

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

March 7, 2002 – April 25, 2002

First Special Session

November 13, 2002 - November 14, 2002

Pages 1771-2574

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House Legislative Sentiments
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ONE HUNDRED AND TWENTIETH LEGISLATURE
 FIRST REGULAR SESSION
 36th Legislative Day
 Friday, March 22, 2002

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

Prayer by Pastor David W. Goupille, Perham Baptist Church.
 National Anthem by Boothbay Region YMCA Y ARTS Chorus.

Pledge of Allegiance.
 Doctor of the day, Myron Krueger, M.D., Brunswick.
 The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 658)

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

March 21, 2002

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 of the 120th Legislature, please be advised that the Senate today has confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Marine Resources the nominations of Craig Pendleton of Saco, for reappointment to the Marine Resources Advisory Council; Ralph L. Smith of Jonesport, for reappointment to the Marine Resources Advisory Council; David B. Turner of Meddybemps, for reappointment to the Marine Resources Advisory Council; L. Blair Pyne of Bremen, for reappointment to the Marine Resources Advisory Council; Dana B. Rice, Sr. of Birch Harbor, for appointment to the Marine Resources Advisory Council; Allyson E. Jordan of Portland, for appointment to the Marine Resources Advisory Council; Mary Elizabeth Sheehan of Portland for appointment to the Marine Resources Advisory Council; William C. Sutter of Wiscasset, for appointment to the Marine Resources Advisory Council.

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative BRUNO of Raymond, the following Joint Resolution: (H.P. 1701) (Under suspension of the rules, cosponsored by Representatives: ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, BAGLEY of Machias, BAKER of Bangor, BELANGER of Caribou, BERRY of Belmont, BERRY of Livermore, BLANCHETTE of Bangor, BLISS of South Portland, BOUFFARD of Lewiston, BOWLES of Sanford, BRANNIGAN of Portland, BROOKS of Winterport, BRYANT of Dixfield, BUCK of Yarmouth, BULL of Freeport, BUMPS of China, BUNKER of Kossuth Township, CANAVAN of Waterville, CARR of Lincoln, CHASE of Levant, CHICK of Lebanon, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, COLWELL of Gardiner, COTE of Lewiston, COWGER of Hallowell, CRABTREE of Hope, CRESSEY of

Baldwin, CUMMINGS of Portland, DAIGLE of Arundel, DAVIS of Falmouth, DESMOND of Mapleton, DORR of Camden, DUDLEY of Portland, DUGAY of Cherryfield, DUNCAN of Presque Isle, DUNLAP of Old Town, DUPLESSIE of Westbrook, DUPREY of Hampden, ESTES of Kittery, ETNIER of Harpswell, FISHER of Brewer, FOSTER of Gray, FULLER of Manchester, GAGNE of Buckfield, GERZOFISKY of Brunswick, GLYNN of South Portland, GOODWIN of Pembroke, GOOLEY of Farmington, GREEN of Monmouth, HALL of Bristol, HASKELL of Milford, HATCH of Skowhegan, HAWES of Standish, HEIDRICH of Oxford, HONEY of Boothbay, HUTTON of Bowdoinham, JACOBS of Turner, JODREY of Bethel, JONES of Greenville, KANE of Saco, KASPRZAK of Newport, KOFFMAN of Bar Harbor, LABRECQUE of Gorham, LANDRY of Patten, LaVERDIERE of Wilton, LAVERRIERE-BOUCHER of Biddeford, LEDWIN of Holden, LEMOINE of Old Orchard Beach, LESSARD of Topsham, LORING of the Penobscot Nation, LOVETT of Scarborough, LUNDEEN of Mars Hill, MacDOUGALL of North Berwick, MADORE of Augusta, MAILHOT of Lewiston, MARLEY of Portland, MARRACHÉ of Waterville, MATTHEWS of Winslow, MAYO of Bath, McDONOUGH of Portland, McGLOCKLIN of Embden, McGOWAN of Pittsfield, McKEE of Wayne, McKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MENDROS of Lewiston, MICHAEL of Auburn, MICHAUD of Fort Kent, MITCHELL of Vassalboro, MORRISON of Baileyville, MURPHY of Berwick, MURPHY of Kennebunk, MUSE of South Portland, MUSE of Fryeburg, NASS of Acton, NORBERT of Portland, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEIL of Saco, PARADIS of Frenchville, PATRICK of Rumford, PEAVEY of Woolwich, PERKINS of Penobscot, PERRY of Bangor, PINEAU of Jay, PINKHAM of Lamoine, POVICH of Ellsworth, QUINT of Portland, RICHARD of Madison, RICHARDSON of Brunswick, RINES of Wiscasset, ROSEN of Bucksport, SAVAGE of Buxton, Speaker SAXL of Portland, SCHNEIDER of Durham, SHERMAN of Hodgdon, SHIELDS of Auburn, SIMPSON of Auburn, SKOGLUND of St. George, SMITH of Van Buren, SNOWE-MELLO of Poland, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STEDMAN of Hartland, SULLIVAN of Biddeford, TARAZEWICH of Waterboro, TESSIER of Fairfield, THOMAS of Orono, TOBIN of Windham, TOBIN of Dexter, TRACY of Rome, TRAHAN of Waldoboro, TREADWELL of Carmel, TUTTLE of Sanford, TWOMEY of Biddeford, USHER of Westbrook, VOLENIK of Brooklin, WATERHOUSE of Bridgton, WATSON of Farmingdale, WESTON of Montville, WHEELER of Bridgewater, WHEELER of Eliot, WINSOR of Norway, YOUNG of Limestone, Senators: President BENNETT of Oxford, BRENNAN of Cumberland, BROMLEY of Cumberland, CARPENTER of York, CATHCART of Penobscot, DAGGETT of Kennebec, DAVIS of Piscataquis, DOUGLASS of Androscoggin, EDMONDS of Cumberland, FERGUSON of Oxford, GAGNON of Kennebec, GOLDTHWAIT of Hancock, KILKELLY of Lincoln, KNEELAND of Aroostook, LaFOUNTAIN of York, LEMONT of York, LONGLEY of Waldo, MARTIN of Aroostook, McALEVEY of York, President Pro Tem MICHAUD of Penobscot, MILLS of Somerset, MITCHELL of Penobscot, NUTTING of Androscoggin, O'GARA of Cumberland, PENDLETON of Cumberland, RAND of Cumberland, ROTUNDO of Androscoggin, SAVAGE of Knox, SAWYER of Penobscot, SHOREY of Washington, SMALL of Sagadahoc, TREAT of Kennebec, TURNER of Cumberland, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot)

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO
 ADOPT PATRIOTS' DAY AS A HOLIDAY THROUGHOUT THE
 UNITED STATES OF AMERICA**

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, Patriots' Day commemorates the American Revolution and the legendary battles at Lexington and Concord in 1775; and

WHEREAS, these historic events led to the colonies' independence from Great Britain and subsequently to the formation of the United States of America; and

WHEREAS, great patriotism was demonstrated by Americans after the terrorist attacks in New York City, Washington, D.C. and Pennsylvania on September 11, 2001; and

WHEREAS, Patriots' Day, a holiday in reverence of our unity as a nation, is celebrated only in Maine and Massachusetts; now, therefore, be it

RESOLVED: That We, your Memorialists, urge the Congress of the United States to encourage all of the United States of America to observe Patriots' Day on April 15, 2002 in remembrance of the founding of this nation and the patriotism shown by Americans after September 11, 2001; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, and to the President of the United States Senate, the Speaker of the House of Representatives of the United States and each Member of the Maine Congressional Delegation.

READ.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. I wish I had the idea to put forward this resolution. This came to me from a second and third grade class in Raymond at the Raymond Elementary School. Many of us had shed tears over what happened on 9-11, not only in this chamber, in this state, but in this country. What was most gratifying is to see the country unite. These second and third graders took it upon themselves to realize that we were all patriots. We didn't let our differences stand in the way when it came to an attack on this country. They felt that the whole country should celebrate Patriots Day. I thought it was a good idea and I noticed that all of you in this body thought it was a good idea and I really appreciate that. This will send a message to the entire country that we still remain united. This country is great because we honor our differences. We can disagree, but when it comes time to attacking the United States we will all stand together. Thank you.

ADOPTED.

Sent for concurrence.

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 45)

ORDERED, that Representative Peter D. Chase of Levant be excused Monday, March 18th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Susan M. Hawes of Standish be excused Tuesday, March 12th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas J. Kane of Saco be excused Friday, March 15th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Theodore Koffman of Bar Harbor be excused Friday, March 15th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Janice E. Labrecque of Gorham be excused Monday, March 18th for health reasons.

AND BE IT FURTHER ORDERED, that Representative David G. Lemoine of Old Orchard Beach be excused Friday, March 15th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Glenys P. Lovett of Scarborough be excused Monday, March 4th and Tuesday, March 5th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Arthur F. Mayo III of Bath be excused Friday, March 15th for legislative business.

AND BE IT FURTHER ORDERED, that Representative John R. Morrison of Baileyville be excused Thursday, March 14th for health reasons.

AND BE IT FURTHER ORDERED, that Representative William J. Schneider of Durham be excused Monday, March 18th for health reasons.

