJECTION** of Representative BERRY of Belmont, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I rise today to congratulate this family for their commitment as a family farm to the progress of the berry industry in the State of Maine. This family has been friends of our family for many, many years. The total commitment by their herd to the progress within the state, through the genetic lines that have been developed there has been a commitment, as I have said, by their entire family. I also want to recognize the fact that they are the parents of the honorable Walter Whitcomb, also of Waldo. I would congratulate them on this major award. Thank you.

PASSED and sent for concurrence.

John Ingraham of Gold Top Farms, Inc., in Knox, who is the recipient of the 2001 Maine Dairy Shrine Dairy Leader Award. The award honors individuals for outstanding leadership and accomplishments that have helped shape the dairy industry in the State. John's contributions to the dairy industry have been many, as evidenced by the numerous activities and organizations in which he has been involved. John was the recipient of the 2000 Waldo County Farm Bureau Friend of Agriculture Award, the Farmer Family of the Year award from the Waldo County Agricultural Stabilization Committee and the 1994 Agriculture Person of the Year award at the Skowhegan State Fair. In the dairy community, John has led by example, developing Gold Top Farms into a highly specialized dairy operation that is productive, profitable and environmentally sound. Dairy farming has enabled John to pursue 2 of his interests, breeding sound, productive Holstein cows and working closely with his family in the business he has developed. We extend our congratulations to John on receiving this award;

(HLS 179)

Presented by Representative WESTON of Montville.

Cosponsored by Senator LONGLEY of Waldo.

On **OBJECTION** of Representative WESTON of Montville, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. There is a town in the County of Waldo named for General Knox. On top of the scenic hill in that town sits Gold Top Farm. John and Beverly Ingraham owners of

that farm are being honored today by the Maine Dairy Industry Association. They are recipients of the 2001 Maine Shrine Dairy Leader Award. The Ingraham family has been leaders in their own industry as well as their community. In fact, today, if you go over to the grange luncheon, you will see the Ingrahams there at work. Their accomplishments and their beautiful farm attest to their success. I offer my congratulations to the Ingraham family. Thank you.

PASSED and sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Require Explicit Statutory Authority for Expenditure of Certain Public Money for Lobbying Purposes and Private Enterprise and for Private For-profit Gain"

(S.P. 207) (L.D. 772)

Reporting that it be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the State Autopsy Law"

(S.P. 30) (L.D. 128)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** in concurrence.

Representative **GREEN** from the Committee on **TAXATION** on Bill "An Act to Allow Health Insurance Premiums to be Eligible for Medical Savings Accounts"

(H.P. 1151) (L.D. 1554)

Reporting that it be **REFERRED** to the Committee on **BANKING AND INSURANCE**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BANKING AND INSURANCE**.

Sent for concurrence.

Ought to Pass Pursuant to Joint Order

Report of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Establish a Cold Case Homicide Squad"

(S.P. 570) (L.D. 1743)

Reporting **Ought to Pass** pursuant to Joint Order (S.P. 452) .

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE** and was assigned for **SECOND READING** Thursday, March 29, 2001.

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

ORDERS

On motion of Representative **MATTHEWS** of Winslow, the following Joint Resolution: (H.P. 1290) (Cosponsored by Representative: **MENDROS** of Lewiston)

JOINT RESOLUTION COMMEMORATING MARCH 25TH AS GREEK INDEPENDENCE DAY

WHEREAS, March 25, 2001 marks the 180th anniversary of Greece's liberation from Turkish rule; and

WHEREAS, former President Clinton, during a visit to Greece on November 20, 1999, referred to modern Greece as a "beacon of democracy, a regional leader for stability, prosperity and freedom, helping to complete the democratic revolution that ancient Greece began..."; and

WHEREAS, Greece is only one of 3 nations in the world, beyond the former British Empire, that have been allied with our nation in every major international conflict in the last 100 years; and

WHEREAS, America's founders drew heavily upon the political experience and philosophy of ancient Greece in forming our representational democracy and these and other ideals have forged a close bond between our 2 modern nations; and

WHEREAS, the State of Maine would like to join its thousands of residents of Greek ancestry who are justly proud of their Greek heritage to recognize Greek Independence Day as a gesture of goodwill and recognition of the close bond between our 2 nations and their people; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people of the State of Maine, commemorate March 25th as Greek Independence Day as we all celebrate Greek and American democracy; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Ambassador of Greece to the United States in Washington, D.C. and to the Consulate General of Greece in Boston, Massachusetts, as a symbol of our recognition of Greek Independence Day.

READ.

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

Representative **MATTHEWS:** Mr. Speaker, Men and Women of the House. First of all, I want to thank Representative Mendros, who did the lion's share of the work and is really the sponsor of this resolution, but could not be here today. That is why I introducing it. I am very proud to put forward this resolution recognizing Greek Independence Day. Very few people in this chamber probably know that both Representative Mendros and myself, both of our fathers were physicians. My dad passed away a few years ago and did a wonderful job as a doctor and I only say that by the people that I have met over years that my father helped. He loved pediatrics and children. I also heard the same comments given about Doctor Mendros, Representative Mendros' father in his work in Lewiston. I am very, very proud to present this resolution. I would only remind this body that we need to look back to Greece when we think about democracy, freedom and self-determination. The names of Plato and Socrates and Pericles and Homer, certainly the history of democracy owes its roots to Greece. I remind the men

and women of this House that it is debate and dialog and the exchange of different opinions in a respectful and civil way that one comes to better answers to these problems. I hope that we will remember the importance of Greece with respect to our republic today. Thank you Mr. Speaker.

ADOPTED.

Sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Require Liability Insurance Carriers to Disclose Limits of Liability to Claimants"

(H.P. 372) (L.D. 474)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

CRESSEY of Baldwin
YOUNG of Limestone
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
MARRACHÉ of Waterville
GLYNN of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-49)** on same Bill.

Signed:

Representatives:

DUDLEY of Portland
SMITH of Van Buren
CANAVAN of Waterville

READ.

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

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the Ought Not to Pass report. I urge your vote on this also. This bill that we are contemplating before the body on this divided report is a trial lawyers' bill. This was put in by the trial lawyers. Make no mistake about it. What essentially this is all about is the basis for claims and should it be based on the amount of damages that have been handed down to someone or should it be based on the amount of insurance. The basis for claims must be based on the value of damages incurred by the claimant and not the extent of the insurance carried by policyholders. There was a similar law to this that was brought up at our public hearing 24 MRSA, Section 2901 and that is dealing with medical malpractice claims. The history surrounding the adoption of that law was provisions that date back to several years ago when the medical professionals could not obtain insurance from the private market

here in Maine. In response to this crisis the Legislature enacted that law to form a hospital and medical malpractice joint underwriting association. Essentially everybody needing coverage had to obtain it from that association. The reason for that is essentially what we are contemplating right now. Should the question that is asked when somebody needs to go to court is how much damages there are or how much insurance you have? The trial lawyers want you to believe it is how much insurance you have. It appears from the language in the bill that it is intended to require carriers to disclose the limits of the liability coverage prior to the commencement of the civil action. Not only are they doing that, in addition, this bill creates a new type of legal remedy by permitting a claimant to seek legal enforcement of disclosure before a complaint has even been filed from the court. This completely changes the rules of the game. It is going to raise the cost of insurance dramatically in the State of Maine. It is a bad bill. When the vote is taken on this issue, I respectfully respect the yeas and nays.

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

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

Representative NORBERT of Portland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

On motion of Representative NORBERT of Portland, **TABLED** pending his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll call ordered)

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-47)** on Bill "An Act to Limit Smoking by Foster Parents" (EMERGENCY)

(H.P. 305) (L.D. 383)

Signed:

Senator:

MARTIN of Aroostook

Representatives:

FULLER of Manchester
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
LOVETT of Scarborough
SHIELDS of Auburn
KANE of Saco

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

BROOKS of Winterport
DUGAY of Cherryfield
O'BRIEN of Augusta
NUTTING of Oakland

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority Ought to Pass as Amended Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 33) (L.D. 131) Bill "An Act to Extend and Amend the Requirement for Giving Prior Notice of Acquisitions of Solid Waste Businesses" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting Ought to Pass

(H.P. 522) (L.D. 677) Bill "An Act to Change the Deadline for the Reporting of a Pilot Project Regarding Ambulance Drivers" (EMERGENCY) Committee on **CRIMINAL JUSTICE** reporting Ought to Pass as Amended by Committee Amendment "A" (H-53)

(H.P. 815) (L.D. 1070) Bill "An Act to Require Background Checks for Adoptions" Committee on **JUDICIARY** reporting Ought to Pass as Amended by Committee Amendment "A" (H-54)

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

(H.P. 256) (L.D. 300) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting Ought to Pass as Amended by Committee Amendment "A" (H-55)

On motion of Representative BERRY of Livermore, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (H-55) was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of Committee Amendment "A" (H-55) and later today assigned.

CONSENT CALENDAR

Second Day

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

(S.P. 39) (L.D. 207) Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Charleston, Maine (C. "A" S-18)

(S.P. 149) (L.D. 493) Bill "An Act to Require the Department of Transportation to Coordinate with Municipalities Regarding Landscaping and Planting" (C. "A" S-16)

(H.P. 293) (L.D. 371) Bill "An Act to Encourage Smoke-free Hospitals in Maine"

(H.P. 632) (L.D. 832) Bill "An Act to Clarify Mutual Aid Agreements Between Law Enforcement Agencies"

(H.P. 29) (L.D. 29) Bill "An Act to Implement the Recommendations of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households" (EMERGENCY) (C. "A" H-48)

(H.P. 228) (L.D. 265) Bill "An Act to Protect Animals and Ensure the Public Has Notice Regarding Veterinary Fees and Care" (C. "A" H-46)

(H.P. 339) (L.D. 429) Bill "An Act to Change the Name of the Bureau of Banking in Order to Accurately Reflect the Scope and Variety of Entities Regulated by the Bureau" (C. "A" H-50)

(H.P. 757) (L.D. 976) Bill "An Act Concerning Workers' Compensation Examinations" (C. "A" H-51)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

(S.P. 56) (L.D. 220) Bill "An Act to Establish a Light Trailer Transporter Plate and License" (C. "A" S-17)

On motion of Representative FISHER of Brewer, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (S-17) was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of Committee Amendment "A" (S-17) and later today assigned.

BILLS IN THE SECOND READING

House

Bill "An Act to Ban Permanent Replacement Workers in a Labor Dispute"

(H.P. 74) (L.D. 83)

House As Amended

Bill "An Act Regarding Civil Actions Involving Insurance Coverage"

(H.P. 40) (L.D. 49)

(C. "A" H-18)

Bill "An Act to Extend Workers' Compensation Twenty-four-hour Pilot Projects" (EMERGENCY)

(H.P. 152) (L.D. 163)

(C. "A" H-41)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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

(S.P. 87) (L.D. 314)
(C. "A" S-7)

ENACTORS

Emergency Measure

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2002

(H.P. 25) (L.D. 25)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Establish Destroyer Escort Day

(H.P. 210) (L.D. 245)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize Representation by the Public Advocate of Consumer Interests on Regional Decision-making Bodies

(S.P. 89) (L.D. 316)

(C. "A" S-8)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Increase the Penalty for Furnishing Liquor to a Minor if Injury or Death Results

(H.P. 42) (L.D. 51)

(C. "A" H-29)

An Act Regarding the Enforcement of Laws in the Maine Revised Statutes, Title 12 by Passamaquoddy Wardens

(H.P. 103) (L.D. 107)

(C. "A" H-25)

An Act to Enable Small Wineries to Do Business in Maine

(S.P. 61) (L.D. 225)

An Act to Permit an Unspent Balance in the Public Advocate Regulatory Fund to be Carried Forward in Full for Fiscal Years 2000-01 and 2001-02

(H.P. 205) (L.D. 240)

(C. "A" H-31)

An Act Concerning the Requirements for Exits for Boardinghouses and Lodging Houses

(H.P. 237) (L.D. 274)

(C. "A" H-28)

An Act to Require Notice to Telephone Customers in Maine Prior to Price Increases

An Act to Establish Maine Small Business Week

(H.P. 291) (L.D. 369)

(C. "A" H-30)

An Act to Allow Sheriffs to Use Modern Record-keeping Technologies in the Maintenance of Jail Records

(H.P. 458) (L.D. 579)

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.

Resolves

Resolve, to Require the Building of a Full Boat Launch on the Northern End of Cobbosseecontee Lake

(H.P. 179) (L.D. 190)

(C. "A" H-26)

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

On motion of Representative McKEE of Wayne, was **SET ASIDE**.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I apologize for rising at this late date.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **FINAL PASSAGE** and later today assigned.

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

Representative MENDROS: Mr. Speaker, Men and Women of the House. I apologize for not being here earlier. I certainly wish to thank the Representative from Winslow, Representative Matthews, for sponsoring the Joint Order on Greek Independence Day. I did a little research on it and I want to share it with my colleagues in the House. You know 180 years ago the Greeks won their independence from the Yoke of Ottoman oppression, as is the phrase that we often use. Not all of Greece was conquered. There were always little pockets that were never conquered. A couple little tidbits of their involvement in the United States. In 1528, the first Greek landed. He had sailed with the Spanish. He landed in Tarpon Springs, Florida. They haven't been able to get rid of us ever since. They couldn't find his last name, but his first name was Theodoro, which means Theodore, which everyone in Oxford and in District 64 knows, Theodore means God's gift. In 1640, the first coffee shop was opened by a Greek, not yet a Greek American. Finally, in June of 1778, a commander whose name was Demetrios Ypsilantis brought a division of Greek volunteers that fought in Manmoth, New Jersey on the side of the Americans during the American Revolution. There is a town in Ohio, currently named after him in his honor. I just wanted to share those tidbits and wish you all Ya' Hara, which means health and happiness and what is more important than health and happiness. Thank you.