AND BE IT FURTHER ORDERED, that Representative James H. Tobin, Jr. of Dexter be excused Monday, March 18th for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Valley High School "Cavaliers" Boys Basketball Team: Brian Andre, Chris Atwood, Mark Gaudet, Nate Gilbert, Jason Hartwell, Luke Hartwell, Tony Hibbard, Johnny Marsh, Lucas Melcher, Kevin Miller, Nate Poulin and Kirk Robinson; Coach Dwight Littlefield; assistant coaches Luke Robinson and Paul Belanger; and managers Chuck Mathieu and Allen Small, who have won the State Class D Basketball Championship for the 5th consecutive year. We send our congratulations to the team on this accomplishment;

(HLS 1026)

Presented by Representative McGLOCKLIN of Embden.

Cosponsored by Senator MILLS of Somerset.

On **OBJECTION** of Representative McGLOCKLIN of Embden, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative McGlocklin.

Representative MCGLOCKLIN: Mr. Speaker, Men and Women of the House. It is truly a pleasure to rise this morning in honor of an excellent group of young men. The Bingham Valley Cavaliers Boys Basketball Team are here today along with their coach and managers. They are the winners of this years State Class D Basketball Championship. This isn't the first time. They have been here before because they just keep winning. In fact, this is the fifth year in a row that they have laid claim to the title. It is an achievement that has not been seen since 1974, 28 years ago. This year their final challenge was a match against Bangor Christian Community High, although it was close, even my good friend, the Representative from Bangor, Representative Blanchette, would, or at least should, concede that the Cavaliers are just too darn good to beat. I am very proud of these young men and although five of the current 12 will be graduating this year, I have no doubt that the very qualities that have helped them achieve this extraordinary accomplishment will serve them well throughout their lives. As for the remaining seven, I am willing to bet that they will be back here again. Congratulations,

again, to the Valley Cavaliers boys as well as their coaches and managers for their victory. Thank you.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to concur with the good Representative from Embden that these young men were just too darn good to beat. Penobscot Christian gave it a good try and they will be back and so will we. We will be standing up here asking the good Representative to acknowledge our superior playing talents. Thank you.

PASSED and sent for concurrence.

Recognizing:

the members of the Mt. Ararat High School "Eagles" Girls Soccer Team, of Topsham, who won the Class A State Girls Soccer Championship. The team also won the Eastern Maine Class A Girls Soccer Championship. We extend our congratulations to the team for these accomplishments;

(HLS 1035)

Presented by Representative LESSARD of Topsham.

Cosponsored by Senator SMALL of Sagadahoc, Representative HUTTON of Bowdoinham, Representative ETNIER of Harpswell.

On **OBJECTION** of Representative LESSARD of Topsham, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Sam Chard, coach of the Mt. Ararat High School Girls Soccer Team, who has been chosen as Coach of the Year by the National Soccer Coaches Association of America. He was also chosen as the Maine Large School choice for Region I Coach of the Year. We extend our congratulations to Coach Chard on these achievements;

(HLS 1036)

Presented by Representative LESSARD of Topsham.

Cosponsored by Senator SMALL of Sagadahoc, Representative HUTTON of Bowdoinham, Representative ETNIER of Harpswell.

On **OBJECTION** of Representative LESSARD of Topsham, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Men and Women of the House. It is my pleasure to congratulate the Mt. Ararat Class A high school girl's soccer team who won both the Eastern Maine and the state girls soccer championship for the year 2001. Mt. Ararat High School is in School Administrative District 75 which encompasses Bowdoin, Bowdoinham, Topsham and Harpswell.

What an outstanding season these young ladies had. They never gave up. When the chips were down, someone on the team came through. This was truly a team effort. This team displayed a high level of sportsmanship that can be the example for all team sports. These young ladies provided the fans with outstanding performances that brought them to their feet.

Thank you, girls, for all your hard work and your dedication to the sport that you love. You have made the entire School District 75 very proud of you.

We also congratulate the girls' coach, Sam Chard, who guided the Mt. Ararat Eagle girls to a State Class A Championship for the year 2001. The Mt. Ararat girls went 18 wins, one tie and no losses overall for the year. He has been selected by two associations, the National Soccer Coaches

Association of America and Maine Large School Choice Region I, for Coach of the Year. To be honored by his peer groups is certainly indicative of a coach that is dedicated and committed to excellence. You have made the entire school district very proud of you.

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

Representative **HUTTON**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to rise in concurrence with the good Representative from Topsham in congratulating the girl's soccer team on doing an excellent job. They had a wonderful season. Go girls and to congratulate their coach for all of his awards. It is an amazing feat and they did a great job.

PASSED and sent for concurrence.

Recognizing:

the members of the Mt. Ararat High School "Eagles" Boys Soccer Team, of Topsham, who won the Eastern Maine Class A Boys Soccer Championship. We extend our congratulations to the team for this accomplishment;

(HLS 1037)

Presented by Representative LESSARD of Topsham.

Cosponsored by Senator SMALL of Sagadahoc, Representative HUTTON of Bowdoinham, Representative ETNIER of Harpswell.

On **OBJECTION** of Representative LESSARD of Topsham, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Rick Renaud, coach of the Mt. Ararat High School Boys Soccer Team, who has been chosen as Coach of the Year by the National Soccer Coaches Association of America. He was also chosen as the Maine Large School choice for Region I Coach of the Year. We extend our congratulations to Coach Renaud on these achievements;

(HLS 1038)

Presented by Representative LESSARD of Topsham.

Cosponsored by Senator SMALL of Sagadahoc, Representative HUTTON of Bowdoinham, Representative ETNIER of Harpswell.

On **OBJECTION** of Representative LESSARD of Topsham, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Men and Women of the House. It is my pleasure to congratulate the Mt. Ararat Class A High School Boys Soccer Team who won the eastern Maine Championship for the year 2001.

With dedication and determination they ran up a record of 17 wins, one tie and one loss and scored a whopping 121 goals for the year. A record in anyone's book.

These young men have been playing together since all through grammar school. Their loyalty to each other and the team has been enhanced as their progress in years together and understand the value of friendship.

The community will always remember the excitement and joy whenever they played. We want to thank you boys for all the hard work and your dedication to the sport that you love. You have made the entire school district very proud of you. By the way, my grandson, Christopher Lyons, is a member of this team.

We also congratulate the boys' coach, Rick Renaud, who guided the Mt. Ararat Eagles boys to the Class A High School Eastern Maine Championship. He also was selected by two

associations, the National Soccer Coaches Association of America and Maine Large School Choice Region I, for Coach of the Year. Thank you, Coach Renaud, you have made the entire school district very proud of you.

The **SPEAKER**: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Mr. Speaker, Ladies and Gentlemen of the House. Mt. Ararat had a great year. It was just perfect. I congratulate the boy's team on winning their championship and their coach for doing an excellent job and for his accomplishments with the team. There is another group that I wanted to thank. One of the things that we have in SAD 75 is the Topsham Rec Board, which in its endeavors has our kids going out at the age of 5 and starting to play soccer with each other. It is just a wonderful program. I know that many of these kids came from that program and they have been playing together since they were five years old. Again, I extend my congratulations to them and Go boys!

PASSED and sent for concurrence.

In Memory of:

Chief Clayton "Skip" I. Baker, Jr., of Topsham, beloved husband and father. He served in the United States Navy during the Vietnam War. He was captain at the Brunswick Fire Department from 1975 to 1987 while also acting as the volunteer fire chief for Cundy's Harbor Volunteer Fire Department. He was appointed fire chief of Topsham Fire Department in 1985. He was a member, board member and past president of numerous firefighter organizations and a 32nd-degree member of the United Lodge 8, F&AM, a member of the 3rd Maine Civil War Re-enactment Regiment and the Tin Can Sailor's Association. He enjoyed fly fishing, hunting, spending time with his family and especially attending his children's sporting events. He will be missed by his family, colleagues and many friends;

(HLS 1039)

Presented by Representative LESSARD of Topsham. Cosponsored by Senator SMALL of Sagadahoc, Representative HUTTON of Bowdoinham, Representative ETNIER of Harpswell.

On **OBJECTION** of Representative LESSARD of Topsham, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Men and Women of the House. Fire Chief Clayton "Skip" Baker passed away on December 4, 2001, after a long battle with cancer. He was 54 years old. I knew him from the time he was appointed Topsham's fire chief in 1985. Through these years in service to the community, he was regarded as a firefighter homeowners wanted to respond if they ever experienced a fire at their home. He was that well respected in his profession. He was the guiding force for a well trained, dedicated fire department.

Skip was a caring family man. He encouraged his wife, Linda, an English teacher at Mt. Ararat High School, to continue the vigorous process for certification by the National Board for Professional Teaching Standards. She did attain that goal and joins 18 other Maine teachers in a select group who have been certified. His son, David, is a resident of Harpswell. His only daughter, Courtney, was recently married and resides in Topsham.

His son, Christopher, is following in his father's footsteps and is a full time fireman in the City of Portland. His younger son, Cody, is a senior at Mt. Ararat High School and is a member of the championship soccer team, which this House just recognized.

Here is another example of Skip's devotion to his family. Although confined to his sick bed, medical personnel assisted him in order to be present for Cody's championship game. This man was truly an inspiration for the Mt. Ararat High School Soccer Team.

My grandson, Christopher Lyons, also a member of the soccer team and a close buddy of Cody Baker, was almost a full-time member of the Baker family. He was part of the loss, Christopher wrote this poem, which was read at school. It is entitled, End of the Game. "We are all put on this planet for a reason. Just some are better than others. When the end of game comes, it feels like everything is over. I knew a man. A great man at that. He was always there for me and I grew close to him. Three years ago, an awful sickness came. I don't know how to deal with it, or what to expect. This was a great man. Nothing on this Earth could get in his way. He had the heart of lion and the pride of an eagle. I loved this man. He was put on this Earth to create an impact on everyone, and that's what he did. He was a great man. The three years expired. Sadness has now set in. He was close to many people, but I have been fortunate to know him well. He was a great man and now he has left our planet. He has gone to a better place now, somewhere where he won't suffer. It is now the end of the game. It is time to remember, and now we must move on. He was a great man. In remembrance of Clayton Baker. You will be missed."

Thank you Mr. Speaker.

ADOPTED and sent for concurrence.

In Memory of:

Yvette M. "Gerine" Farris, of Pinkham's Cove in Belgrade. Mrs. Farris was a recipient of the Jefferson Award for her public service, the Elks Distinguished Citizenship Award, the Belgrade Parks and Recreation Committee's Outstanding Citizens Award and was honored by Belgrade Fire and Rescue for her dedicated support. She was a communicant of St. Augustine Catholic Church of Augusta and a member of the Augusta Lodge of Benevolent and Protective Order of Elks and numerous other community-based organizations in Kennebec County. She was also well-known for her work at the local food bank and for her involvement with holiday gift giving for the needy. Additionally she was a very generous benefactor to the Belgrade Area Girl Scouts. Mrs. Farris will be greatly missed by her loving family and many friends;

(HLS 1027)

Presented by Representative TRACY of Rome. Cosponsored by Representative FULLER of Manchester, Senator GAGNON of Kennebec.

On **OBJECTION** of Representative LESSARD of Topsham, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **TRACY**: Mr. Speaker, Men and Women of the House. I take great pride in standing here today and honoring my great aunt, Yvette M. "Gerine" Farris, known to me as ma taunte. Gerine died February 13, 2002 at the Maine Medical Center in Portland at the young age of 76. She was born in Augusta, June 21, 1925, where she resided until moving to Belgrade in 1967. She was the daughter of Philip Dostie and Alphonsine Pepin Dostie. Gerine was a communicant of St. Augustine Catholic Church in Augusta. She had a servant's heart and was very involved in her community. She worked at her local food bank and was involved in holiday gift giving for the needy. She continued this work throughout the year in helping

senior citizens and especially the children in her community. Gerine was a very generous benefactor the Belgrade area Girl Scouts. She was a member of the Augusta Lodge of Benevolent and Protective Order of the Elks and numerous other community-based organizations in Kennebec County.

Gerine was a recipient of the Jefferson Award for public service, in which the Maine House of Representatives honored her at that time, the Elks Distinguished Citizens Award, Belgrade Parks and Recreation Committee's Outstanding Citizen Award, and in 1995, was honored by the Belgrade Fire and Rescue for her dedicated support. She was always only a telephone call away.

Gerine was predeceased in death by her husband, Fred A. Farris; her parents, her husband Michael; and several of her 18 siblings. Ladies and gentlemen, can you imagine 18 siblings and mother and father all trying to sit down at the table at the same time? Survivors include a son, Wayne A. Farris and his wife, Kathy, of Santa Barbara, California; a daughter, Anna May Pooler and her husband, Gerry, of Belgrade; her grandchildren, Jennifer Birch and husband, Ron, Jessica Pooler, Michelle Kew and husband, Tony, and Michelle Hunt; four great grandchildren, Pandora Kew, Nora, Ayden and Pyper Birch; a sister, Marie Rose Poulin and husband, Ben; two brother, Pamphile Dostie and his wife, Cronie, and Avit Dostie, including her long-time friend, Lou Genest.

I would like to read to you about Gerine by Tammy Beaulieu McLaughlin who lives in Sidney Maine. This is what she had to say about Gerine Farris. "Many people knew Gerine in countless different ways. Some knew her as friend, others as mother, ma taunte, Mrs. Ferris, memere, but most of all us knew her a lady who never took no for an answer. She was a very wise and colorful woman who touched the lives of everyone she met.

When I began thinking about what I might say about Gerine, I wondered what she might have wanted to be said at her funeral. All I could imagine was Gerine looking at me like I shouldn't even question it and telling me that there wasn't a need to say anything at all. She embodied the essence of selflessness. Most of us give to charities, but few of us give of ourselves the way that Gerine did. After all she spent the better part of her life on the endless bottle drive. She made sure that disadvantaged people had everything they needed to prepare a long holiday meal and that the needy children received Christmas presents. If she heard about a family losing everything in a house fire, she started collecting everything she could from beds to dishes for a family she might have never met. She held potluck suppers to raise money for those who needed it and was always willing to help someone in hardship, be it with clothes for Belgrade school kids who were not properly dressed for winter or heating fuel for the elderly. If you were willing to help yourself, Gerine was willing to help you.

She certainly had an opinion about everything, and she's tell you what it was whether you agreed with her or not. When I was growing up, I began to think that it was normal to go to the Governor's Office and tell him what he should be doing, since Gerine often talked about how she did. However, as opinionated as she was, she was equally fair. Gerine strived to make sure that everyone around her was treated equally. It didn't matter to her what you wore, how educated you were or how much money you had. Everyone was treated fairly because she couldn't do it any other way.

Those who only scratched the surface of knowing Gerine Farris missed so much. Her kind spirit was a positive influence on all of those around her, unless of course you were her card or Loc partner and you just made a bad move. In that case, she probably had some choice words for you followed by a quick wink

and a smile. Her kindness brought her many awards and notoriety, but the recognition was not the reason for her caring ways. She truly enjoyed helping others.

She was a woman that had no time for formalities, but all the time in the world to give to those in need and to spend with those she loved. She approached life simply and set a great example for all of us to follow – take from this world only what you need and give to others who are not as fortunate. Gerine Farris was a truly amazing woman who will be greatly missed. Thank you very much ladies and gentlemen.

Moment of Silence in honor of Yvette M. "Gerine" Farris

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. I am sorry that I didn't make it before the prayer. I always knew her as Gerine Dostie. She was a friend of mine. For the record, I want to tell you something. She knew how to get the vote out, whether you were a Republican or a Democrat, if she believed in what you said, she was there to get the vote out. She made people aware of how important and what a right it is to cast their ballot. She was so instrumental in Augusta in electing so many people. One of them happened to be me when I was in Augusta and running my first time for the school board. She said that we are going to get you elected. She worked so hard and I have always been very, very friendly with Gerine. Believe me, she was quite a remarkable lady. I just wanted to be on record as saying that. Thank you.

ADOPTED and sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-965)** on Bill "An Act to Eliminate Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care" (H.P. 1462) (L.D. 1959)

Signed:

Senators:

LaFOUNTAIN of York
SMALL of Sagadahoc

Representatives:

MICHAEL of Auburn
YOUNG of Limestone
MAYO of Bath
SULLIVAN of Biddeford
GLYNN of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-966)** on same Bill.

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland
SMITH of Van Buren
O'NEIL of Saco
CANAVAN of Waterville
NORBERT of Portland

READ.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

(H.P. 1436) (L.D. 1933)
(C. "A" H-910)

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

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

CONSENT CALENDAR

First Day

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

(H.P. 1523) (L.D. 2027) Bill "An Act Regarding Child Care Facility Laws" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-972)**

On motion of Representative KANE of Saco, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 750: Standardized Health Plans, Part II HMO Guidelines, a Major Substantive Rule of the Department of Professional and Financial Regulation

(H.P. 1635) (L.D. 2138)

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

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

ENACTORS

Emergency Measure

An Act to Amend the Tax Laws

(S.P. 669) (L.D. 1873)

(C. "A" S-444)

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. 109 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Transfer Responsibility for Determining Eligibility for the Elderly Low-cost Drug Program from the Department of Administrative and Financial Services to the Department of Human Services

(H.P. 1522) (L.D. 2026)

(C. "A" H-911)

An Act to Control Internet "Spam"

(H.P. 1538) (L.D. 2041)

(C. "A" H-906)

An Act to Authorize the Transfer of Development Rights

(H.P. 1546) (L.D. 2049)

(C. "A" H-912)

An Act to Require Logging Contractors to Notify Landowners and Employees of the Cancellation of Workers' Compensation Insurance Coverage

(H.P. 1572) (L.D. 2077)

(C. "A" H-907)

An Act Concerning the Disposal and Storage of Cremains

(H.P. 1580) (L.D. 2089)

(C. "A" H-908)

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.