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

The House recessed until 6:30 p.m.

(After Recess)

The House was called to order by the Speaker.

Representative WATERHOUSE of Bridgton inquired if a quorum was present.

The Chair declared a Quorum present.

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

ORDERS

On motion of Representative TRAHAN of Waldoboro, the following Joint Order: (H.P. 1289)

ORDERED, the Senate concurring, that the deadline for filing in the Revisor's Office a floor amendment to a bill or an amendment to a bill that makes unified or supplemental appropriations or allocations for the expenditures of State Government may not be sooner than 24 hours after the opening of the legislative session in which the committee report first appears on a printed calendar.

READ.

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

Representative TRAHAN: Mr. Speaker, Ladies and Gentlemen of the House. I will explain to you briefly what this Joint Order would do. It would do two things. It would give the members of this body and of the other body 24 hours to amend the state budget and to comprehend the state budget. The reason that I put this Joint Order in was very simple. When I went home yesterday afternoon at 5:30, it was my understanding that we would be taking up the budget on Friday or Saturday. I came in this morning and on my desk was a note saying that you are to have your budget amendments in by 1:00 today and then I found out that we were going to take up the budget today. I looked around on my desk for the budget and it wasn't there. It didn't come until 9:15, while we were in session. It is an inch thick document that I hadn't seen. I said to myself, what is in this budget? Do I have a clue? All I have heard is what might be in the budget or what could be in the budget, but I hadn't actually seen a document. A document, ladies and gentlemen of the House, that may be the most important vote that you make during this session. This document will determine what kind of funding your districts get for certain programs. I ask you, do you understand what this document says? If you did, might there be

some amendments in it that you would like to make? How about the freshmen in this body? Do you understand what you are voting on? Can you go home to your constituents and say that I voted for the budget and I feel good about it? What happens when you have to explain something about this budget that you didn't understand was in it? What kind of situation does that put you in and how does that make you look as a body? We pass budgets on days when we are allowed three hours to make changes to it and we have no time to comprehend it. I don't know about you, but during this session I like to pay attention to what I am doing. I like to vote on certain issues the way I think my constituents would want me to. I don't feel that I can represent them and vote either yes or no on this budget. Some would say that you are probably going to vote against it anyway. Ladies and gentlemen, even if I vote no on this budget, I don't know what I am voting on. I don't know what I am saying no to. All I want is 24 hours to absorb this document to know what I am voting on. That is what I am asking from you. Thank you.

Representative NASS of Acton moved that the Joint Order and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative NASS: Mr. Speaker, Men and Women of the House. I am sympathetic to the argument you just heard on this Joint Order. I wish there were more time to study this. Unfortunately this is not the case. We have some deadlines. I need to also point out that all of the deliberation on this budget preparation, all 286 pages of it, that are now in front of you, was open to public hearing. Most of the meetings were held in public. All of us or all of you could have attended any one of those things. There have been many distributions of summary documents. All the way along in this process, since January, we all collectively have had the opportunity to try to understand what is in here and to make use of the documents and summaries that are available. There will be in this session many complicated issues, including some of those coming out of the committee that Representative Trahan serves on that I will not understand. I will do my best to listen to the debate, to understand and maybe do a little bit of reading, but I am somewhat dependent on him and everybody else in here to provide good information to me. There is an element of that here. The Appropriation Committee has been working on this since January. It is difficult. As I have said, there are 286 pages. Much of what has been true, but if you are not paying attention to what goes on day by day here 24 hours is not going to help you with this document. There is just no way that if you have not paid attention to the budget up to this point, even in a minor way, that you are going to understand this document. I would urge that you vote for Indefinite Postponement. Thank you Mr. Speaker.

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Order and all accompanying papers.

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 Biddeford, Representative Twomey.

Representative TWOMEY: Mr. Speaker, Ladies and Gentlemen of the House. Boy, I have tried to watch this document harder than anything. I can't speak for anybody else, but I have been to every caucus. I have tried to follow the money. I have tried to be doing my committee work. I have been trying to be in committees presenting bills. I have tried not

to miss anything. I feel the same way. I got here this morning and I had the package on my desk and there are things that I needed to read, page by page. I needed to make sure that my seniors and the nursing home budget was intact. There were questions that I still needed to ask and as of this morning when I was going through page by page, I was still scrambling to get answers. I really think it is unfair to say that we have had time. I thought in my caucus we were still trying to come up with a plan on what our agenda was. The next thing I know, I had this on my desk this morning. There were things that I still needed to know. I got a note that said by 1:00 I had to have my amendments in. I had a notice from my committee that I had to be a half hour early after getting out of session. I had to be there at 12:30. We had the Plymouth Oil Site hearing today. We must have had, I don't know how many people crammed in the room. I had a bill to present and I had a Legislative Council Meeting for an after deadline bill, all in the same day, and I am trying to present amendments for my constituents. I truly feel that I didn't have enough time. I don't think that this is a partisan issue. I think it is an issue of can't be everywhere and do I trust the Appropriations Committee? I do. Are they looking out for things that my constituents are concerned about? That is my responsibility. I have only so many hours in a day. I just agree with Representative Trahan on this. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I just feel that I need to stand to state a couple of responses to some things said earlier. First of all, I always pay attention. I take my job very seriously. When I come here, I sometimes go even beyond what some people in this body are comfortable with, meaning when I am told details, I research them to see if they are true. I do my homework. When we have public hearings, we hear from people on both sides of the issue. We have no way of knowing what comes from those public hearing. Sure, Appropriations had public hearings, but we don't understand what the results of those public hearings are until we see them in a budget.

Secondly, a package was presented on our desk. As far as I am concerned, you might as well have thrown it in the dumpster on the way in. Sure, it might make some people feel comfortable that they gave us the budget before we voted on it. You know as well as I do that we can't absorb this document. You might as well throw it away. I say to you, ladies and gentlemen, the people of Maine do not want us operating in this fashion. I think it is important enough to them that we look at this for one day before we vote on it. From now on, for the next two years, we are going to have to live with what we do here. If there are things that we didn't like, we are going to be doing a lot of explaining. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I just want to rise to support the motion made from my good friend from Acton. The Appropriations Committee we came in in January and we are faced with an emergency budget. We immediately began work on a Part I Budget. We have already begun the public hearings on the Part II Budget. We have completed the hearings on the Part II Budget. We have tried to move this process quickly. We have heard many times in campaigns and all that that we shouldn't spend so much time here. We should get out of here. We should get the people's

work done and get out of here. That is not to say that we haven't deliberated the issues and we haven't worked these issues in our committee. We had a goal of reporting out a bill. We had hoped to have a Part I Budget out by March 9th. That is so the document could be printed and brought before the body and our school districts would know what they were going to receive for general purpose aid. We didn't make that deadline. I think we worked hard to get there. I really appreciate the hard work of the committee. We continue to work and we pushed again for the following Friday for the 23rd. We worked hard to get that bill out by the 23rd. It was felt that on Saturday morning that some time was needed to spend with our caucuses and that is all we have been doing for the past couple days, trying to explain what we had and what we had done. There hadn't been a lot of changes in the last few days. It was a matter of coming to the point where 13 people representing all parties and bodies of this Legislature and coming to an agreement. We have worked hard to come to a fair compromise. I guess I am just asking that you support the pending motion and let's begin explaining what this package will have and the expected amendments that we will have to deal with. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Joint Order and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 25

YEA - Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chase, Chick, Chizmar, Clark, Colwell, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mitchell, Muse C, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tuttle, Watson, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Annis, Buck, Carr, Clough, Collins, Crabtree, Cressey, Davis, Duprey, Foster, Glynn, Gooley, Honey, Kasprzak, MacDougall, Madore, McKenney, Mendros, Michael, Morrison, Murphy T, Nutting, Perkins, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Treadwell, Twomey, Waterhouse.

ABSENT - Andrews, Ash, Bagley, Berry DP, Cote, Dugay, Gagne, Lovett, Matthews, Michaud, Murphy E, Pinkham, Usher, Volenik, Wheeler GJ.

Yes, 105; No, 31; Absent, 15; Excused, 0.

105 having voted in the affirmative and 31 voted in the negative, with 15 being absent, and accordingly the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-55) - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

(H.P. 256) (L.D. 300)

Which was **TABLED** by Representative BERRY of Livermore pending **ADOPTION of Committee Amendment "A" (H-55)**.

Representative TUTTLE of Sanford **PRESENTED House Amendment "B" (H-61) to Committee Amendment "A" (H-55)**, which was **READ** by the Clerk.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. For those of you who do have the files, this is House Amendment (H-61). It says that this amendment will have no affect on the general fund appropriations and revenue. The balanced budget is maintained for fiscal year 2001 and 2002 and fiscal year 2002 and 2003. The amendment removes language closing the state liquor stores. It transfers funds from the Rainy Day Fund to offset the costs of not closing the state liquor store. Thank you Mr. Speaker.

Representative BERRY of Livermore moved that **House Amendment "B" (H-61) to Committee Amendment "A" (H-55)** be **INDEFINITELY POSTPONED**.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. It is with great difficulty that I have to stand to oppose the pending motion. It was not easy to come to this conclusion from our committee with the recommendation to close the state liquor stores. The committee recommendation through the process of negotiations with all parties has resulted in a budget proposal that closes liquor stores. We don't close the liquor stores and put the employees out of work because they haven't done their jobs or because they have performed poorly. That is absolutely not the case. The Executive has proposed a budget that does eliminate the stores and, again, through the Appropriations Committee process we have ended up here. We have included some language that will offer a retraining package and, hopefully, address some of this. There are certainly some concerns with those that are close to retirement. It is not easy for me to be here and oppose this. I ask the members of this body that we support the work that has been done in the spirit of compromise. I guess we are giving from all corners. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I find myself in a very awkward position this evening. I respect a great deal the Representative from Livermore, the House Chair of the Appropriations Committee. I think he and that group have done an excellent job. However, that being said, as a member of the Legal and Veterans Committee, which listened to this subject for more hours than I

wish that we had had to, I feel compelled to vote against the motion currently before us. I do that for a couple of reasons. We have heard well in excess of 12 hours of testimony as members of the Legal and Veterans Affairs Committee on this particular issue. Standing here before you tonight, I still do not know and cannot feel comfortable with the fact that we are going to have a plus or a minus affect on the budget before us with the closing of these liquor stores. We never did, as a committee, receive what most of us would feel would be a definitive, well thought out, in writing, plan as to what is to take place with regard to the liquor stores that are being proposed to close. As a small businessman, if I had ever moved in that direction, I would not have lasted long in business.

Before you tonight on your desk was a packet headed with a letter from Brenda Kaler. The letter right behind Brenda's letter is from a constituent and a very good friend of mine, Steve Brackett, who owns the only agency store in the community, which I represent. He raises a couple of points that I think is fair to mention. Number one, the whole question of inventory and the distribution of goods. Bath is in a pseudo metropolitan area. There are number of stores around it. There is a company in Freeport, which distributes to agency stores and to other operators. As a small store, this gentleman feels very sincerely that he is going to have to maintain considerable more inventory in the weeks and months ahead if the state liquor stores are closed, if these remaining stores are closed, because he is not going to have the ease of access that he currently has. If he thinks he has a problem in the area in which he is operating, I wonder what the problem will be in some of the other regions of the state, north, west and east of the Bangor area. I would call that particular thing to your attention. I note in a paragraph in his letter that he is concerned about any possible charges for less than a full case of liquor. As a member of the Legal and Veterans Affairs Committee, we have heard three answers, at least, to that question. There will be. There won't be and there may be. Standing here before you tonight, I still don't know the answer as to whether or not there will be or there won't be an added charge for a split case purchase through the state or through the distributor.

Ladies and gentlemen of the House, as I said in the beginning, I have never supported an amendment to the budget since I was elected and came here in 1995. I do not do this easily, but I urge that you vote against this Indefinite Postponement so that we may move forward to support House Amendment "B." Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Ladies and Gentlemen of the House. This is about jobs, jobs, jobs, good jobs. This is about let's make a deal. I am not dealing. This is what the Executive wants. Compromise, let's compromise and I don't compromise when it is things that I believe in. I, to this day, do not have a trans pass. I still roll my window down because I don't have a push button window in my car because of jobs. I want to give that money to someone that is going to speak to me and say, hello and good morning. I say to them that I have no trans pass because I want you to continue with your jobs. That is what this all comes down to, folk. Let's make a deal and I am not dealing. This is jobs, jobs, jobs.

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-61) to Committee Amendment "A" (H-55)**.

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 Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. As you have heard tonight from the debate so far, many of us cannot in good conscience allow this budget to pass without calling for an amendment on this bill. I would encourage this body not to support the pending motion of Indefinite Postponement. The proposal to close the state stores would substitute, in my opinion and in the opinion of many that I have talked to, an uncertain distribution and sales system, for one, which is currently performing very well. The administration's claim of no loss revenue ignores what happened to the state revenues the last time the stores were closed. In 1995, the state saw a loss of \$2 million in revenue from 1994 closing only 13 stores. In fiscal year 2000, the liquor stores generated \$11.2 million in income and operated at a 27 percent profit margin. They demonstrated a 13.6 percent growth over the previous years fiscal performance. During fiscal year 2001, the liquor store system has generated \$1.5 million more income than was projected by the Department of Finance and the State Revenue Forecasting Committee. The current system has demonstrated consistent growth in both sales and revenue and has operated with an annual growth rate of over 4 percent over the past several years. I guess my question, Mr. Speaker, men and women of the House, would be, why would you want to change a system that is working so well and helps the state control excess sales and associated substance abuse? I would repeat that, excess sales and associated substance abuse. It makes no sense, in my opinion, to cut tobacco use in funding a Healthy Maine and close liquor stores that will result in increased alcohol consumption and abuse.