Emergency Measure

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2003

(H.P. 1526) (L.D. 2030)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, to Establish a Demonstration Project to Review Requirements Imposed on Agencies Contracting with the Department of Behavioral and Developmental Services

(H.P. 1450) (L.D. 1947)

(C. "A" H-909)

Resolve, to Study the Design and Funding of a Household Hazardous Waste and Universal Waste Collection Program

(H.P. 1473) (L.D. 1974)

(C. "A" H-913)

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

Emergency Measure

An Act to Amend the Charter of the Corinna Water District to Allow for the Appointment of Trustees

(S.P. 800) (L.D. 2159)

(C. "A" S-474)

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. 114 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care

An Act to Amend Certain Laws Administered by the Department of Environmental Protection

(S.P. 723) (L.D. 1964)
(C. "A" S-475)

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

On motion of Representative COWGER of Hallowell, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-975)** on Bill "An Act Regarding the Repatriation of Native American Remains"

(H.P. 1443) (L.D. 1940)

Signed:

Senators:

RAND of Cumberland
FERGUSON of Oxford
McALEVEY of York

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta
WATERHOUSE of Bridgton
MENDROS of Lewiston

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

Signed:

Representative:

SHERMAN of Hodgdon

READ.

On motion of Representative LaVERDIERE of Wilton, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-975)** was **READ** by the Clerk and **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-975)** and sent for concurrence.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-968)** - Minority (1) **Ought Not to Pass** - Committee on **APPROPRIATIONS AND**

FINANCIAL AFFAIRS on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

(H.P. 1574) (L.D. 2080)

TABLED - March 21, 2002 (Till Later Today) by Representative BERRY of Livermore.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (H-968).

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. You have before you the work of the Appropriations Committee, the Majority 12 to 1 Report that reflects our committee's consideration of the Governor's supplemental budget through the 2002-2003 biennial budget. The process has been a public process. It has been a process that is considered the work of the committees, once again. It doesn't do everything that everybody wants. I understand that. When we started this session we were looking at a \$250 million shortfall and we were fortunate to have some upward re-projections of \$90 million. In the middle of February we had a changed package from the Governor, which reflected the changes in the \$90 million. We were able to restore the cuts to the DHS programs, the services to our constituents, the BDS Programs, the Mental Health, Mental Retardation Programs, the services to our constituents throughout the State of Maine. We were able to restore most of the Fund for a Healthy Maine, the programs that have been funded through the tobacco settlement money, which is its own source of revenue. We were able to restore those 4 percent cuts to those programs. We were able to keep most of that money within that program. We were required to take some out to close this budget package.

This budget, mostly, is restorations of the biennial budget that we closed just a few months ago. This budget, Committee Amendment "A" restores domestic violence, the initiative we started in the previous session. It totally restores that. Education funding, we adopted the Education Committee's, their most favored plans. I know there were more people that voted against it. We adopted Plan 7 with an additional \$2 million to go under the program costs. The state agency clients were looking at \$9.2 million that was going to be passed on directly to our communities. That is restored in this budget. We do not restore everything in the budget. We can't restore anything with a \$160 million shortfall, not to mention the tax conformity too that we were surprised with in March, early this month, which required us to address another cost. The curtailments across state government agencies that will have to deal with reductions to their admin lines and that also was passed on to some of our private providers. For the most part, programs were protected that served our citizens. Some of the initiatives are also from previous Legislators, the revenue sharing, the increase from 5.1 to 5.2. We started in May and I know that some would like to have it sooner, but looking at it, we only have so much money and it can only go so far.

This is my fourth term in the Legislature, and my third term on the Appropriations Committee. We have taken on some major investments in this state. We have done some major capital improvements. If we had not taken those on when we did, I think it would be impossible to start them now. I think we have made some good decisions in the past. Some of the decisions, I am sure that by looking at some of the amendments that are coming along, we will be criticized for some of the things that we didn't

touch. To me, a part of this budget process has been agreements with other parties, with other bodies, with other branches of the Legislature. I think to myself, when we have made an agreement that we will honor that in the future. Obviously when we have the huge shortfalls, we have to reconsider those priorities. I think with the restorations that we were able to make, I think we have a real decent package here. I think we have eliminated much of the pain that some of our most vulnerable citizens, that is a common term used here, but we heard in the Appropriations Committee from people that use the social clubs and sometimes we see the term social clubs out there, but we don't necessarily know what these little programs do, but they touch the lives of some people that need that contact so they can survive in society. Sometimes they just need to be able to check into somebody and just have some even contact. That is just an example of the importance of restoring the cuts.

I already mentioned, I think I already mentioned, the tax conformity I and II. We have funded the first part of the tax conformity I. We adopted what the Governor recommend in his first supplemental budget, his recommendations there. The tax conformity II came along and looking at that, personally, I was upset the way that came to us in the last moments of our budget negotiations from Washington. I think with the information that we got and having little options without a paperwork nightmare for many years ahead to our small businessmen. I think it is the right thing to adopt that tax conformity.

I will try not to go on too long. I know global warming is an issue and I will try not to drag this out. One of the concerns for the next Legislature is there will be a structural gap, a large structural gap. The Rainy Day Fund is reducing and I know there are amendments that suggest using the Rainy Day Fund. I want to suggest now that the Rainy Day Fund, with the budget, is committed to cover tax conformity. There is a portion of the Rainy Day Fund that is committed to fund the settlement with the Baxter School that we set aside in the previous session.

I am sure our caucuses have been pretty thorough with the issues. I hope that you will support the process that we went through on the Appropriations Committee to, again, get to, although it wasn't unanimous, a 12 to 1 report, out of Appropriations. I am pretty proud of that. It shows that we are able to work together and try to do the best we can to come up with the best budget that will serve the people of Maine. Again, I am proud of the work that the members of the committee, I think they have shown some great leadership. I commend them for their hard work. I ask you to support this amendment and I ask when the vote is taken, it be taken by the yeas and nays.

Representative BERRY of Livermore **REQUESTED** a roll call on **ADOPTION of Committee Amendment "A" (H-968)**.

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. I think it is appropriate that begin the discussion of this supplemental budget to thank the House Chair, the members of the majority party on the Appropriations Committee and the minority members and recognize the work they have done in creating this. It is also important to recognize that this is a supplemental budget. Last year we passed the biennial budget. This is to account for changes in financial needs, changes in the economic situation. This year they have been significant. We started out this process with a significant shortage of money projected last November, projected shortfall of almost \$250 million. The Chief Executive provided us with a plan. We have considered the plan and made some changes and as

Representative Berry suggested, I think we have a good proposal in front of us today.

I would like to just focus on the tax side of this thing, because I think it is significant. It is significant for me. I am in my eighth year here and what we have done and what we have in front of you this time is the most significant tax reduction package that I have ever seen. Some of it was our own doing and our own ideas. I say our own, I mean collectively, all of us, things we passed a couple of years ago and are now going to take affect. Some of these things were forced on us by the federal government. By enlarge, they are pretty good ideas. We have had some heated discussions about the estate tax, but inherent in some of these reductions are the ability for our citizens to improve the retirement savings, the ability of our citizens to pay for child care through tax deductions, the ability of our citizens to pay off their educational loans. These are all important tax policy measures included in this budget.

Nobody got everything they wanted in this proposal. We had to concede on some issues where there was just not enough money. By enlarge, this is the most significant tax reduction piece that I have seen in a long time. It is not going to be an automatic drop in the revenue for the state. This is going to happen over time. This is basically going to account for the situation where people through inflation are earning more, through their own hard work are earning more money and because of our progressive tax system, the State of Maine and the federal government, but the State of Maine collects an ever increasing percentage of that growth from these same people. These things, which we have talked about today, including indexing, will begin to mitigate that situation. I think that is more than fair for our citizens. Inflation and hard work ought not to necessarily get you a reduced income, certainly a percentage reduced income. They ought to net our citizens a better standard of living and more personal income. This package will do that over time, slowly. I think that is good tax policy. I would urge that you support Committee Amendment "A" and vote for this proposal. Thank you Mr. Speaker.

Representative BERRY of Livermore **PRESENTED House Amendment "K" (H-986) to Committee Amendment "A" (H-968)**, which was **READ** by the Clerk.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I know that I told my caucus members yesterday that I would not support any amendments, however, I have this truly technical amendment to the budget. The Fiscal Office found a couple of technical errors and this is just to correct that language and to make sure the appropriations are correct. I ask you to support this amendment to the budget.

House Amendment "K" (H-986) to Committee Amendment "A" (H-968) was ADOPTED.

Representative **GOODWIN** of Pembroke **PRESENTED House Amendment "B" (H-977) to Committee Amendment "A" (H-968)**, which was **READ** by the Clerk.

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

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. This amendment transfers \$25 million from the Maine Learning Technology Endowment to the unappropriated surplus of the General Fund. This amendment also instructs the Public Utilities Commission to order the National Exchange Carrier Association to transfer \$7 million by June 30, 2003 from the unexpended balance of the Maine Telecommunications Education Excess Fund to the unappropriated surplus of the General Fund.

This amendment will have no net affect on the General Fund appropriations and revenue and a balanced budget is maintained for the 2002/2003 year. This amendment will increase General Fund appropriations to the Department of Education, general purpose aid for local schools by \$32 million in fiscal year 2002 and 2003. By my calculations, with 200,000 K-12 students, we will see a per pupil increase across the state and every community of approximately \$160 and bringing the total up around \$4976. Of course, that final number would be determined by the Department of Education upon passage of our budget. I say our budget, because it now belongs in this budget and it is for us to prepare a budget and pass it.

Passage of this amendment and final budget will ensure immediate tax relief to our cities and towns. They are now going through the process of town meetings where they are raising money for general aid to education and they need relief. I know and you know that this is one-time money. We do everything in this body one time. Next January we are going to do it again, but it will be another body. What better time than now in a recession to assist our folks back home. Layoffs and shutdowns statewide have caused a shortfall. People on layoffs or people who have lost their jobs do not spend money. They don't have money to spend, so the shortfall has come about. The loss of revenues have been the answer. We have lost the revenues that everyone predicted that we were going to have and laid off workers cannot pay the freight.

We are not tearing apart the work of the Appropriations Committee. We are leaving it intact. We are moving and readjusting. The readjustment of a budget is our prerogative. Mr. Speaker, men and women of the House, I ask for your consideration and vote on House Amendment "B." I thank the Speaker and the body.

Representative BERRY of Livermore moved that **House Amendment "B" (H-977) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

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

Representative BERRY: Mr. Speaker, Men and Women of the House. In my opening remarks I referred to past agreements and past budgets. I understand the Computer Technology Program has been controversial. I would also tell you that it was part of a budget agreement in years past. Being a member of this body and being a member of the Appropriations Committee at the time, I feel obligated to support that bargain, that agreement. This amendment would drain the Technology Fund and take \$7 million from the PUC Fund. It would establish, I believe, an unsustainable plateau in the education formula. You are going to put \$32 million in the GPA. There is no school that is going to take that money and say that we will hope for the best next year. They are going to expect that to be the base. They are going to expect 6 percent on top of that or some percentage. I know there is a great interest to put more into GPA, but I cannot believe, I am surprised, but pleased, that we were able to go as high as we did. We did that at the expense of the reserve and the Rainy Day Fund for possibly we did that by the curtailments to the services or departments throughout the State of Maine. I certainly don't see how \$32 million is a sustainable dollar figure for the future Legislatures. I would ask you to support the Indefinite Postponement and I would request a roll call when the vote is taken.

The same Representative REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "B" (H-977) to Committee Amendment "A" (H-968).

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-977) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 537

YEA - Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Chase, Chick, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duprey, Estes, Etnier, Fisher, Fuller, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Marley, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mitchell, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Thomas, Tobin D, Trahan, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Winsor, Mr. Speaker.

NAY - Andrews, Annis, Bliss, Bowles, Buck, Bunker, Carr, Chizmar, Clark, Dugay, Duplessie, Foster, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Haskell, Kasprzak, MacDougall, McKenney, Mendros, Michael, Morrison, Muse C, Nutting, Pinkham, Stanley, Stedman, Tobin J, Tracy, Treadwell, Tuttle, Waterhouse, Wheeler GJ.

ABSENT - Bagley, Baker, Kane, Landry, Mailhot, Marrache, Matthews, Michaud, Tessier, Young.

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 "B" (H-977) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative CLARK of Millinocket PRESENTED **House Amendment "C" (H-978) to Committee Amendment "A" (H-968)**, which was READ by the Clerk.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. This amendment will increase general fund appropriations to the Department of Education general purpose aid for local schools by \$8,621,909 in fiscal year 2002/2003. To hold harmless local school administrative units at no less funding than they received in fiscal year 2001/2002. This amendment also increases General Fund appropriations to the Adult Education Program by \$1 million in fiscal year 2002/2003. It also directs the transfer of \$16,621,909 from the Maine Learning Technology Endowment to the unappropriated surplus of the General Fund. It also increases the General Fund appropriation to the Department of Inland Fisheries and Wildlife and Hatcheries Operation Program by \$4 million where we need serious restoration of those fish hatcheries. It also increases \$3 million for enforcement by the Inland Fisheries and Wildlife Department for enforcement of snowmobiles, ATVs and watercraft, which we need desperately here in the State of Maine. Like my good seatmate said before, tax relief, that is what I believe the people on the other side of the aisle wants. If we hold these schools harmless and not raise their property tax bills in our communities, then we have tax relief for the people back home in the State of Maine.

I remember sitting in this chamber four years ago when the Chief Executive was up here giving the State of the State

Address saying that he wanted every kid, K-12, physically fit. Two years later he comes out with this laptop proposal and said that he wants money drawn from the laptop proposal for the kids. I cannot support any additional monies for a laptop proposal when one of my school districts back home does not have a physical education teacher to keep those kids physically fit. That was the Chief Executive's promise to the Legislature, to keep them physically fit. Which one is it? Does he want laptops or does he want them physically fit? You can't have both.

I can speak for one part of the state that I live in. Part of my district is losing \$92,500 in GPA. They cannot afford it anymore. I have heard people on both sides of the aisle say, why do we want to send tax dollars to your part of the state that does not want to keep the employment of the kids in that particular municipality. If there is no jobs there, ladies and gentlemen, do you expect to live there? If you lose your job, do you expect to live where you are? You would like to provide some means to put food on the table for your family. If that means to leave your community, then that might have to happen. The only thing I am asking for is to keep the schools held harmless. That is permanent tax relief for everybody in the State of Maine. I hope you support House Amendment "C." Thank you Mr. Speaker.

Representative ETNIER of Harpswell moved that **House Amendment "C" (H-978) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-978) to Committee Amendment "A" (H-968).**

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 Old Town, Representative Dunlap.

Representative **DUNLAP:** Mr. Speaker, Men and Women of the House. I would like to commend Representative Clark from Millinocket for his very cogent explanation of his amendment, especially given the fact that he is stricken with a pretty bad cold right now. I am sure that could not have been easy for him. I would ask members of this body to support the pending motion. As Chair of the Fish and Wildlife Committee, I can speak for the entire committee to say that we have been working extremely hard on funding issues for the department. We are going to have an opportunity as a full body to discuss that later on this session. However, speaking directly to the parts of the amendment that Representative Clark has presented to you, it would call for a substantial amount of revenues being directed to the department for upgrades of the hatchery system. We do have a forthcoming report from the Hatchery Commission that has been working very diligently and we will have a better grip of what their actual fiscal needs are when that report is submitted to the full Legislature. I would fear that putting this type of revenue in now might preempt further additional revenues in the future. Also, in terms of getting additional money for enforcement, there is no question in anyone's mind that the Bureau of the Warden's Service could use some help, but mostly they could use some help in terms of personnel. There are only 95 district wardens. No matter how much money you put into it, they can only work 40 hours a week pursuant to the Garcia Decision. Unless we have ongoing revenues, which would increase the size of the Warden's Service, I don't see how any additional revenues at this time could be helpful to them, not to mention the fact that this is something that has not been presented to our committee and I would urge you to let us do that in a timely manner and support the pending motion. Thank you Mr. Speaker.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Indefinitely Postpone House

Amendment "C" (H-978) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 538

YEA - Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chase, Chick, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mitchell, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Treadwell, Usher, Volenik, Watson, Weston, Winsor, Mr. Speaker.

NAY - Andrews, Annis, Bliss, Buck, Carr, Clark, Duprey, Glynn, Goodwin, Haskell, Kasprzak, Lovett, Marley, Mendros, Michael, Morrison, Muse C, Pinkham, Quint, Sherman, Stanley, Stedman, Tobin J, Tracy, Tuttle, Twomey, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Bagley, Baker, Dugay, Kane, Landry, Mailhot, Marrache, Michaud, Young.

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 "C" (H-978) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative **KASPRZAK** of Newport **PRESENTED House Amendment "F" (H-981) to Committee Amendment "A" (H-968),** which was **READ** by the Clerk.

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

Representative **KASPRZAK:** Mr. Speaker, Men and Women of the House. Yes, I am stuck in gear. Yes, there is one thing that I am most concerned about in this world and one of the things I came to Augusta to see happen, to see changed, and that is how abortion affects our lifestyle in the United States, how millions of unborn children have been sacrificed on the altar of power and money. One thing I see from year to year in the budget is always money for family planning type activities. This bill would simply take the money from these organizations and give it to the schools directly to use in the way that they see fit for education. I would appreciate your vote on this matter. Thank you.

Representative **NASS** of Acton moved that **House Amendment "F" (H-981) to Committee Amendment "A" (H-968) 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 budget, and even the supplemental budget, becomes the focus of a great deal of attention and a great deal of frustration. I don't think that if we are to reach consensus on any kind of a document, especially as difficult as the budget, that we can allow it to become the coat hanger for every frustration out there. Every one of us has issues we would like to hang onto this proposal. Unfortunately I don't think this is the right vehicle. It is a very difficult issue that has been proposed in this amendment. This is not the vehicle to do it. It is going to be difficult enough to

reach consensus or get enough votes to pass this. Thank you Mr. Speaker.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-981) to Committee Amendment "A" (H-968)**.

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I would like to just make one comment on the previous speaker's comment and that is that many of us are greatly frustrated with the whole process. We don't have an opportunity to come to every public hearing to get the ear of those in charge of Appropriations where our money is spent. We can't even get the answer to where some of this money is being spent. This is the only avenue we have. This is the committee of the whole. I am an elected Representative as well as everyone on the Appropriations Committee, as much as I appreciate their hard work. It is a job that I wouldn't want. I just think that this is a good idea and I would appreciate your support on it. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-981) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 539

YEA - Ash, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bowles, Buck, Carr, Chase, Clark, Clough, Crabtree, Cressey, Duncan, Duprey, Foster, Glynn, Goodwin, Haskell, Kasprzak, MacDougall, McKenney, Mendros, Michael, Morrison, Pinkham, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Bagley, Baker, Landry, Mailhot, Marrache, Michaud, Young.