I say to you and I promise to you that there will be no savings to the state by closing these stores. In fiscal year 2000 total sales were in excess of \$40 million. Gross profit was in excess of \$16 million and operating expenses were a little bit over \$5 million. Overall, our liquor stores experienced a net income of \$11.2 million and without the 27 state liquor stores we will need to find an additional \$11.2 million per year in revenues or from a finance perspective about \$22.5 over the next biennium.

I say to you that lost revenue will be recaptured by up to six new stores for each state store that will close or about 150 new agency stores, ignores the loss of product selection. The average agency carries approximately 150 different products compared to over 800 products for each state store. I will ask, how will the restaurants get the products they need? I have reviewed and the committee has reviewed a Washington State report, which reports that states that move towards privatization often leads to changes in the way alcohol is made available to the public. A basic distinction between control and license system is the differing motivations. A public monopoly is created to provide a service in the retail and or wholesale availability of alcohol. By contrast, private storeowners are in business to make money. They have a direct incentive to increase sales. They have seen alcohol consumption increase as much as 10 percent in the states that privatize. While we lose over \$22 million in the two-year budget, we should also expect to see increased costs associated with health and social problems attributed to alcohol.

In closing, men and women of the House, I don't see any savings to our budget. I don't see any gain, only loss on a monetary basis and I don't think in this slowing economy we should displace workers. I would thank all of you for listening to me tonight. I ask that we all fully consider the impact of closing our stores. I would ask that you would defeat the pending motion. 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, Men and Women of the House. For anyone that may answer, does anyone know where the distribution is going to be located in the State of Maine?

The SPEAKER: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. That is a very good question from the Representative from Millinocket, Representative Clark. We don't know. Every time we seem to ask a question, I know that the good Representative Jones had asked that question of the administration. As of yet, they have not returned with that information.

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, Men and Women of the House. If the state remains in the distribution business, aren't they still in the liquor business?

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

Representative BERRY: Mr. Speaker, Men and Women of the House. The answer, of course, is yes. The state will still be in the liquor business. I have a document in answer to the first question from the Representative from Millinocket. I have a letter from the Department of Administrative and Financial Services dated today. I think it might be on your desk. It says, "What impact will closing these stores have on the distribution to small agents? The answer to that question is currently one-third of all agents large and small purchase only from state stores. They will need to purchase from the warehouse. The state is firmly committed to ensuring that all agents have the product that they need. To assure this, agents may pool orders for the minimum case of 10 bottles in one case per average will be reduced from 15, the current requirement, to 10 for drop shipment. The bureau worked very closely with small agents to make every effort at no cost to them to provide product."

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

Representative NASS: Mr. Speaker, Men and Women of the House. None of us, I expect, would relish laying off workers or closing a business. Mr. Speaker, that is what this is all about. Business, retail sales of liquor in the State of Maine is losing money. They are losing \$5.5 million a year. That is primarily

why it is in the budget. We are in the liquor business. No matter what you think about that, good or bad, the State of Maine is in the liquor business. Part of it, the retail part, loses money every year. We cannot subsidize the retail liquor side of this business anymore. We should not. If we want to do something else with this business, let's talk about that. That is not what is before us. What is before us is cutting off a part of this business that is not making any money. It is losing money. We have been talking about this problem since I have been here, starting in the 117th. We have not been successful at closing this drain. It is a drain to our treasury.

If you want to subsidize liquor, that is fine. Vote against this bill. You are voting against all of the other things we spend money on in this state and which we need money for, mental retardation, GPA, and all of those things, which we need money for. This is an opportunity to plug that loophole. I wish there was another way, but there isn't. Now is the time. The economy is suffering somewhat. Our revenue projections are growing slower. We have to look at these methods now of closing the loopholes and generating more revenue for those things, which I think are more important. I urge that you support the Indefinite Postponement. Let's get on with this. Let's close this part of the business. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I appreciate the good Representative from Bath's comments regarding the amendments to the budget and his willingness not to support any of them since he came here in 1995 with myself. Where I differ with my good friend and I do mean that, I do think highly of Rep Mayo, is that will leave here after my four terms and I will not have supported any amendments to the budget. I understood that before I got on the Appropriations Committee. I understood the difficult struggle on a bipartisan basis that the members of that committee go through. I thought I understood it. For some reason or another they stuck me on there this year and boy do I understand it now and boy do I appreciate it when that committee comes out with a unanimous committee report and when people say it is not wise to put a single amendment on the Appropriations unanimous committee report. I know why they say that. This is a house of cards, ladies and gentlemen, and there is a unanimous agreement from a wide range of geographic areas and philosophical beliefs before you today in this unanimous report. I respect that. I will respect it until I leave here. I don't care what amendment you offer that I may agree with 110 percent, I won't support it. I know that this is a compromise and I know what the nature of government is. I hate to do it sometimes. I go there dragging and kicking and screaming, but I know that we go further by compromising and making small gains in the name of the areas that we care about, whether it is the environment or the workers of the State of Maine than by going to the wall and losing it all.

At the end of the day folks, we, in this building, every single one of us do not get to live by any other numbers other than the ones provided to us by the nonpartisan offices of the Office of Fiscal and Program Review. They are the hardworking folks down on the second floor who are part of the backbone of this institution and work in a nonpartisan fashion to provide us with information that we have to make a decision. Ladies and gentlemen, those are the numbers we are bound by. You can hear numbers tonight from every which way but loose about the

cost of this or the savings of this or whatever. Those are the numbers we are bound by. They say, after careful review of the information that is provided to them over the last few months and frankly over the last three administrations that the liquor stores, unfortunately, cost the State of Maine money. In this budget it shows up as a loss of \$6 million in this biennium, because of the timing of the phase out, but ongoing a loss of \$11 million over future bienniums. That is \$11 million over a biennium.

Do you know where that money comes from or where it will come from if we don't do this? Those are ongoing costs. You can say to take it out of the laptop fund or take it out of the Rainy Day Fund. You can raid those if you choose. This is an ongoing expense. It may be a little high, no doubt. I don't think that is completely accurate numbers. I am sure there is some variation there. Where that money is going to come from is either you are going to have to raise taxes folks or you are going to have to cut health care to families and children in order to pay for these liquor stores in the out years. Folks, I, too, value what we have been told by the Fiscal and Program Review. There are 70 good people working in these institutions and these state liquor stores. They are fine people. They have worked there for decades, literally. It is a very difficult situation if you don't think that every one of us on Appropriations Committee are deeply troubled by this and hurt by this, then you don't know everyone of us on the Appropriations Committee very well.

In fact, it was because of the good work of the members of the Appropriations Committee, in particular, my good friend, the hardworking Representative from Lewiston, Representative Mailhot, that there is over \$900,000 in here to try and help these workers get retrained and get them the first jobs available in state government and help them in any way that we can to get out of these jobs and into the Retirement System or whatever. The administration, in the original Part I Budget, offered up \$200,000 for retraining. We said that wasn't good enough, folks. We did that ourselves. No one else came forward to fight for what appeared to be the inevitable layoff of these workers and to try to cushion that blow as much as we physically could. That was before of the good folks on the Appropriations Committee. As I said, Representative Mailhot, deserves the credit.

I referenced this earlier, three administrations, a democratic one, a republican one and now an independent one have all brought forward measures to close these liquor stores. Why? Because they make money for the state and they are a cash cow for the state? Hardly. They have all said consistently three different parties, three different administrations for 15 years or more that they cost the state money. Reluctantly, they have all asked for them to be closed. Consider that when you vote on this, please. Please support the Indefinite Postponement. Thank you for your time.

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

Representative **ESTES**: Mr. Speaker, Ladies and Gentlemen of the House. I have passed out a fact sheet in terms of policy concerns and operations and revenues. The good Representative from Sanford, Representative Tuttle, has talked about the operations revenue concerns. The good Representative from Bath, Representative Mayo, has also brought up some of the policy concerns. I concur with both of them. I especially concur with Representative Mayo that questions were answered and answers were mixed. The answers were incomplete. It happened before the Committee on Legal and Veterans Affairs. It happened before the testimony

when Legal and Veterans Affairs was sitting with the Appropriations Committee. I am not going to go over the policy concerns, but I am going to talk about one thing.

We are talking about closing the state liquor stores and putting taxpayers out of work. Nine of those taxpayers are in my district in Kittery at the so-called Kittery Discount Liquor Store. Well, this is my first time back in eight years having served in another capacity. I have been before two of those Governors that have tried to close the liquor stores, but I want to put a little bit of perspective on the so-called Kittery Discount Liquor Store. There used to be more than a dozen full-time employees there and part-time employees there. Today, the Kittery Liquor State is not competitive with the New Hampshire Liquor State, which is less than 2.5 miles across the border. What has happened with the Kittery Liquor Store? I don't know why this has happened, but there is a reduction in the hours that they are open during the week. They are closed on certain holidays. The price structure has gone up. The other thing that is so insulting is that people go and they pick off the shelves and they fill their carts up and they think they are getting a deal. They come up to the register and then they find that there is a tax at the register. It is a tax that wasn't on the bottle. They also have to pay the bottle deposits. Do you know what many of those people do? They leave their carts right there full of liquor that they were going to buy and walk out of the store. They take that ride 2.5 miles across the border to the New Hampshire Rotary Circle and they buy their liquor there much cheaper. Nobody can tell me why this policy change has taken place in just the last couple of years. It almost seems to me like there has been an intention to make the liquor stores uncompetitive and to make it look like we should get out of the liquor business.

The other thing that totally amazes me is we are not getting out of the liquor business. We are a controlled state now and we will be a controlled state then after the fact. The other thing that really concerns me is that, what is this question of control? Is it going to be a proliferation of stores in up to 100 communities? Is there going to be a Massachusetts cappie in these communities? One of the things that really shocked me when I came to Augusta because we have a Super Shop 'n Save down in York and I have gone over there and shopped. I walked their aisles and I never saw four or five aisles of alcoholic beverages that were open there for the public to purchase. While I stay up here during the week, I shop at the Shop 'n Save, just off Western Avenue. The first time I shopped there I turned the corner looking for a particular item and I was amazed. There was a mini liquor store right there. It is unattended. I am asking myself, who stocks the shelves? Who deals with the goods that are out back in the storage house? I go to the cash register and I have a 16 year old who is checking me out. Something just doesn't add up. It just doesn't add up. The Governor says the state should be out of the liquor business because it sends a mixed message about substance abuse initiatives, but he wants the state to remain in the wholesale business in order to protect revenues. It is okay to sell liquor out the back door, but it is not okay to sell it out of the front door. It just doesn't make sense. You know, I think the term that he used was this was going to be convenient shopping to open up these agency stores.

The other thing is that I studied what Washington had considered when they wanted to get out of control. If closing state stores is a good idea, then why do through studies in states such as neighboring New Hampshire, Pennsylvania and Washington consistently favor keeping the state stores. I think

this is bad public policy. I think that we are going to lose out in the end and we are going to regret this down the road. I urge you to vote against this motion for Indefinite Postponement. Thank you.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. I, too, would like to rise to tell you that this is a terrible situation that all of us are faced with. I, too, want to support my friends that are state employees. I have lived in a community where just recently we closed down a mill where we lost 350 jobs at Bass Shoe. I know the devastation that can be caused when people lose their jobs and families have to find new ways of gaining income. I feel very, very hurt that we have to do what we are being faced with here. I want to remind people that this is a unanimous committee report. One of the things that are important for this institution is that we respect committee reports that are unanimous. We respect that those people have worked hard and that they have done all that they can do to make the rest of us have information and can vote logically on difficult issues. In this case, the Appropriations Committee has unanimously voted in favor of the budget that we have before us. I want to personally thank the Appropriations Committee to both Democrats and Republicans, both members of this body and members of the other body that have worked hard to bring us this budget. They have worked hard. I think that it is important for the well being of our institution that we support our committee process. I would urge you to support the Appropriations Committee in this vote.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. I would like to go on record as supporting my good friend, the Representative from Kittery. What he told you tonight is absolutely correct. I was here under all three of those Governors who tried to close the liquor store and I have been against it every single time. In one of the statements made tonight that they are losing money, I can tell you why they are losing money. It is because when I went to the liquor store in Kittery, I talk to those people. I have done that for years. They are losing money because when they run out of stock, it takes them a week or more to get the stock in. Another thing, we are not allowed to sell wines in our liquor stores in Maine. When you go across the river to New Hampshire, they sell wine and liquor right in the liquor store. If we put more products in there and kept it well stocked, we would probably make more money.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. I am not sure where people hate you more, on the Appropriations Committee or in leadership? As the Speaker and I and the other members off in the corner have met over the last three weeks on this thing, we have realized that we are not very popular, but neither is the Appropriations Committee. They have come forth with a budget that is so fragile right now that any change to it will fall apart. The whole process will fall apart and we will have to start all over again. You have heard arguments on both sides here, good arguments. There are many years of experience listening to the same argument. Ladies and gentlemen, now is the time for you, when your constituents elected you, to make the tough choice. This is hard. It is hard

for every member in this body. We will all receive the wrath of people who don't like this budget, whether it is we are not funding the nursing home COLA or whether we are closing liquor stores or whatever we do, there will be someone upset with us. I can just read the conservative newspapers now blasting the Republicans for supporting tax increases. I can read the Maine State Employees Newsletter that goes out blasting the Democrats for not closing the liquor stores. It is going to happen. That is why you are here. Emotions run high on both sides. You saw it yesterday, but I can tell you that I respect the people's emotions that stood up and we are still friends. It happens. It happens when you discuss things that mean a lot to you personally. No one is taking pleasure in this budget. This is one amendment that will collapse the entire budget process. I ask for your support on Indefinite Postponement. I have a commitment to the Speaker and the other corner that we will oppose every amendment.