Yes, 114; No, 30; Absent, 7; Excused, 0.

114 having voted in the affirmative and 30 voted in the negative, with 7 being absent, and accordingly **House Amendment "F" (H-981) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED**.

Representative **McKEE** of Wayne **PRESENTED House Amendment "D" (H-979) to Committee Amendment "A" (H-968)**, which was **READ** by the Clerk.

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

Representative **McKEE**: Mr. Speaker, Men and Women of the House. As many of you know, I have had a tough time with the Chief Executive's top down initiative. I don't consider it to be

responsible educational policy, but I also think leaving a mere pittance in the Rainy Day Fund is fiscally irresponsible. The two taken together, I wish to explain and hope that you will agree with me.

I am a strong supporter of this budget. From the very beginning I pleaded that we would work together in a bipartisan way. I like win, win. I don't like win, lose. Both parties represent philosophies and ideas that are important to how we live in this society. We have hurt each other and we have come up with a budget that honors both parties, but among both parties for two years we have had something looming over us that many of us felt we had never had an opportunity to really discuss. There was no public hearing. One hearing in the Education Committee on the recommendations of the task force, which was not reported out of that committee until after it was already folded into the budget. Our public has felt left out of this. Teachers are frustrated and even the Appropriations Committee, I understand, was deeply divided on this as well. Do you know what we would be doing in a committee if this were before us? We would throw it out. We would have called the stakeholders together for sure before however. We would have gotten the public together with the teacher, with parents, with students, with people who knew something about educational policy and how you develop it, how you build a constituency, how you reach out and win them over. Maybe you don't get exactly what you want, but you get what the whole group wants. This budget is a reflection of that

We didn't do it that way. This proposal remains in a state of general non-acceptance. I don't know how many times I have walked these halls and talked with you and you have said to me, nine out of 10 people that I meet on the street are in favor of this. There are people who will say to you, what do they know? They don't really know. We have had a lot of proposals up here, which we thought were pretty good ideas. We got back out in our communities and that general public, John Q Public tells us that they feel that idea stinks. Maybe the public is not on the inside on this issue, but you and I are on the inside of this issue. We know that even here it doesn't have the support. It is a top down initiative. It is bad educational policy.

By taking this money out of the proposal and putting it into the Rainy Day Fund, however, we will leave this proposal foundering. Ten million dollars will be there, which will take it safely though a year of trial and give us an opportunity to see if this works. Some people don't understand when I say that this project represents a monumental cataclysmic shift in the way students learn and in the way teachers teach. The Commissioner of Education said that this changes everything about the way middle schoolers learn. That, to me, is a profound statement. It is one, which I do not believe that schools or teachers or parents or the community are, in fact, ready for. The educational case for laptops has not been made and we know that. We know it is a tool. We say over and over that it is just simply a tool. If we do have an academic deficit in our schools, it is the ability to do critical thinking and reasoning and the ability to analyze. If there are needs in the schools, you and I know what they are. We like one-on-one access too. I like one-on-one access to textbooks. The cost of one book for you or me is more than my entire classroom budget for one year for 85 students. I have a tough time getting that every year because there are many needs that my school has. Lest you think I am a luddite or someone who is completely averse to technology, let me assure you that I am not.

I am a now teacher. I like to think of myself as a now teacher. I embraced reform. I use technology in the classroom and my students embrace technology. More than two-thirds of our students have computers in their homes and Maine is thirteenth in the entire country for access to technology. This proposal is

based on a digital divide. We know that that divide reflects haves and have nots. How do you get to be a have? You get to be a have with a good strong education. That takes a lot of money. The kind of money that rural and poor states don't necessarily have. If this were an idea that would raise academic achievement, don't we think that those states with money would have embraced it long before now?

It is no big deal to be first in a book and to be first in a book of technology certainly is no big deal. The Apple 2E is in the book, the I book. We will also be in the book. It will be obsolete soon, too. Tools come and tools go. The reason it takes a long time for society to change is that there is something instinctive in man that resists change to make sure that when you do make a change that it is something that society wants to do.

Is this what we want? Maybe we aren't Microsoft or Apple. Maybe we don't possess the knowledge that all of those people from the software companies had on the day we had the hearing for the recommendations. We are people who recognize the impact of such a proposal. The promotion of an agenda, we can see that. We know our students. We know our needs. We certainly know the impact of such a huge financial commitment that we will not be able to sustain.

I realize that this is a late day for this speech, but, honestly, neither you nor I have had an opportunity ever to discuss this in any sort of public hearing or to hear the public on it. We are moving into something that has not been tested. We don't have a very good record of that here either in technology and I won't refer specifically to that because it might not be germane. In 1995 we devoted a huge amount of money to a technology initiative. We have squandered money on it. We have wasted millions for seven years. The pilot project failed and we are still pushing schools to do it. Even as I speak today, many, many teachers have absolutely no clue how to use that technology or have any desire to use it in what they do. There is a push of an agenda, which you and I may not even be aware of. We are feeling it in our schools. We are feeling it in our budgets. We are feeling it all over the state where we simply don't have the money to continue as we have been doing in the past.

I support this budget. I like the fact that it is a win, win. There is one piece of it in which we lose and we lose big time. The teachers of this state have been trying to tell us that. The people on the street have been trying to tell us that. If we don't vote for this amendment or other amendments that are similar, we will lose. I would implore you to join me in voting for this amendment, those of you who has spoken to me and those of you who are brave enough to cast this vote today. Thank you.

Representative BRANNIGAN of Portland moved that **House Amendment "D" (H-979) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. Representative McKee has been tenacious and consistent in her opposition to the subject that she has just spoken of. She has been as tenacious as the proponent on the second floor. I admire her for that and I have listened to that and I can understand that she wants an up or down vote on the laptop issue. This is not the place for up and down vote. I am sorry that it hasn't come before this body during this session or the last session, but this is not it.

This budget was put together with six different persons making concessions. One of those was the Executive and it is a delicate balance. To whack away with this piece, it would not be right. It would be debalancing of our agreements. Mr. Speaker, when the vote is taken, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-979) to Committee Amendment "A" (H-968).**

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, Men and Women of the House. I will be supporting this amendment, because, I too share the same concerns as Representative McKee. If this is not the place to take an up and down vote, then I don't know where the other place is. This is the body where we come to do the people's work. This has been a contentious subject from day one. I have to go on record for the people every time I go home and every time I go to the supermarket and every time I go downtown or to a bean supper that stops me and says, what is that Executive doing? What is the Executive thinking about to spend money on those computers when there are so many other needs? This is really a serious issue for those back home who need help. Although the budget is a very good budget, I have to go on record for those people who have stopped me everyday. This is for you Biddeford. This is for the people who have stopped me and said don't support those laptops. We do have them in our school. I am not opposed to this technology, but I think Bill Gates is doing very well. I think Apple Computer is doing very well. This is a subsidy to the computer people, make no bones about it. There were three Representatives who went to that hearing that day in Education that spoke in opposition. There weren't a lot of people in that room other than computer sales people. That is the point that I want to drive home. For you and my constituents who have stopped me, I had to stand up.

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

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. I think most of you know what my position has been on this program, the learning technology. I would contend, as have other previous speakers, that current local needs far outweigh the needs for laptops at this time. For example, implementation of the learning results, which was touted as the best thing that ever happened to education in Maine is now being postponed for lack of resources, but at the same time we can fund laptops. There seems to be some kind of a misconnection on that issue. Some school districts are facing large losses in state support at a time when they are being asked to conform to state mandates. This scheme is no longer learning technology endowment plan, because the commitments made in the contract to spend down the money that was set aside. Anticipated balance in the account will be less than \$300,000 in 2007/2008, if not supported by private contributions. Out of the private contributions there had to be \$15 million in place otherwise the money can be spent down. To me, the Learning Technology Program is like owning a Rolls Royce. It gets 10 miles to a gallon and then having no money left for gas to run it. It looks great in the garage, but doesn't get you anywhere near the grocery store. Let's get back to reality and do what people back home want, which you will know if you ask, and get out of this Rolls Royce mentality and put the money back where it is really needed.

I call this project a scheme because of the way it was put together, because of the way it is now being managed. As you may know, there is an advisory committee that has been assigned to supervise the operations of this program. The advisory committee, in law, says that it will be balanced geographically and be balanced gender wise. There are now nine men and three women on the committee. No committee

member is north of Bar Harbor. They are all from southern Maine and mostly from city programs and businesses that have a high interest in making sure computers are taught in the classroom. I would urge you to support drawing money out of this account and putting it where it is really needed. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. It is probably no surprise either that my position on the laptops hasn't changed a bit to spite the fact that I have had some meetings with the Chief Executive and discussed this in great length. My opposition came not long ago. I believe parts of it were televised. It said that I couldn't support laptops and using that money unless the funds were restored in social service programs. I haven't changed my mind on that and I will give credit to the members of the Appropriations Committee, in particular my former seatmate, the Representative from Livermore, who I think has done a wonderful, wonderful job of putting together a budget that with this one exception, I think is a great budget.

Today I want to pass onto you some comments from some people that I recently met and had as guests here and spend more than a half an hour in the cabinet room with the Chief Executive. I not long after that got letters. This is a sixth grade class at the Monroe Elementary School. I visited their school some time ago and then had them here. We discussed in great length laptops. These are the young people that are going to be moving into the seventh grade next year. I will admit to you that a few of them are looking forward to having these laptops. There were some students like Darcy Lee Nickerson who wrote to me and said, "I just think we can use the laptop money for more important things like books," from the mind of a sixth grader. "Most kids probably think it would be awesome and so do I, but what about the other things we miss out on, like books, schools, roads, nursing homes and everything else." That is from Alexandra Todd, another sixth grader. From Katie Roberts, the question, "On the other hand, why are children starving and teachers being underpaid?" I didn't try to influence these letters. I wasn't there when they wrote them. I will admit to you that of these several letters, two of them are in support of laptops.

The intelligence being shown by these young people and their ability to put it into words truly does express my feelings. I would love to see this state be one of the most leading states in the country in its ability to advance people into the workforce who are the most technologically able. I would love to see us at a point in time in the future when we can bring businesses to this state and say to them we have a great workforce that strains technologically. Perhaps it does begin with the seventh and eighth graders, but I can't do it this year. I am not ready to do it this year.

I had a phone call not long ago from some teachers who are in Waldo County who said to me, we pool our money together and send somebody to Wal-Mart in Rockland when paper is on sale, because we don't have enough paper in our classrooms. What is wrong with this picture? If the kids are asking, where are the books and the teachers are asking about, where is the paper and we are going to provide them with laptops, I am not sure I can go there. I encourage you to vote against Indefinite Postponement and to pass this amendment. Thank you Mr. Speaker.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I would have to certainly agree with the good Representative from Wayne, Representative McKee,

except on one thing that she said about this being the front edge of technology and these computers being obsolete in a few years. In reality, they are already obsolete. They are 500 megahertz speed computers with 15 gig hard drives. We are paying \$1,200 or more dollars for them in some great deal. Anybody who watches TV sees Dell has a commercial for a 1.2 gigahertz speed processor, which is almost three times faster and an 80 gig hard drive, which is more than four times more for \$799 for a laptop. We are buying low-end technology, not high end. I won't reiterate everything that has been said about why this isn't a good idea. I will just tell you that it is not a good deal, even if it were a good idea.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Just to address a few things that have been said, the comment has been made that this was not the place to make this cut. I am convinced that there is no other place to make this cut in order to stop this juggernaut. There has been no opportunity. The worry is that the Chief Executive will not sign this. I can tell you that if the majority of this body, whom I do feel agrees with me, do, in fact, show their support in this way, by the way, this is, I would remind all of us, that it is a compromise. It is saying that you can go ahead and do it. It can be a pilot program. Let's see if it will work.

The good Representative Stedman made a remark about the task force that brought forth their recommendations establishing the commission for oversight. That is one of the most disturbing documents I have ever read. First of all, there is not a K-12 teacher on the commission. The language does say that they may appoint other people and that they would give preference to, but the fact that they don't even say in that document that a K-12 teacher must be on it, shows that it is seriously flawed.

I think by doing this proposal we are in biblical terms, straining at a gnat and swallowing a camel. The minimum teacher's salary in the State of Maine is barely on the books, barely over \$15,000. Most first year teachers do, indeed, start at an average of \$19,000 and that is somewhat better, but that is an average. Some make more and some make less. We are facing a serious shortage of teachers. No, we have exhausted financial capital and human capital for the past two years in pushing ahead something that is, indeed, in my opinion, the camel.

Finally, if we want another win, win, join me in supporting this amendment.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. Since the laptop proposal first came on board. I have been against it. I would be willing to speak at great length for all the reasons that I feel that way, as I did this morning to some unsuspecting young teacher who approached me in the hallway. As much as I am against this, I will be supporting the motion to Indefinitely Postpone. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I have not been involved in the planning or discussions or commissions or groups filing reports on the learning technology initiative, but I have been an observer of it. When the proposal was first brought forward by the Chief Executive in the last legislative term, I was among the first to howl in scorn at the idea. That was something that I sustained for quite a while. However, I have also been directly involved in moving forward state technology in another area, which I am involved in rather deeply, literally moving the state from forms

done in triplicate with carbon paper by hand to computer technology. When I was meeting with a group of people who would be implementing this technology, one of them looked at me in absolute disbelief and said, I don't see how this is going to save us any time or money at all. After all, I have to have three women at that counter anyway. The thought flashed through my mind, which I diplomatically did not give voice to, thinking that if that is how you really feel about it, then perhaps we should get rid of the photocopier, go back to our royal manual typewriters and carbon paper. After all, the people have to be there anyway, they might as well be kept busy.

I have come to reexamine my initial reaction to the laptop proposal and looked at it in a broader context in how we have handled other advances in technology throughout the last hundred years, especially as things have changed and have come to realize that not only is this a proposal of great merit, it is truly a century event. It is not only to keep our budget whole that I would support the pending motion, but it is also in the spirit of shameless support for the learning technology initiative that I will be supporting the pending motion.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. At the risk of prolonging this debate, I just want to say again that this Committee Amendment "A" has been an agreement. It has the agreement of leadership. The laptop initiative, the technology initiative, in this amendment was part of a previous budget agreement. At the time this body was not going to do the computer initiative and we were going to pay cash for the new AMHI complex. In the final budget arrangement, I believe it was a Majority Report, we ended up with the Chief Executive and we have bonded for AMHI and we have the laptop initiative. It was part of an agreement. Some of you would certainly feel that you were part of that deal at that time, probably.

I just want to say that this amendment will not buy a book for a school. It will not improve a teacher's salary. It is going to the Rainy Day Fund. That is not all bad, but I still think as we looked at how we are going to fund DHS services or mental health services or education, general purpose aid for education, how are we going to fund that in the future? Somehow we have to look at trying something else. We have given more and more tax breaks to business. We compete with other states. We compete with the same companies in other states that are operating in our own communities. It is a race to the bottom. We are in a race with many other countries that can underbid us. I think this is not just an educational initiative. It's intent is to provide resources that include this technology in every day experience of a student. That is where they are going to be. I know a certain fire chief of a little town who has some pretty bad habits when it comes to backing up information and adding. Occasionally I have to have someone retrieve it. I think some of these kids will have a chance by using these laptops, they will have a chance to develop the good habits. They won't be bogged down like we are sometimes when we sit in front of a computer and expect it to work out a problem.

I think in the business world it is most important to be number one. The GPA, the tax programs that we have, the rebate programs, the exemptions, there is some formula involved, usually involving income or valuation or a number of students or a number of citizens, in the case of revenue sharing. It is one thing that is going to go to every community regardless. It is not going to matter what their income is. I think it is good to include something like that now and then. The Town of Jay, for example, gets very little from the school funding formula. You don't have to feel sorry for them. I think we need to mix that up. I think we

need to provide some opportunities in the future. I think we need to figure out a way to grow our economy so that we would be able to afford our services that I think are important. I think we need to have a workforce that can do more than just sell each other pizzas in our hometowns.

I hope you will support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Jones.

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House. We certainly have a diverse state. We have diverse ideas on the laptop or the technology initiative. As most of you know, I represent most of Piscataquis County. My county is very supportive of this initiative and has been from the very beginning. We do need to end the digital divide. This has always been supported in our county and I am going to stand behind what my constituents want me to do. More importantly, I guess I would like to use my personal home as an example. My husband and I have a 1995 computer. Everything that we have learned on it, we have learned ourselves. That is in between things. I wish we had one when we were in school, but that was many years ago. However, an astounding figure, 65 percent of all Maine workers already use computers at work. Only 4 percent of students have every day classroom access to those computers. I also take a great deal of thought when I think about an initiative as important as this. When Maine educators and leaders in this state endorse the learning technology initiative, that speaks volumes to me and obviously to Piscataquis County. The good Representative from Madison, Representative Richard, has told us many times that 100 percent of the Maine School Superintendent's Association have supported it. Every superintendent in this state supports this initiative. The Maine Association for Middle Level Education supports this. We need a skilled workforce. We need to improve that and enhance that. The Maine Job Council supports this. I think it is very important that we end that digital divide, whether it be in Oxford County, York County, Piscataquis County or Aroostook County. I will be supporting and will continue to support this initiative. Thank you Mr. Speaker.

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

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. I suppose that I should support this bill today and this budget and this laptop program more so than maybe many of you here. I have two girls that will be in the seventh grade next year. I have a vested interest times two, but I don't. I don't support the laptop program. I have kind of waited all session to say a couple of things. I want to talk for my constituents in the Town of Winslow.

I have had zero calls and inquiries in favor of the laptop program, not one, but I have had many phone calls and letters and e-mail in opposition to the laptop program. There are times down here that I make decisions and I probably have sometimes gone against my constituents. You make those tough decisions. You swear the oath to do your best and that happens. In this case, I will vote for this amendment. I am opposed to the laptop program. I want to say a few reasons why. Although we have heard that the superintendents support this program and some teachers have supported this program, I have heard from a lot of principals, a lot of teachers, a lot of students and a lot of constituents that don't support this program.