Having served on the Appropriations Committee, I know how difficult some of these choices are. The Representative from Harpswell and the Representative from Wilton made a good point, this is not pleasant. We have a tough choice in front of us now and I hope we all do the right thing. Thank you Mr. Speaker.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I think that tomorrow morning when people wake up and they read about this, this won't have been one of their hot items. I can think of one that the people all across this state said no to and we have included it in the budget. I am not here to talk about that. I am here to say that I support the Indefinite Postponement of this amendment. I will tell you why. We are not in the smoke shop business. I am glad. We have a problem with tobacco cessation. We are not in that business. We are in the liquor business. I have opposed our being in the liquor business ever since I got here. Certainly saving jobs is important. There is not a single district here that is represented that has not suffered the loss of jobs, but we are not here to subsidize liquor stores, whether they make money or they don't make money. I am interested in curbing substance abuse. We will never curb substance abuse as long as we have state liquor stores because we will not have the courage to raise the tax that is needed in order to do that. We are seeing the rates of smoking go down as the tax on a pack of cigarettes goes up. Let's get out of the liquor business and let's raise the tax on that bottle of liquor. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I stand here today to support Amendment "B." The State of Maine is in the business of government. The government of the State of Maine is in the liquor business. We are in the liquor supply business. One of the biggest places that we supply that liquor to is the tourist business. The tourist business that are in our bars, our restaurants and to the people who come into our state as well as the general public in the State of Maine where we do not have prohibition. I don't think that by privatizing all of the stores and only driving our trucks up there and dropping off the product will, in fact, result in us making more money. The numbers that we received in Legal and Vets in regards to running this business were somewhat inaccurate. However, if we just use the money from the Rainy Day Fund, we can keep the liquor business going and we can keep supplying

to the state agency stores. We can make available on a regular basis to the restaurants, the bars and the general public the product that they want. Unless we are going to put a big, big sign up when people come into Maine, whether they come in from Canada or come in from one of the other entrances or by boat, we will tell you when and where you get our product and with a big smile, I think we should stay in the liquor business. It is something that, in fact, will continue to give us a product that gives us money. I don't believe that we are losing all of that amount of money. Remember, the total number of workers are not all full-time workers. They are part-time. They are intermittent workers as the need arises in the summer time. This is a business that we are going to stay in the business of. We are not going out of this business. Let us not close all of the stores. Thank you.

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

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. This is a difficult decision, I think. As the Representative from Harpswell said, the money decision, I think, is pretty apparent. Regardless of what people may say, we have been handed a fiscal note. It has been vetted by the administration. It has been vetted by our employees here. I have looked over it. I frankly don't understand the comments of the members of the Legal and Veterans Affairs Committee. I thought we got a very comprehensive and well written and documented plan. It laid out the profit, loss and sales of each of these units. The bottom line, I think, is that we are talking about laying off our employees. That is frankly not a very pleasant or easy thing to do. I am married to a state employee who had worked for almost 25 years at Pineland Center when it closed. I can tell you that it was not pleasant when that happened. You know what? The result of that has been good for her. She changed her job and her focus. She went on. She is still a state employee and I think a very good one. The change was good for her. It was good for her career. She had a good opportunity and support by the state department of human relations.

We tried, I think, to put together a package for our employees to protect them. We have reached agreements that they would have the first option for employment for the state. We have tried to make arrangements for money to be set aside for training so that they can go to a different career, a different time in their life. Frankly, isn't that what is happening all through our economy. Is it really unusual for people to change jobs? It is not pleasant, but it happens. I think the reality is that if people look at it as an opportunity, it can be a better situation for them and their families.

What really happens here, the consequence of passing this amendment, is that we are pulling some \$6 million out of our Rainy Day Fund. We are going to have to somehow come up with over \$11 million every biennium to cover the cost of retaining these stores. We may disagree on the numbers and whether they are accurate or not, but the statute, the way we figure budgets. We don't have a choice. We are going to have to confront this. As many others before me have said, where do we take it from? Do we raise taxes more? We are already one of the most highly taxed states in the nation. If we do raise taxes, which one? Do we cut back a program? Is it going to be our schools or GPA? Is it going to be to be the Drugs for the Elderly Program? Is it going to be something under the tobacco tax or the Healthy Maine Program? The consequences of this

vote, I think, can make a very significant change to what we do with this budget. I just think that we are just not anticipating all of the possibilities. I haven't figured out how we are going to make up that money that you are taking out of the Rainy Day Fund. We went to the Rainy Day Fund to avoid refinancing the unfounded liability for the retirement account. Are you suggesting that we go there? I just don't know.

I am not a fan of the budget package that you have before you, but I can tell you that neither are my friends on the other side of the aisle. Maybe that is a sign that everybody is unhappy with something in there. Maybe it is a pretty good compromise. With that, I will sit down. I sincerely ask that you really think about what you are doing. Frankly, the money part, we can argue about back and forth. I think the real question is, are we prepared to subsidize these jobs to a level of \$11 million every biennium? Thank you.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Mr. Speaker, Men and Women of the House. Out of due respect to the good Representative from Norway, the laying off of over 80 employees is not the issue. The issue is, number one, the discrepancy in the figures that we received in committee. Number two, is substance abuse. This proposal enables the state to open 81, potential, state agency stores. Think about that. Thank you Mr. Speaker.

Representative LABRECQUE: Mr. Speaker, Ladies and Gentlemen of the House. I think probably this particular amendment is going to be one of the most difficult for all of us to come to grips with and vote on this evening. None of us likes the idea of having to ultimately share responsibility of certain individuals losing their jobs. That is very hard. Having been in a position where I have had to do budgets, I can tell you that if you want to save money, generally you look at salary lines. We have had to do that in committee. In addition to saving money on salary lines, we will also save money on rental of the 27 different stores and all of the maintenance and utility costs that go with that. We are not getting out of the liquor business because we are a controlled state. We can stand here and we can make comparisons about how other states handle that because there is not a state that doesn't in some way control liquor. That came as a result of prohibition. If you are going to start comparing, then you want to make comparisons when they do it the way that we do it. I guess I would have to say, as you all know, we are all unique and different.

A couple of things that I would like to point out, I do not believe that we will have liquor stores on every corner if we choose to close 27 state stores. I think that the Maine people are much better with handling their finances than getting themselves into an uneconomical situation and in the competitive market, those things will iron out. Distribution is a concern. It is a concern of mine because right now the distribution centers where all the spirits arrive are in the Portland area. Obviously those folks in Presque Isle are a long ways away.

If you will look at the budget document that we were given on Page 219, number 8, "Lease of Facilities. The Alcohol Bureau may lease and equip warehouses and other merchandising facilities that are necessary to carry out the purpose of this title." Part of the plan is to do just exactly that, to have warehouses not just in Portland.

I do believe that we have to leave all of that to the bureau who do have a plan. That plan has been considered in this budget. I guess those were the ends of my comments. I would

just urge you to support the Indefinite Postponement of this amendment. Thank you.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. As the hour is getting later, I, of all people, would be the last one, maybe not, to stand up and tell the folks that many of us have had caucuses on this issue and the other items that we think are going to be coming before us here this evening. Unless we have something really swaying, I know that I am not going to change my vote. I would ask that maybe we could try to keep that in mind.

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

Representative PATRICK: Mr. Speaker, Men and Women of the House. As the freshman Representative from the Legal and Veterans Affairs Committee, I had to become enlightened from a different point of view looking at this as a private citizen for the last two decades and not as a consumer, because I don't drink, but looking at it from a consumer stand point wondering what is going on with this issue. Are we not making money or are we making money? Sitting on the committee listening to all the facts and having to go to Appropriations and things and asking myself personal questions about the distribution factor and whether we do have a good system in check or not? All it gave me was a total sense of confusion as to whether or not this is going to save money. I do know you have to trust someone on your figures and stuff. I have looked at them from many ways and have listened to leadership on our committee about the history of this and not. I am less than satisfied as to whether or not we are going to save money. I would think that over the last 20 years if they were going to close down the liquor stores, they would come up with a real good plan and a real good distribution system and that all their ducks were in a row and that we would know all the variables on everything. Therefore, I have come to the conclusion, as one of the nine that voted in favor of keeping the liquor stores open, that I probably will have to not support the amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-61) to Committee Amendment "A" (H-55). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 26

YEA - Annis, Ash, Baker, Belanger, Berry RILL, Bouffard, Bowles, Brannigan, Bruno, Buck, Bull, Bumps, Carr, Chase, Chick, Clough, Collins, Colwell, Crabtree, Cressesey, Cummings, Daigle, Duncan, Duprey, Etnier, Fisher, Foster, Fuller, Glynn, Gooley, Green, Hall, Haskell, Hawes, Heidrich, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, MacDougall, Mailhot, Marrache, McGlocklin, McGowan, McKee, McKenney, McNeil, Morrison, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Smith, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Treadwell, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Young.

NAY - Blanchette, Bliss, Brooks, Bryant, Bunker, Canavan, Chizmar, Clark, Cote, Cowger, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Gagne, Gerzofsky, Goodwin, Hatch, Honey, Hutton, Lundeen, Madore, Marley, Matthews, Mayo, McDonough, McLaughlin, Mendros, Michael, Mitchell,

Murphy E, O'Brien LL, Paradis, Patrick, Perry, Pineau, Povich, Quint, Simpson, Skoglund, Snowe-Mello, Stanley, Tracy, Trahan, Tuttle, Twomey.

ABSENT - Andrews, Bagley, Berry DP, Michaud, Pinkham, Usher, Volenik, Wheeler GJ, Mr. Speaker.

Yes, 92; No, 50; Absent, 9; Excused, 0.

92 having voted in the affirmative and 50 voted in the negative, with 9 being absent, and accordingly **House Amendment "B" (H-61) to Committee Amendment "A" (H-55)** was **INDEFINITELY POSTPONED**.

Representative STANLEY of Medway **PRESENTED House Amendment "G" (H-66) to Committee Amendment "A" (H-55)**, which was **READ** by the Clerk.

Representative STANLEY: Mr. Speaker, Men and Women of the House. I submit to you this amendment. It is basically the same thing. It deals with the closing of the state liquor stores. The thing that I have in mine, the mechanism so that we can fund it, is it transfers money from the Abandoned Property Fund. It also deappropriates money from the Maine Learning Technology Endowment. To do this, we keep the liquor stores open and it wouldn't cost the general fund. Basically my intent of this is to be able to fund the state liquor stores.

Representative BERRY of Livermore moved that **House Amendment "G" (H-66) to Committee Amendment "A" (H-55)** be **INDEFINITELY POSTPONED**.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-66) to Committee Amendment "A" (H-55)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "G" (H-66) to Committee Amendment "A" (H-55). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 27

YEA - Annis, Ash, Baker, Belanger, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Canavan, Chase, Chick, Clough, Collins, Colwell, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gagne, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Mailhot, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Morrison, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Perry, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Smith, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Blanchette, Bryant, Carr, Chizmar, Clark, Cote, Dugay, Duncan, Estes, Gerzofsky, Goodwin, Landry, Madore, Marley, Matthews, Mendros, Michael, Mitchell, Murphy E, O'Brien LL, Paradis, Patrick, Pineau, Skoglund, Snowe-Mello, Stanley, Tracy, Trahan, Treadwell, Twomey.

ABSENT - Andrews, Bagley, Berry DP, Michaud, Pinkham, Tuttle, Usher, Volenik, Wheeler GJ.

Yes, 112; No, 30; Absent, 9; Excused, 0.

112 having voted in the affirmative and 30 voted in the negative, with 9 being absent, and accordingly **House**

Amendment "G" (H-66) to Committee Amendment "A" (H-55) was **INDEFINITELY POSTPONED**.

Representative MENDROS of Lewiston **PRESENTED House Amendment "H" (H-67) to Committee Amendment "A" (H-55)**, 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. This amendment is very simple. It follows through with what the law requires of the full 55 percent of the funding of education. I think we need to do it. It creates a liability, but I think that is the stage that we should start from. That is the first thing we should be funding, not the last. It directs every penny that this is going to cost to direct property tax relief to the citizens of Maine. Thank you.

Representative NASS of Acton moved that **House Amendment "H" (H-67) to Committee Amendment "A" (H-55)** be **INDEFINITELY POSTPONED**.

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

Representative NASS: Mr. Speaker, Men and Women of the House. The 55 percent rule, tradition or whatever you want to call it that is proposed in this amendment is hopefully on the way out. It is my understanding that the Education Committee, with the support of prior Legislatures, has begun to move toward a new program we are calling essential services. I have supported that. I will continue to support that move for the reason that the 55 percent tradition or statute or whatever you call it, is not something that we could fund in the near future or the long-term future. There isn't enough money in this state to chase a 55 percent rule. We will never get there. Some of our school officials know that. Unfortunately, it is a great political tool. The bottom line is, as I said, we will never get there. They will spend it faster than we will ever provide it for them. I urge you to support the Indefinite Postponement. Thank you Mr. Speaker.

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. I just need to speak on this because we have debated this issue every year since I have been here. I think something that a lot of people do not understand is that that law does not say that the Legislature will provide 55 percent. It says that it is the intent of the Legislature. There is quite a difference in saying that it will provide or it is the intent. I remember when the law was written and the people crafted it very carefully wondering if they would ever have enough money available to provide 55 percent. The good Representative has spoken about the essential programs and services plan that is coming up. I think that will be good for all of us. Thank you.

Representative MICHAEL of Auburn **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-67) to Committee Amendment "A" (H-55)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "H" (H-67) to Committee Amendment "A" (H-55). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 28

YEA - Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clough,

Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Treadwell, Twomey, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Annis, Clark, Cressey, Goodwin, Mendros, Michael, Perkins, Snowe-Mello, Tobin J, Tracy, Trahan.

ABSENT - Andrews, Bagley, Berry DP, Michaud, Pinkham, Tuttle, Usher, Volenik, Wheeler GJ.

Yes, 131; No, 11; Absent, 9; Excused, 0.

131 having voted in the affirmative and 11 voted in the negative, with 9 being absent, and accordingly **House Amendment "H" (H-67) to Committee Amendment "A" (H-55) was INDEFINITELY POSTPONED.**

Representative STANLEY of Medway **PRESENTED House Amendment "F" (H-65) to Committee Amendment "A" (H-55)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative STANLEY: Mr. Speaker, Ladies and Gentlemen of the House. I rise again today to try to do something for some people that need some help. This one here deals with the COLA in the nursing facilities. What it does is it transfers \$500,000 from the Maine Rainy Day Fund to the general fund. It deappropriates funding provided for the demolition of the Maine State Prison in Thomaston and provides funding for federal match for a 3 percent cost of living adjustment for nursing facilities. This amendment is relatively important to the people that work for these facilities because it threatens to undo all the good work of the 119th Legislature. Also, what this amendment does is it offers a quality of care that has been kind of lacking over the years. We are already one of the highest in the nation because Maine nursing facilities respond to the increased medical needs of the patients. They start to coordinate with higher staffing levels. To this, I believe that we should keep what we promised, the COLA, to these people. I believe it is very vital for these types of facilities to provide the quality of care that they do. I am going to leave it up the people's decision here. I tell you that this is something that I feel that we promised people and I feel we shouldn't be taking it back. I take it to be a great disservice if we don't fund this. Thank you.

Representative ETNIER of Harpswell moved that **House Amendment "F" (H-65) to Committee Amendment "A" (H-55) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "F" (H-65) to Committee Amendment "A" (H-55).**

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 Harpswell, Representative Etnier.

Representative ETNIER: Mr. Speaker, Men and Women of the House. This amendment has a few problems with it, as they all have tonight. In the last session of the Legislature, I brought forward a bill that was cosponsored by a good number of you folks here relative to minimum staffing requirements of nursing homes. It was put into LD 42, the comprehensive bill, that the good Committee on Health and Human Services passed. It was that bill that forced the issue of raising minimum staffing requirements within our nursing facilities. If you think I don't care about staffing requirements and staffing of the nursing facilities, you are wrong about that. In fact, I have another bill this year, LD 437, that the Health and Human Services Committee had the public hearing on, which once again raises the issue of money going for direct care, staffing and direct care staffing only to take care of some of our neediest citizens within the State of Maine. I hope and pray that we have the money or we will find the money in Part II to do all that we can for direct-care staffing. Personally, if it were up to me, I wouldn't support a COLA. I would support as much money as we can support for direct-care staffing because when we are living in an era of limited dollars and that is where we are these days and I think what money we spend should go towards direct-care staffing and to no other place within our nursing facilities. It is not that I don't support that and it is not that I am not going to fight for that in the Part II Budget. It is not that I am hoping that the good Health and Human Services Committee won't deliver that to the Appropriations Table. It is not that I didn't go to the Office and Fiscal and Program Review this morning and ask for an amendment to be drafted to the Part II Budget using the language related to direct-care staffing because those are all true statements.

The other thing that this amendment from the good Representative from Medway does is it deappropriates funding from the demolition of the Maine State Prison in Thomaston. This is an item that came before us in the emergency or supplemental budget at the beginning of this year that our committee met dealt with and the State and Local Government Committee dealt with as well, I believe. We felt then, and we feel now, and that is why it is included in this budget, that we, as a state, have a strong responsibility to the good citizens of the Town of Thomaston who have shouldered the responsibility of this institution in their town for 100 or 200 years or whatever it is. We owe them the prompt removal of this facility and the liability that it poses to their town. It is not an asset to their town. It is a liability. We have a responsibility and obligation as a state to remove that facility as soon as feasible and let that town use that land for whatever it so chooses. One other problem that I see with this bill is in terms of the methodology of funding is as it is one time money being used for ongoing costs. We have that argument on a day-to-day basis here, but I think that is yet again another problem with this amendment. With all due respect to my friend the Representative from Medway, Representative Stanley, I urge you support the Indefinite Postponement. Thank you.

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

Representative SNOWE-MELLO: Mr. Speaker, Right Honorable Members of the House. I stand here today in support of this amendment. In the 119th Legislature the committee I served on, which was the Health and Human Services Committee, worked all during the late summer and fall and winter

to see that we address the critical needs concerning high quality long-term care for Maine's elderly and disabled. Ladies and gentlemen, this Part I Budget undermines all the good work and progress that the 119th Legislature made plus more. We will lose the two to one federal match to our state's long-term care system. We are talking about taking care of our elderly people. The very lives that have fought in our wars and contributed to this great nation with their strong work ethic. Did you know that the health care inflation has traditionally outpaced regular inflation by double? Taking away in this kind of environment makes these cuts more significant. Lastly, our residents of nursing facilities are the ones that are ultimately affected by our staffing problems. I was taught to honor my mother and father and my grandparents. This budget does not do that. It dishonors them. Please vote for this amendment because we don't know how much money is going to be around in the future. Thank you.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. I agree with Representative Stanley on this. This is something that we need to fix. We have all got numerous telephone calls from our constituents on this. My understanding of what has transpired downstairs in the Appropriations Committee and what has transpired among our leaders is there is a real desire to fix this. We will make an attempt to fix this in the Part II Budget. I think we are going to be successful. What you have heard tonight is already there are two components to this and we need to do some work on figuring out how we are going to solve this problem. One, do we fix the COLA or the direct-care piece or both? There is work that needs to be done on this. I think it is true and I am personally committed to fixing this situation. Now is not the time and now is not the place to do it. We are going to fix it in the Part II. I ask you, again, to vote for Indefinite Postponement. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-65) to Committee Amendment "A" (H-55). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 29

YEA - Ash, Belanger, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Canavan, Chase, Chick, Clough, Colwell, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Green, Hall, Haskell, Hatch, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Mailhot, Marrache, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, McNeil, Mitchell, Muse C, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Neil, Peavey, Pinkham, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Annis, Baker, Blanchette, Bryant, Carr, Chizmar, Clark, Collins, Cote, Cressey, Davis, Dugay, Glynn, Gooley, Hawes, Honey, Landry, MacDougall, Madore, Marley, McGlocklin, McKenney, Mendros, Michael, Morrison, Murphy E, Murphy T, Nutting, O'Brien LL, Paradis, Patrick, Perkins, Perry, Pineau, Quint, Snowe-Mello, Stanley, Stedman, Tobin J, Tracy, Trahan, Treadwell, Twomey.

ABSENT - Andrews, Bagley, Berry DP, Goodwin, Michaud, Tuttle, Usher, Volenik, Wheeler GJ.

Yes, 99; No, 43; Absent, 9; Excused, 0.

99 having voted in the affirmative and 43 voted in the negative, with 9 being absent, and accordingly **House Amendment "F" (H-65) to Committee Amendment "A" (H-55) was INDEFINITELY POSTPONED.**

Representative TWOMEY of Biddeford **PRESENTED House Amendment "I" (H-68) to Committee Amendment "A" (H-55),** which was **READ** by the Clerk.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. This amendment repeals the law requiring background checks and fingerprinting of school employees. This amendment also corrects cross references to the repeals provisions and removes funding for the fingerprinting and background checks of teachers and educational personnel, which will give us a revenue savings of \$900,000 while we are all fighting for real issues. Thank you.

Representative **BERRY** of Livermore moved that **House Amendment "I" (H-68) to Committee Amendment "A" (H-55) be INDEFINITELY POSTPONED.**

Representative **BERRY**: Mr. Speaker, Men and Women of the House. Again, I just want to stress the importance of the final document. I know the argument is to the amendment. I just ask you again to continue to defeat the amendments and send this document on. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative **HALL**: Mr. Speaker, Ladies and Gentlemen of the House. I believe that the vast majority of us wish to support a reasonable budget compromise. I believe that our colleagues on Appropriations have worked long and hard and have struck a reasonable compromise. That compromise may be less than ideal to any one of us, but we know that we cannot get our way all the time. Somebody, I think it might have been Winston Churchill said that politics is the art of compromise. I, therefore, plan to vote against 16 of the 17 amendments that are being offered tonight. There is, however, just one amendment that has no effect on the budget compromise. That is the amendment presently being offered by the good Representative from Biddeford. This amendment is not the thin end of the wedge. This amendment does not open up a can of worms. It does not represent the tip of an iceberg. It does not apply salami-slicing tactics to the budget compromise. This amendment does not scramble the spaghetti anymore than it is presently scrambled. This amendment does not ask for money. It rights a wrong. It makes a straightforward deappropriation and it makes a powerful statement of principle. I ask you to vote for this amendment and against the Indefinite Postponement. Thank you.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. Last year we went through the bitterness of this discussion on fingerprinting. I think I made myself quite clear on how much I disliked it. I happen to have a wife who is a schoolteacher who had to go through that process last fall. I will tell you that she is not over it yet. Having said that, I will support the Indefinite Postponement motion much to my dismay.

Representative NASS of Acton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "I" (H-68) to Committee Amendment "A" (H-55)**.

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 Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. The Representative from Bristol is partly right. There is a general fund impact here. As provided in the amendment, you will see under general fund, about a \$900,000 impact. He was correct in that we have a sufficient balance to keep the budget balanced, but it will, however, reduce the amount we forward into the Part II. In the Part II we have a serious financial problem. We have anywhere from \$30 to \$60 million in serious needs and we are moving forward about \$7 million. As much as I would love to support this amendment on fingerprinting, I cannot at this point. This has a general fund impact. It is detailed here for you. I urge that you support the Indefinite Postponement of this measure. Thank you Mr. Speaker.

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

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. We must ask ourselves, has the fingerprinting law led to better school systems around the state? I would answer in the negative. I think it has caused a lot of problems and a lot of hard feelings. Here is the time to get rid of it. We were told last year and I think I mentioned it on the floor of the House that the information would not be just to seek out child molesters, but anybody who had committed a crime, minor, major, felony and that is what has happened. There are 1,300 people who have committed some sort of a crime. They didn't tell us what. It sort of tarnished the reputation of every teacher in the state. I submit this is an excellent amendment. I urge your support.

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

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

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

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. Would anyone in the body supporting House Amendment "I" explain where it was in the legislative process that prohibited the introduction of a bill prior to cloture to achieve this and that would have been referenced to committee and conducted a public hearing and allowed a committee report to achieve this objective instead of now?

The **SPEAKER**: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I won't belabor the point, but I believe there was no one in this body that was more consistent in their opposition to fingerprinting than I was. The many times that we had the opportunity to vote on this last session I consistently opposed in all its forms. However, this is not the appropriate place for this. The last speaker, my good friend from Arundel, was correct. The appropriate place to deal with policy and to deal with all those questions is in a bill. It is in legislation. I would urge my colleagues to support this Indefinite Postponement motion. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "I" (H-68) to Committee Amendment "A" (H-55). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 30

YEA - Baker, Belanger, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Chase, Chick, Clough, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Gagne, Gerzofsky, Glynn, Gooley, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marrache, Matthews, Mayo, McDonough, McKee, McKenney, McLaughlin, McNeil, Mitchell, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rosen, Savage, Schneider, Shields, Simpson, Smith, Stanley, Stedman, Tarazewich, Tessier, Tobin D, Treadwell, Watson, Weston, Wheeler EM, Young, Mr. Speaker.

NAY - Annis, Ash, Bliss, Bryant, Canavan, Carr, Chizmar, Clark, Collins, Cressey, Davis, Dorr, Dugay, Duprey, Fuller, Green, Hall, Haskell, Hatch, Hutton, Kasprzak, Laverriere-Boucher, Lovett, MacDougall, Marley, McGlocklin, McGowan, Mendros, Michael, Morrison, Murphy T, O'Brien LL, Patrick, Perkins, Pinkham, Rines, Sherman, Skoglund, Snowe-Mello, Sullivan, Thomas, Tobin J, Tracy, Trahan, Twomey, Waterhouse.

ABSENT - Andrews, Bagley, Berry DP, Goodwin, Michaud, Tuttle, Usher, Volenik, Wheeler GJ, Winsor.

Yes, 95; No, 46; Absent, 10; Excused, 0.

95 having voted in the affirmative and 46 voted in the negative, with 10 being absent, and accordingly **House Amendment "I" (H-68) to Committee Amendment "A" (H-55) was INDEFINITELY POSTPONED.**

Representative **GLYNN** of South Portland **PRESENTED House Amendment "J" (H-69) to Committee Amendment "A" (H-55)**, which was **READ** by the Clerk.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. Since I have been a member of the House of Representatives, I have supported the budget and I have supported the supplemental budgets. This evening we have a budget in front of us that I cannot support because of one reason particularly. That reason is school funding. This issue is so important to my district and so important to other districts in the state, I have to bring it to your attention and ask that you vote with me to amend the budget. What House Amendment "J" contemplates doing is taking \$3,650,000 out of the Maine Learning and Technology Endowment Fund, that is the computer laptop account and applies it to the school districts for general purpose aid to education. Let me explain.

We have gone through a budgetary process and a school funding formula that has left 82 communities in the State of Maine with less general purpose aid to education this year than they received the year before. That means we are cutting general purpose aid for education to school districts, 82 of them in the State of Maine. Some of them may be your school districts and one of them definitely is mine, South Portland. This cut hurts and it hurts really bad. South Portland City Council presented the public with a budgetary increase because of the general purpose aid to education cuts and also the municipal

revenue sharing of a 17.5 percent property rate increase. That is due largely to our parts here in the Legislature. You might ask what has Representative Glynn done about it? Representative Glynn did follow the process. I have filed a bill. It is LD 1548 and it is coming up for a public hearing on Monday, after we adopt the budget. I followed the cloture procedure and I can't get this issue to a vote before my town gets cut \$700,000 in general purpose aid to education. There are a number of other towns that are also going to get cut. Those cuts hurt and those cuts mean layoffs of teachers, higher property tax rate increases and plain and simple, it just isn't fair.

I would like to remind the good people of the House that the shoe wasn't always on this foot. South Portland sometimes made out okay under the general purpose aid to education funding formula, but in 1993 the members of this great body realized that the funding formula has not been fair. They listened to a lot of rural districts that were losing a tremendous amount of funding. There was a tremendous amount of compassion, bipartisan compassion, both sides of the aisle, north and south. The whole state came together and they enacted a bill in 1993 in Title 20A that enacted a whole harmless provision guaranteeing that to a large extent communities were going to be held harmless.

Additionally, in the last Legislature, the 119th that I served in, after the funds were distributed to the towns and municipalities in the school districts, again, we found ourselves in the case after that law had been repealed that was enacted in 1993, of school districts that were losing money. We came together, bipartisan, and we supported a budget, a budget that I voted for and supplemental budgets that I voted for that hold communities harmless. While I am not advocating on the floor today that South Portland should be getting a heck of a lot more money than it has been getting, I can tell you we don't deserve as \$700,000 cut. We certainly don't deserve that without proper notice. We have had no opportunity to react in our community to this. This is just a straight pass right through. South Portland has some serious problems with our school district. We have aged facilities. Right now we have seven elementary schools that are in incredible disrepair. We have gone through several attempts to fix them and we are looking at floating a bond referendum to fix those seven elementary schools, six of them actually and to close one at a cost of \$35 million. That bond will be proposed this November municipally and that is on top of these cuts that we are facing. We are looking at a 17 percent property tax rate increase.

I want you to think about what it must feel like to be in the shoes of one of the Representatives on this list of 82 communities that are getting hit. Ask yourselves if it was your community on the chopping block, wouldn't you expect your fellow colleagues in the House to put themselves in that place and consider and have the compassion for the children in their community? In 1993, the South Portland delegation had that compassion for the balance of this House. Today I am asking for that compassion for South Portland and I am asking for that compassion for the balance of the communities. That is 82 communities. We are talking about a relatively small amount of money \$3,650,000 will bring all communities who are losing school funding up to level funding of this year with zero losses.

In the 119th, the Legislature appropriated \$30 million for the laptop fund. That \$30 million, yes, I voted for that budget. I appropriated that. When the Governor proposed a cut to South Portland initially of \$1.5 million in revenue in school funding

which has now been reduced to \$700,000 that was one-third of our state subsidy for education for our community. He also proposed increasing this endowment fund by \$20 million from surplus balances. I ask you the public policy question that is before you. We are appropriating an additional \$20 million into the laptop fund. Is it not a fair comparison to say that if we reduced that amount of money, we reduce this fund down from \$50 million down to \$46,350,000 for the Governor's laptop proposal? He wants his laptops. He can go off and the Executive can advocate for those laptops and the Executive has a fund of \$46,350,000. It would also hold the communities whole. Do we really want to cut local school districts at the expense of the laptop fund? Is that fair and is that just? Is it right to have layoffs in school district for the laptop fund? Is that fair and is that just? If you agree with me, you will vote for this proposal and hold everyone whole. Let me go one step further for a commitment. If you vote with South Portland and with the other 81 communities that are losing funding under the school funding formula, I can guarantee that I will be behind you when your community is on the chopping block. Thank you Mr. Speaker. Mr. Speaker, I respectfully request when the vote is taken, we take by the yeas and nays.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "J" (H-69) to Committee Amendment "A" (H-55)**.

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

Representative NASS of Acton moved that **House Amendment "J" (H-69) to Committee Amendment "A" (H-55) be INDEFINITELY POSTPONED**.

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

Representative NASS: Mr. Speaker, Men and Women of the House. Coming from a community that has never gotten much in the way of state aid, I wish that this formula were fair in the sense that no community had to suffer losses, but that is not what our education funding formula is about. It does recognize changes that are taking place, changes in population and changes in value of property. That is why overall it is a fair formula. It is not as good as we would like, but it is probably about the best we can do. South Portland, along with all the other communities in this state in January were given an early warning about what was going to happen with GPA this year. At that time, according to my report, it looked like they were going to lose \$1.5 million or slightly more. With the action of this Part I Budget, which was proceeded by a unanimous committee report from the Education Committee that recommended the GPA formula or the distribution of the cushion, which is at dispute here, that \$1.5 million for South Portland will be reduced to a loss of \$700,000 or roughly cut in half. I admit it looks like South Portland has gotten creamed in this deal. I am very sympathetic to the good Representative from South Portland, Representative Glynn. Overall, the formula appears to be working. While there are 82 communities or schools that will lose money, there are 20 schools or districts that will lose nothing. There are 183 schools in the state that will gain money under this formula. There are slightly less than 30,000 students that will be in schools that lose money. There are over 170,000 students that will be in schools that gain money. Ladies and gentlemen, overall this is an improvement, in my opinion. I urge that you vote for Indefinite Postponement. Thank you Mr. Speaker.

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

Representative **BLISS**: Mr. Speaker, Men and Women of the House. I think it is terrific that 183 school districts are receiving more money with this budget than they got last year. The truth is, there are 82 districts that are receiving less money. I would like to tell you about some of them. Baileyville is losing \$22,800. Cooper is losing \$18,800. Manchester is losing \$54,900. South Portland is losing \$697,357. Let me say that again, South Portland is losing \$697,357. That is a large hit to take in one year. Before you vote on this amendment and this budget, I certainly hope that you know how much money your school districts might or might not be losing. What we are asking for here is the opportunity not to force our school districts to make huge last minute cuts without advanced planning. This was a surprise to these school districts. You can imagine how much of a surprise it was to the superintendent in your district. This is a very delicately put together budget. Everybody is holding their breath, but the truth is there is only piece of money in the whole state that has been kept pristine and untouched. That one piece of money that no one has touched is the \$30 million that my colleagues in the 119th authorized the Executive to set aside for laptop computers and the additional \$20 million that the Executive chose to appropriate without any vote from this body. This motion just takes a small piece of that money, \$3,650,000 out of that \$50 million that the Executive has for his laptops and helps every school district receive its full funding this year so that superintendents have the opportunity to plan ahead for next time. I am asking you to take a chance. I am asking you to take a chance that the Executive will recognize how important it is to fully fund schools and allow superintendents to plan for the future, even at the price of this very small percentage of money from his laptop fund. Thank you very much.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. We are here representing the State of Maine. As a teacher, I worked hard to ensure the passage of the Maine Learning Results. The premise of those learning results that this institution put into law, all children can learn. I stand here tonight knowing that there are 82 school districts that because those children live within certain boundaries, don't get a fair chance. Our job as leaders of a state is to be sure that the weakest link is made strong. That is a much higher order. I understand how fragile this budget is, but I work with children and I want to know if you go to a district that is losing money, why don't you sit in on the parent teacher conferences and say your child is in a room with 29 or 30 children because some districts in the State of Maine receive more money, some districts stay the same and some districts receive less. All children can learn. That was the big thing, learning results, all children, we will leave no child behind. That has been the cry from the federal government. We choose to leave 82 communities behind. I personally feel that that is immoral to our children. Everybody shares pain alike. That means we do something to hold harmless. I am glad that the reduction from South Portland from \$1.2 million is now just a mere \$700,000. Where did that money come from? How many more of the number 82 did somebody give up? This is horrendous. The very least is that every community should at least have the same numbers to play with. I defy anybody here on any budget to try to figure out how they would make payroll,

contractual obligations with less money. We just said that 82 communities, go ahead and do it. Those children have no vote here. They rely on fairness from Representatives. All children can learn. All children deserve equal and equal means to hold harmless. Thank you very much.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I am going to ask you support the motion to Indefinitely Postpone. To pass this amendment is to negate fairness in school funding. If you believe in a hold harmless and you believe that a community should receive the same amount of money that it did the previous year, regardless if there are no students left in the community, regardless if Maine Yankee closed and the property values fell, we would send them the same amount of money. Does that make sense? I don't think that anyone in this body would argue that this makes sense. We can discuss the funding formula. That is what the Education Committee will be doing next week, but to stand before this body and to say that everyone should be held harmless is to say we do not believe in equity. We do not believe in fairness. We will send everybody the same amount of money even if everyone has left the town. That is what you have to believe to do a hold harmless and to carry it over the number of years that we have carried it. People have been held harmless for two consecutive budgets. That is the reason there is a lot of pain when the hold harmless goes away. There is a cushion in this budget and the cushion tries to soften the blow from the held harmless from the last two budgets. I ask you to let the Education Committee do its work and report to this body any proposed changes to the school funding formula. In the meantime, let us act on this budget based upon its merit and not based on a held harmless. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. The previous speaker said almost all of what I was going to say. I won't repeat it except to say that because in the last two years we have had the money to do a hold harmless, that does provide some problems for this year. The budget is based on the number of students. It was said that if you have lost students, that makes a difference. Should we be giving the same amount of money if you have the same number of students? If your property values have gone up, that makes a difference. We do have, as has been mentioned previously tonight, another funding formula that we are working on. I know that doesn't help this year, but I think that you will find the budget this year is much better than we had hoped it was going to be when we started working. Although there are districts that are being hurt, there are a lot of districts that are having the same or better than before. Also, when you think of the amount of money that a school district is not receiving or is receiving, look at that column that shows the mil rate. In some instances that mil rate is quite different. Thank you Mr. Speaker.

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

Representative **ESTES**: Mr. Speaker, Ladies and Gentlemen of the House. That brings me to the next point that I was going to make. It is not that I am old, but I would consider that I am one of the deans of education funding with the legislative experience that I had from 1986 to 1992 as the Senate Chair of the Education Committee. We went through, as many of you

would remember from either your experience there or from watching the news, we went through some horrendous times with what happened with our economy and what happened with dramatic decreases in revenues. The Education Committee was literally trying to squeeze blood from turnips to provide the money that was needed. There are a couple of things that you need to understand here.

First of all, when we talk about 82 school districts, the Education Committee worked really hard to come up with a unanimous report. We came out with a report that gave us less money than what we originally requested from the Appropriations Committee. It also included three criteria that school districts had to meet. There had to be a loss of subsidy from FY 01 to FY 02. The units property tax base could not exceed twice the state average property tax base, which was just over \$700,000. The unit must have raised a minimum tax effort of 8.33 mills in FY 01. Forty of those 82 districts did not meet one or more of those criteria. There really are 42 districts that are seeing a subsidy loss. Some of the other contributing factors to that subsidy loss happened to be the fact that their property valuation rose dramatically in the last year. There was a decrease in their population and the adjusted figures, if you are talking about the printout that the department sent out on the 23rd of this month, it also includes the adult education student count changes and some other information that was not included in January. You must also keep in mind that this is the foundation amount and it does not include the state's share of buses, debt service and adjustments. Those adjustments are adjustments as English as a second language, out of district placement and among a number of other adjustments.

I would also remind other members of this body on Monday we will be hearing seven or eight general purpose aid bills and in my study of what has been done over the last several years, I think that the cushion is far, far more favorable than a hold harmless, which guarantees everyone no loss, but a cushion causes school districts to meet specific criteria.

The other point that I would make is that in the last session there was more money found after the Part I Budget had been approved, which was put into general purpose aid and helped offset those losses that school districts are facing now. I think for us not to pass this budget this week is going to put school districts in a very, very difficult situation in terms of planning. At least they know how better off they fare from the January printout that they would get. The only thing that they could base their original budget planning on is to know something that is going to be something more concrete. Thank you.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I, too, recognize what a very, very fragile balance we have in our budget. I, too, appreciate all of the work that Representative Berry and all of the members of Appropriations have done to bring this budget to us. I, too, stand to support this amendment. I heard Representative Belanger say what is fair is fair. I agree with that too. If South Portland needs to take a hit, then let's take a hit. However, as the former speaker so eloquently stated, he was a part of the old education funding fiasco back in the late '80s, early '90s, a time when this body was dealing with something called the Roster Report when the northern half of the State of Maine took a serious hit. They came into this chamber and said that it is not fair and it is not right. It is too much of a hit and this body agreed. They changed things.

What is fair is fair. If South Portland needs to take a hit, then let us take the hit. Ladies and gentlemen, a \$700,000 hit in one school year. A sharp stick in the eye is a sharp stick in the eye no matter how you shave it. This is a very sharp stick. It is not fair. I know that there are bills that are going to be addressed next week and I hope that those bills come forward. They are for the following year. I hope that we look at something very long and hard, perhaps the 10 percent, I don't agree with a complete hold harmless. That doesn't allow the school funding formula to work. I think that it is irresponsible of this body to expect one community to take a \$700,000 and another 80 plus communities to take the hit that they are. Thank you Mr. Speaker.

Representative TRACY of Rome REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "J" (H-69) to Committee Amendment "A" (H-55).

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 Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I will try to be brief. I have been very concerned about the debate that we have heard this evening. In particular listening to the remarks from my good friend from Caribou, Representative Belanger, about fairness. Not quite being a pack rat, but not willing to throw much away either, I looked at my desk for the Legislative District Education Report for 2001 to see how my district stacked up against some of the problems we have heard about today. My district is comprised of three school systems. They are spending the average of \$4,832 per student. It is approximately the same. My district has an average income of \$39,000. I looked up for South Portland and they also have an average income of \$39,000 and it has a per pupil cost of \$6,621, which is 37 percent more being spent per pupil for students in South Portland than is being spent in my towns of Arundel, Lyman and Hollis. With that in mind, I can understand where there might have to be adjustments made. I can see where this was factored into the budget and I hope we can go forward and support the pending motion to Indefinitely Postpone.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "J" (H-69) to Committee Amendment "A" (H-55). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 31

YEA - Ash, Baker, Belanger, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Chase, Chick, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Ethier, Fisher, Foster, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Ledwin, Lemoine, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McNeil, Mitchell, Murphy E, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stedman, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Twomey, Watson, Weston, Wheeler EM, Young, Mr. Speaker.

NAY - Annis, Bliss, Buck, Bunker, Carr, Chizmar, Clark, Cressey, Davis, Duprey, Fuller, Glynn, Goodwin, Haskell, Hutton,

Kasprzak, Landry, Laverriere-Boucher, Lessard, MacDougall, McLaughlin, Mendros, Michael, Morrison, Murphy T, Muse C, Pinkham, Rines, Snowe-Mello, Stanley, Sullivan, Tracy, Trahan, Treadwell, Waterhouse.

ABSENT - Andrews, Bagley, Berry DP, Dugay, Michaud, Tuttle, Usher, Volenik, Wheeler GJ, Winsor.

Yes, 106; No, 35; Absent, 10; Excused, 0.

106 having voted in the affirmative and 35 voted in the negative, with 10 being absent, and accordingly **House Amendment "J" (H-69) to Committee Amendment "A" (H-55) was INDEFINITELY POSTPONED.**

Representative GLYNN of South Portland **PRESENTED House Amendment "K" (H-70) to Committee Amendment "A" (H-55), which was READ** by the Clerk.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. The purpose behind offering House Amendment "K" is all of the same reasons that I have testified in support of House Amendment "J." The simple purpose of giving this option is in case the reason why you voted against House Amendment "J" is because you are completely pro-laptop proposal by the Executive and that you believe that that fund is so important the money shouldn't be taken there. I would be considered to be taken from the Rainy Day Fund. It definitely is going to be a rainy day in many school districts, including our district down in South Portland. I urge your thoughtful consideration of this measure. Mr. Speaker, when the vote is taken, I request the yeas and nays. Thank you.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "K" (H-70) to Committee Amendment "A" (H-55).**

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

Representative NASS of Acton moved that **House Amendment "K" (H-70) to Committee Amendment "A" (H-55) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "K" (H-70) to Committee Amendment "A" (H-55).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "K" (H-70) to Committee Amendment "A" (H-55). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 32

YEA - Ash, Baker, Belanger, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Chase, Chick, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Gagne, Gerzofsky, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McNeil, Mitchell, Murphy E, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stedman,

Tarazewich, Tessier, Thomas, Tobin D, Waterhouse, Watson, Weston, Wheeler EM, Young, Mr. Speaker.

NAY - Annis, Bliss, Buck, Bunker, Carr, Clark, Cressey, Davis, Dugay, Fuller, Glynn, Goodwin, Hutton, Landry, Laverriere-Boucher, McLaughlin, Mendros, Michael, Morrison, Murphy T, Muse C, Snowe-Mello, Stanley, Sullivan, Tobin J, Tracy, Trahan, Treadwell, Twomey.

ABSENT - Andrews, Bagley, Berry DP, Michaud, Tuttle, Usher, Volenik, Wheeler GJ, Winsor.

Yes, 113; No, 29; Absent, 9; Excused, 0.

113 having voted in the affirmative and 29 voted in the negative, with 9 being absent, and accordingly **House Amendment "K" (H-70) to Committee Amendment "A" (H-55) was INDEFINITELY POSTPONED.**

Representative CRESSEY of Baldwin **PRESENTED House Amendment "L" (H-71) to Committee Amendment "A" (H-55), which was READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Baldwin, Representative Cressey.

Representative CRESSEY: Mr. Speaker, Men and Women of the House. I present before you House Amendment "L." The Chief Executive of the state has presented his budget. I have actually read through most of his budget and have noticed on average what he proposes in each of the departments throughout the state is an average of a 10 percent increase. I am proposing here to do an average of a 5 percent decrease to his budget, thereby, reducing what he suggests. Also, I am providing in this amendment protecting general purpose aid to local schools, education in the unorganized territory debt service, teacher retirement, general assistance in Medicare payments to providers. This bill will basically break even and possibly according to the revenue office having up to a possible \$3 million slush fund remaining. I move its passage. Also, Mr. Speaker, I request when the motion is taken, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "L" (H-71) to Committee Amendment "A" (H-55).**

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

Representative NASS of Acton moved that **House Amendment "L" (H-71) to Committee Amendment "A" (H-55) be INDEFINITELY POSTPONED.**

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

Representative NASS: Mr. Speaker, Men and Women of the House. Five percent across the board cuts, it is very attractive. It raises lots of money. This amendment proposes apparently to distribute, redistribute, that money, but on quick examination, it roughly appears to be basically putting the money right back in where we took it out. Most of it goes back into GPA and that is where most of it came from. While there seems to be some kind of adjustment here, again, I am going to urge all of us tonight to vote for Indefinite Postponement. I am not sure what the net affect of all this is. I would suggest to you that without a more through examination, I don't know what the net affect of all these things is going to be. I think it is time you get on with approving the Part I of the budget. I would urge, again, that you vote for Indefinite Postponement. Thank you Mr. Speaker.

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "L" (H-71) to Committee Amendment "A" (H-55).**

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, Right Honorable Men and Women of the House. I urge you to defeat the pending motion and pass this budget. I thank the good Representative from Baldwin, Representative Cressey, for filing it. This is fiscally responsible and it is also not telling the departments what to do and micromanaging them. It is just saying these are tight budget times, tighten the belt a little so we don't have to go after the taxpayers. It is almost an exact break even. The fiscal impact is \$2 million over the biennium. It gives more money to every one of our school districts and it takes care our senior citizens. Those are the two most important issues. They are the people that need the government the most. Thank you.

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

Representative **TRACY**: Mr. Speaker, Men and Women of the House. I would urge you to vote for the Indefinite Postponement of this amendment and I would like to proceed on and explain why. I have a specific problem with this. If you would look at it under number 7, it specifically states that it prohibits the state for paying for any portion of health care coverage provided to unmarried partners of employees of the state. I would dare say that we are getting into the bargaining unit question again. That is not the realm of this body. I urge you to vote for the Indefinite Postponement. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I want to urge you to support the Indefinite Postponement of House Amendment "L." I just want to say to ask for an across the board cut to departments, especially by 5 percent, is not a responsible way to manage state government. It says that we can't determine our priorities as we meet the needs of the citizens of State of Maine. It should not be up to a committee of one to identify these priorities. The Appropriations Committee has worked hard with the input of all the committees. We are not through with the nursing facilities issue. We intend to address that in Part II. I just, again, would ask you to support the pending motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "L" (H-71) to Committee Amendment "A" (H-55). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 33

YEA - Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mitchell, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen,

Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Watson, Weston, Wheeler EM, Young, Mr. Speaker.

NAY - Annis, Buck, Clough, Collins, Crabtree, Cressey, Davis, Duprey, Glynn, Gooley, Kasprzak, MacDougall, McKenney, Mendros, Michael, Morrison, Murphy T, Nutting, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Andrews, Bagley, Berry DP, Goodwin, Michaud, Perry, Tuttle, Usher, Volenik, Wheeler GJ, Winsor.

Yes, 116; No, 24; Absent, 11; Excused, 0.

116 having voted in the affirmative and 24 voted in the negative, with 11 being absent, and accordingly **House Amendment "L" (H-71) to Committee Amendment "A" (H-55) was INDEFINITELY POSTPONED.**

Representative TWOMEY of Biddeford **PRESENTED House Amendment "M" (H-72) to Committee Amendment "A" (H-55),** which was **READ** by the Clerk.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I know the hour is late and we have heard similar amendments this evening. However, mine is different in the fact that this amendment provides additional funds for a cost-of-living adjustment for nursing facilities to partially offset funds deappropriated and deallocated in Part B of Committee Amendment "A." I think that this amendment is important. I have heard twice or three times tonight that this will be looked at in Part II of the budget. When it comes to long-term care and the people that I represent, I felt that it was important to put this amendment forward and to try to ensure the funds in Part I of the budget. I just spoke with Senator Martin and he assured me that the Chief Executive said he would look at this, but he said there was no guarantee that this would be passed in Part II of the budget. That is what concerns me. I really want a guarantee for long-term nursing homes in Part I. There is none. I respect leadership saying that they will look at this in Part II of the budget. I am concerned that perhaps it could go along the wayside. I just think that it is too important for nursing homes. I would appreciate it. I know there will be a motion to Indefinitely Postpone, but I want guarantees. I think my seniors and I think your seniors are worth it. Thank you.

Representative **BERRY** of Livermore moved that **House Amendment "M" (H-72) to Committee Amendment "A" (H-55) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "M" (H-72) to Committee Amendment "A" (H-55).**

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 Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I just want to say that I do understand and appreciate the Representative from Biddeford's concerns. I think you have heard tonight from members of the two parties of the committee that want you to know that there is a commitment of the Appropriations Committee to include this nursing facility concern in the Part II Budget. I can't say that strongly enough. I just ask, again, that we stick to the Committee Amendment "A" and send it to the other body. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "M" (H-72) to Committee Amendment "A" (H-55). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 34

YEA - Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Canavan, Chase, Chick, Clough, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gerzofsky, Green, Hall, Haskell, Hatch, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marrache, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, McNeil, Mitchell, Morrison, Muse C, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Peavey, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Waterhouse, Watson, Weston, Wheeler EM, Young, Mr. Speaker.

NAY - Annis, Bryant, Carr, Chizmar, Clark, Collins, Cressey, Davis, Dugay, Duncan, Gagne, Glynn, Gooley, Hawes, Heidrich, Honey, Lovett, MacDougall, Marley, McGlocklin, McKenney, Mendros, Michael, Murphy E, Murphy T, Nutting, Patrick, Perkins, Pinkham, Quint, Skoglund, Snowe-Mello, Stanley, Stedman, Tobin J, Tracy, Trahan, Treadwell, Twomey.

ABSENT - Andrews, Bagley, Berry DP, Goodwin, Michaud, Perry, Tuttle, Usher, Volenik, Wheeler GJ, Winsor.

Yes, 101; No, 39; Absent, 11; Excused, 0.

101 having voted in the affirmative and 39 voted in the negative, with 11 being absent, and accordingly **House Amendment "M" (H-72) to Committee Amendment "A" (H-55) was INDEFINITELY POSTPONED.**

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. Now is the time. Now is the time that we decide on our budget. Remember the budget that I spoke of earlier that we really don't understand, at least some of us, what we are voting on. There is one part of this budget that I do understand. That is the tax increases. I rise here today to speak for the people across this state who are feeling the burden of being one of the highest taxed states in the nation. I rise for those struggling to afford the overwhelming cost of health care while we rise in taxes and put a greater burden on them. I rise for the citizens of Maine who feel the heavy weight of being last in the nation in disposable income. I rise for the fishermen, the farmer, the logger, the waitress, the small business owner and all the citizens of this state who struggle to understand why their government continues to ignore the crushing tax burden that we place on them. I also rise to tell you that there is something different that we can do in this body. Instead of going up in taxes, we can take a look at what we do as a state government. We can look at our programs and our departments to see if we can do better. I know that it is hard work, but I think at this point as we reach being number one in the nation in taxation that we owe the people of this state at least a look at how we spend our money. Thank you ladies and gentlemen.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I guess now is the time that I can give my comments that I had hoped to give earlier, much earlier in the evening. It is in regards to responsibility to the citizens of the State of Maine when they call as we have heard the concern from people that require services from nursing homes and home health care. As we have those calls, who do they rely on for those and how will they get them? We have had in this budget, it is included in additional money in the first year of the biennium for higher education. I think that is important. We talk about making higher education accessible to our students as we graduate. Many of us have stated quite adamantly that they wanted to stay with the amortization schedule adopted by the 119th of the unfounded liability on the retirement system. This budget does that. This budget has an additional cushion amount to address some of the concerns mentioned here tonight by many that are losing money for GPA. It does do better than what the Governor had proposed. That wasn't an easy thing. It would be reprojecion. We were looking for another \$48 million. We didn't know that we were going to be able to follow through with that. It does raise some taxes on cigarettes. It is something that I heard quite strongly from many members of my own caucus that that was a population that we felt could stand more taxation. On the other side, we know that the same people and many of our friends and constituents will require health services. I have many citizens in my district that are low income. I have paper mills in the town that doesn't mean everybody works there. Unfortunately we closed the liquor stores. I think that was the motion that we made tonight. Whether it happens in the end, that was part of our package. As you have heard, we have a commitment to take care of the nursing home COLA piece.

Since I have been in the Legislature, I have found that the calls were many when I first started in the 117th. There were home health issues. There were nursing home issues. Med 94 was enacted and there was an issue with putting the people to boarding homes when the boarding home beds weren't really available. I think in the course of my time here, not because of me, I am not taking credit for it, but I think we have done a lot to right size our government for the citizens of the state to serve them in a time and manner that is prompt. We had DEP where permitting issues were with great delays. We have been more responsive. I think we have been able to improve our government services and what people expect from their taxes or fees or services from their state government.

I didn't know what I was doing here, and I don't know how I got here. I don't know what I am doing here today as a chairman of the Appropriations Committee, it is a complete surprise to me. I would like to say that during the process, I said it jokingly in the committee yesterday when we passed out a unanimous report, I had said that I wish we could have outnumbered you a little bit, some of the other members. In all seriousness, I do appreciate the manner that we conducted our business in the Appropriations Committee this year. We have a very bright committee with a broad background, geographically and personal background. I think they have acted honestly and professionally. We have been able to work out our philosophical differences. It has been much more obvious to me, but I think it was done in a way I can understand. I know that I am dealing with some decent people with some different priorities, but very decent people.

I just want to, again, I don't want to wear it out, but I just ask for your support in this process that this committee has put

before you. I don't want to use the word painful, some members will have a contest on who had more pain than others and I don't think that is necessary. I think that it was a good effort. The Senate Chair, I want to mention, I think it is important to mention, the hard work that she did to make this happen. I especially want to thank my own members, the House members on the committee.

In response to the previous Representative, I think we have worked to find tune our government and to adjust to our changing economy. It does change. We know that we have a tax structure that is somewhat volatile. You will hear much more on that in the next few months, I am sure. I won't drag the evening on. I do appreciate your attention this evening. Thank you very much.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. For our side of the aisle, Representative Trahan, is right. Taxes are too high in this. What we are going to vote on tonight is a compromise package. It is what is doable. I hope that is what stays in the top of your mind when all this debate goes on. I want to add a little bit more detail to what Representative Berry has been talking about here. When we talk about the retirement system amortization we are continuing a schedule, which pays down the debt faster. Again, from my side of the aisle that is a plus. That is paying off the debt. Changes to the BETR Program, there are some changes in here, which are agreed upon by business in general. There are some things that are not in here over which there was great disagreement. When it is all said and done, we are going to spend almost \$90 million on the BETR Program this year. That is a big plus for the businesses of this state. Growth reduction, Medicaid growth reduction, a little over \$45 million in reduced growth in Medicaid. Medicaid is driving a lot of our increased costs. We spend a lot of time talking about that. That is \$45 million of reduced growth on the general fund side and an additional \$81 million in federal funding. That is over \$125 million in reduced growth in Medicaid from what the projections were when we first started working on this. I believe these are significant. Again, on our side of the aisle, we wanted deeper cuts in the trust fund for a healthy Maine. That was not part of this compromise. What we have got, we think is sufficient and we urge you to move ahead and vote for this.

Finally, in a small piece that is taking on a larger role than it should have, the demolition of the prison in Thomaston is in this piece. Those of you that remember what happened at Pineland and we held onto that property and how much money it cost us and how devastating it was to budgets after it supposedly closed, have got to look at this as a positive. That prison when it is abandoned and when we move into the new facility has got to be taken down. If there was any lesson in here on that, it is don't walk away from abandoned property, it is going to cost you a lot of money in the long run. It is going to cause problems in the community. There is a lot in this budget that is positive for those of us on this side of the aisle. I urge you adopt the Part I and vote affirmatively for this amendment. Thank you Mr. Speaker.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Back in the 117th, when I ran for office, there were many of us who came up here who considered state government at that time too large and the taxes too high. I

remember reading a document called Dollars and Senses and it was written by Lori LaChance, the state economist. She talked about back in the '80s when revenues were pouring into state government and everything was looking rosy that the Legislature went out and actually spent even beyond the revenues that were coming in with new programs and spending. They were expanding programs that were in existence. When we had the problem in the early '90s, we didn't have the money to support those programs and we saw all the budget gimmicks. We saw the temporary sales tax, so forth and so on. I am in my fourth term now and I saw just about the same thing happen all played over again in the 118th and the 119th. Guess what, we have all these surpluses and we have all these needs. We went out and spent that surplus and created new programs and expanded existing ones and lo and behold, a replay of the '90s has happened in the 120th. What do we do? We go out and we raise taxes. I would put forward, ladies and gentlemen of the House, that we don't have a volatile tax structure. We have a volatile spending problem. Everybody has needs. Everybody's family has needs with their budget. They have needs for a water heater or a new septic system and so forth and so on. We have to live within our means. At some point the tax burden on the people in this state has to come somewhere where the needs are and say, we have these needs, but the tax burden on the citizens can't support giving those needs and supplying those needs. I don't know exactly how much our budget has increased since the 117th, but it certainly has grown enormously, if not doubled. I think it maybe has doubled. I don't want to stand up here and repeat the same mistakes that the Legislature made in the '80s and the early '90s and raise a tax when we can't support the programs that we think are good. Thank you.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I appreciate this opportunity. I have an observation. I have been here a while myself and it is not anywhere as much fun making a budget when you do have a \$300 million deficit. I want to thank the Appropriations Committee and I especially want to thank the other party, particularly our counterparts over there, the good Representative from Raymond, Representative Bruno, and the Representative from Durham, Representative Schneider. I want to thank you all. I think we have walked down the road together in this budget. I think it is exactly what the voters of the State of Maine want to see us do. They want to see us make the tough choices. We have cut \$210 million out of some of those programs. You know we did it and the Appropriations Committee did it with a surgeon's knife instead of a meat axe. I am proud of that and I am proud of them. I am proud of the Democrats and the Republicans on that committee and in this body for taking that approach. We worked hard over here to increase some of those programs. I will say that when one looks at the budget, it is inescapable that 77 percent of the spending in this budget, in any budget in the State of Maine, is consumed by education and Medicaid. That is really taking care of our elderly, our mentally retarded, mentally ill citizens, our senior citizens that need prescription drug help, that is what Medicaid is. It seems to me and I know it is true, we have increased spending. Seventy-seven percent of this budget is those two items. Our increases of 77 percent have basically been in those two areas. I am proud. I am proud of what we have done here tonight and I am

proud of working with the other party and coming down that road together.

I think we should talk about the good things in this budget and they have been mentioned. We do have a 5 percent increase in GPA in this budget. That is 5 percent in 02 and 3 percent in 03, but that is really 3 percent on top of another 5 percent. It is \$129 million increase in general purpose aid to education. That is the money that goes to your local schools. We have increased funding for the university. We all know we have an earnings problem in this state and part of that reason is because we need to get more of our students to go on to college. We need to have more citizens in our workforce that have college degrees. We have increased funding 4.2 percent to the University. We have increased 4 percent to the technical colleges and 4 percent to Maine Maritime Academy. I am proud of that. We walked together down that road with our Republican colleagues over here on this side. We did the right thing. I think you for that.

We have been responsible and we did not raid the retirement fund. The members on my side are just as proud of that and just as glad to save that \$800 in future costs to the taxpayers of the State of Maine by doing the right thing. We have done the right thing. There is always something that you are going to hate in the budget. Every time I have voted on a budget, there are things I love and things I hate and things I didn't really even care about. That is the way budgets are. You know, the bottom line is that each and every person in here ought to be proud that we have done this together in a bipartisan way. We have been grownups here. We have made the tough choices. I think the people of the State of Maine will be proud of us for making those choices. Thank you Mr. Speaker.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I think it has been said earlier tonight what a fragile and delicate balance we have in this budget and it certainly is. I recognize that and I know that. I probably kicked louder than a lot of Representatives about the budget. I didn't kick alone. Representative Glynn, Representative Bliss and myself, we worked together to try and find alternatives. We spoke with the Chief Executive. He shot us down as quickly as you all did. That is part of the process and I appreciate that. I appreciate having had the opportunity to be here and to be a part of that process. Representative Trahan is right. We need to continue to look, but we have to stop talking about looking and we need to start doing it. I agree with him in that respect. Representative Berry didn't want to say the word lose. I can say it Representative Berry, South Portland loses. We lose big time. In the art of compromise, I have often believed that when you come to a conclusion that upsets everybody, you are there. I don't think there are many members in this room tonight who can say that they are just tickled with this budget. I don't think there are any members in this room tonight who can look to either their right or their left and not find a member who is ticked with this budget. I take my hat off to the Appropriations Committee as well. I say, good job. You found a compromise. Let's be ready to roll up our sleeves because we have a whole lot of work to do to fix a whole lot that is wrong. Thank you Mr. Speaker.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I, too, would like to address some previous

comments made earlier this evening. My good friend from Waldoboro, Representative Trahan, has spoken on behalf of the people of the State of Maine regarding taxation issues. Well, I gain to rise only because I would like to speak for the people of Old Town for a few moments and talk about the things that I have heard in my years here and what this budget and passed budgets mean to the people in my district. This particular budget, have I gotten anything extra in this budget for my district? Absolutely not. I don't think any of us have. What is in this budget is funding for our schools. There is care for our elderly and our vulnerable citizens. We are not losing much in those areas. I appreciate that. In my time here, I have voted for budgets that increased funding for my schools. We are getting a new school in Old Town because of the actions taken in this Legislature. Our roads are better thanks to the good work of the Transportation Committee in the 118th and 119th Legislatures. There is still good work to be done in the 120th. In other words, life in my district is a little bit better because of the votes I have taken on budgets in the last five years based on the work done late at night by these committees.

When we talk about taxes, I don't want to debate taxes, my good friend from Monmouth can talk about taxes much more expertly than I can, but I will say that I have also voted for about \$450 million in tax relief in my time here. In another part of the budget, which we haven't talked about is much of that tax relief remains intact. When I go home to the 121 district, the people who live only on social security will still get their homestead exemption. They will still get their circuit breaker. They will still get their heating assistance. They will still get their prescription drugs. Will we have the Matt Dunlap Fish Hatchery in Old Town? Probably not this term. We will have security in the future. For that, I thank my colleagues in this chamber for the good work that we have done here over the last few years.

We talk about paying taxes, are we a heavily burdened state? Nobody could argue that. We are also a small state in a large geographic area. We have one-fifth the population of the greater Boston area and a geographic area the size of the rest of New England. More people work in the Empire State Building than live in the City of Bangor. How much road goes around the Empire State Building, not as much as through the City of Bangor. When we talk about how high our tax burden is, let's not forget what we have also done in terms of tax relief. In my time here, seeing how my tax dollars are spent, I consider it my patriotic duty to meet the April 15th deadline. I am very proud of the work we do here. I am going to vote for this budget with a sense of pride.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. We have had a long night here. I have sat here fairly quiet listening to potentially 17 or 18 amendments to this budget. I agree with you. You have seen a couple of red lights up there on a couple of the issues. In my backyard, they are very, very important. I want you to know when all that is over and done with and it is 10:30 at night and we sit here and we have asked our Appropriations Committee to fashion a budget for us? We asked every one of the policy committees to fashion a priority for the Appropriations Committee. You tell me, looking left and right in your committees and remembering the people on your committees and how many proposals did you send down to Appropriations that the unanimous committee said that this is a priority to us. It doesn't take a brain surgeon, ladies and

gentlemen, to figure out that when they got down to Appropriations, there was millions and millions and millions of dollars too much of requests. It is really frustrating for me to sit here tonight and listen to all of the amendments and supporting your favorite issues. I understand it. I can personally relate to somebody saying I have got to do this for my constituent and I was there with you. I want you to know that it is very, very frustrating for me to sit here tonight and after it is over and done with and now we have a consensus budget with a unanimous vote from the Appropriations Committee that I am going to go home and hear next political season that we raised taxes and we did all this bad stuff and I voted against the budget because of political rhetoric and not because of the good work that we do in this committee unanimously. Ninety-nine percent of the work we do in this body is by consensus and by unanimous stuff. We argue about a very small amount. I think it is frustrating to hear this time and time again. Thank you for allowing me to vent.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-55)**.

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 Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. Fourteen hours ago we started a chairs meeting and I brought up the fact that we were probably going to talk about the budget today or tomorrow. I said that for each and every one of us, there will be at least one or two things in the budget that would be very difficult to swallow. We have all gone through that process this evening. It is now 12 or 14 hours later and we are about to digest the budget. There are two or three things that I would like to say about what has gone on tonight. First of all, behind the glass is the good Senator from Hancock who helped guide the process through. I think we all owe her a great deal and my good friend from Livermore and the gentleman down in the corner who has spoken so eloquently tonight. It has been quite a process. Sadly, the television cameras have left. I hope one of the things that they show on television tonight and tomorrow is the classy debate that has gone on. We have all had something difficult to swallow. We have all discussed it in the same civilized fashion. I am very proud of them. I have had three tough decisions to swallow tonight. You have heard about one. I won't deal with the other two. When it comes time to punch a button now, I would hope that you would all think about the total package and all those who will benefit. We worry about our schools that will lose money. My school will lose money. At least my school will be able to start planning in a timely fashion for next year's budget. We talked about the 117th, we blessed our schools with a budget. I believe it was July 10th. We can be proud of the fact that we started out three months ago \$300 million in the hole. Who would bet we would be here today

making this decision? Ladies and gentlemen, thank you for making me proud to be here tonight. You can be proud of yourselves.

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

ROLL CALL NO. 35

YEA - Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mitchell, Morrison, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Watson, Weston, Wheeler EM, Young, Mr. Speaker.

NAY - Annis, Buck, Clark, Clough, Collins, Crabtree, Cressey, Davis, Duprey, Foster, Glynn, Gooley, Honey, Kasprzak, MacDougall, Mendros, Michael, Murphy T, Nutting, Perkins, Pinkham, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Treadwell, Twomey, Waterhouse.

ABSENT - Andrews, Bagley, Berry DP, Goodwin, Michaud, Perry, Tuttle, Usher, Volenik, Wheeler GJ, Winsor.

Yes, 111; No, 29; Absent, 11; Excused, 0.

111 having voted in the affirmative and 29 voted in the negative, with 11 being absent, and accordingly **Committee Amendment "A" (H-55) 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.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-55)** and sent for concurrence.

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

On motion of Representative BRUNO of Raymond, the House adjourned at 10:40 p.m., until 10:00 a.m., Thursday, March 29, 2001.