When you put a budget together, ladies and gentlemen, I applaud my good friend the chair, Representative Berry, he has worked harder than anyone in this chamber, there is give and take. When you have priorities to meet, there is give and take. The Appropriations Committee has done all it can. I know that,

but I believe that the Governor really hasn't given much into this equation. I guess that is my concern with the compromise is, what has the Chief Executive really given to compromise?

There has been some concern, I think, down here in Augusta that if you are opposed to laptops, then you must be from the Stone Age. You must be anti-education. I have heard all the kinds of private remarks that I don't think have bettered this place, this institution or bettered the dialogue. I think we need to remember and put things into perspective. Here in this Legislature and here in this country we resolve our differences and our issues amongst our citizens and our government in a free flowing exchange of dialog and ideas. We don't do it like China did. We don't do it like repressive regions do. We do it in our Legislatures, our town halls, our seat of government in Washington and we respect differences of opinion. We don't belittle those who have differences.

I want to read a letter to the editor from a teacher about laptops from my *Morning Sentinel*. "Laptops age quickly and will haunt Mainers. As a newcomer to Maine and a teacher, I have avidly followed the drama surrounding Governor Angus King's laptop proposal. He and his supporters enjoy painting their critics as backward minded simpletons. One can only admire, in a perverse way, the Governor's recent outburst of self-promotion in his claims that this proposal in laptops is the greatest thing since Woodstock. I believe that was a quote. I use the internet in my classroom. It is a valuable tool, however, the idea that all middle school students need laptops is the height of folly. When social services are losing funding, what is more in the public interest, providing 13 year olds with soon to be obsolete computers or supporting programs battling family violence? Towns such as Winslow, my community, are hard pressed to pay for renovating school buildings. Why not help the town governments instead of dumping money into glitzy myopic schemes? If ideas such as Governor King's proposal had been popular 20 years ago, our schools would have been riddled with Commodore 64 computers. Fans of the plan may blast their foes as short sided, by cutting benefits and ignoring the plight of governments, will haunt Mainers well after laptops of 2002 become outdated tauter for the scrape heap."

This debate had to happen. I don't know all the reasons behind the fact that it didn't. I think one of the problems inherent in this legislative process is that we don't spend enough time debating and looking at issues thoroughly before we pass them. I know I have passed or voted for legislation that a year or two later, I wish I had had another crack at it. We do things in a short order in the second session. It is an emergency session, but I don't think we take the time to do it right many, many times. That needs to be constitutionally changed, I believe.

Ladies and gentleman, although I will vote in favor of this amendment, I have the greatest respect and admiration for members of the Appropriation Committee on both sides of the aisle. I have the greatest respect for those on the Education Committee that I have differed with on this issue. Ladies and gentlemen, I ran for office from the Town of Winslow. I took an oath to support the Constitution and the people of my town and state. I have a right to differ. I blame the second floor for the kind of subterfuge that has happened around this issue that somehow we have no right to speak out. That is not America. We have every right and obligation to speak out. Today I do so with the utmost respect to the members of the Appropriations Committee.

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. I would be remiss if I didn't say something on this

topic. As the previous speaker was talking, I was reading through a yellow paper on my desk that has the headline, "Seize laptop opportunity." It has many complimentary statements in there by students, but it also contradicts and explains something that was said by the previous speaker. This fund started out with \$50 million and then there was \$3 million in interest that was given up by the people who wanted this fund. Another \$5 million was taken this year. We are now down to \$25 million. Something has been given up and I think that is important for us to understand. Something has been given up.

You have had many papers come across your desks this morning regarding this issue. There is an article in today's *Bangor Daily News*, which is superb. I had a letter from the Winthrop public schools, which has been distributed to you. You also have a letter from a student to Representative Desmond. Those are all worth reading before you make a final decision on whatever it is we are going to vote. I would urge you to vote for the pending motion. Thank you Mr. Speaker.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. I heard a couple of points, probably arguments in favor of the laptops that were the strongest arguments that I can think of against them. I heard the good Representative from Greenville say that 65 percent of Maine workers use computers on their desks. Guess what? They didn't have laptops in school. They learned how to use those computers and they use them. It is a perfect example of why we don't need this.

The second one is even more frightening. It is the picture that is going around from the *Bangor Daily News*. I see these kids with their smiles that are getting these laptops. One in five children are sexually solicited on line. One in five, national statistics, the post offices released the figures. The figures have been released time and again. You look at the five kids you can see on that. We are opening them up to child molesters who want to chat with them, talk with them and go after them. We are taking our middle school kids and putting them at risk. Not a penny of this money is going to get protection for these kids from these child molesters. It is a great idea. Let's get these people out there. If you don't think that there is people looking at the *Bangor Daily News* today and looking at those pictures and saying, all right, this is a good idea, you are living in a dream world. If we really care about kids, let's care about protecting them a little.

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. I feel compelled to say that these computers will have blocks on them so that the students won't be able to get the information that was referred to by the previous speaker.

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

Representative COTE: Mr. Speaker, Ladies and Gentlemen of the House. I wasn't going to get up and speak on this because I feel comfortable with the way the budget has gone. I feel compelled to stand on this. I have been hearing the debates on the laptops. I commend my fellow colleagues of the Appropriations Committee for doing a fine job on this budget. As far as laptops go, my decision hasn't changed either. I am totally against it due to the fact the Apple Computers will be going out pretty soon. They are coming out with newer computers and newer technology. I am highly for the technology. We are going into the 21st Century so I am very supportive of our children furthering their technology learning. There are more important

things that we should be worried about. For one, we have homeless teenagers out there that need the funding. We also need more funding for the seniors and cheaper medical insurances. I would like to see the rest of that money go to that than into laptops.

My son started on computers when he was in the first grade. To this day, he is 15 years old, freshman in high school, that kid knows more about computers today than I ever knew. He taught me how to operate a computer, because I didn't have any knowledge, because I learned the old-fashioned way, typewriter and carbon copy. That is how I learned. I did not learn how to use a computer until my son started learning in the first grade. I have spoken with my son and many of his friends and some of his friends from elementary school who are seventh and eighth graders. I have also spoken to some in my schools. They have urged me to vote against laptops, because they feel that the money should be put to better uses than laptops. Our school system needs to be repaired. Some of our schools are run down. They need the money to repair them, which they don't have. The money is being taken away from them for these laptops. I will be voting for this pending motion and I urge you to follow my light.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinitely Postpone House Amendment "D" (H-979) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 540

YEA - Belanger, Berry RL, Blanchette, Bouffard, Brannigan, Bruno, Bull, Chase, Chick, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gooley, Green, Hall, Heidrich, Honey, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Mayo, McGowan, McKenney, McLaughlin, McNeil, Mitchell, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Perkins, Pineau, Povich, Richard, Richardson, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Treadwell, Weston, Winsor, Mr. Speaker.

NAY - Annis, Ash, Berry DP, Bliss, Bowles, Brooks, Bryant, Buck, Bumps, Bunker, Canavan, Carr, Clark, Crabtree, Cressey, Dugay, Duprey, Foster, Gagne, Gerzofsky, Glynn, Goodwin, Haskell, Hatch, Hawes, Hutton, Jacobs, Kasprzak, Lessard, Lovett, Lundeen, MacDougall, Madore, Marley, Matthews, McDonough, McKee, Mendros, Michael, Morrison, Muse C, Nutting, O'Brien JA, Patrick, Peavey, Pinkham, Quint, Rines, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tobin J, Tracy, Tuttle, Twomey, Usher, Volenik, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Andrews, Bagley, Baker, Landry, Mailhot, Marrache, McGlocklin, Michaud, Perry, Savage, Watson, Young.

Yes, 77; No, 62; Absent, 12; Excused, 0.

77 having voted in the affirmative and 62 voted in the negative, with 12 being absent, and accordingly **House Amendment "D" (H-979) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative SULLIVAN of Biddeford **PRESENTED House Amendment "E" (H-980) to Committee Amendment "A" (H-968)**, which was **READ** by the Clerk.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I feel somewhat guilty because I know I am standing between you and lunch. If you take a look at me, I would consider that a very sacred thing, lunchtime. However, our duties that call us here are also very sacred. I would ask you to

bear with me. First, I would thank the members of Appropriations from both sides. I know certainly one of them will soon stand up from my side and move to Indefinitely Postpone this amendment. I would ask you to bear with me and please hear my reasons and what I want to do.

My amendment is very simple. It deals with big numbers. I don't have a good time balancing little numbers in checkbooks. Mine tries to acknowledge that there are differences of opinions on laptops. Mine tries to acknowledge what I have learned here that no program in state government should go unevaluated as to its efficiency and effectiveness. I take the fourth year of the laptop, which was funded at \$9 million and I move \$5 million of it into the GPA, which raises every single school district up and puts us someplace to start next year at a little higher level. It takes \$4 million and moves it into an external cushion. That is the piece I want to talk about.

I represent Biddeford and all of Kennebunkport. Kennebunkport is part of Kennebunk School District 71. They are a loser. Biddeford is a winner. In my other job, I am a schoolteacher. I teach seventh grade. I need to explain my reasons why I stand here asking you to add cushions. We have heard about agreements. We have heard about promises. There was a promise here made in the '80s by people not sitting in these seats at the time that we would majority fund education. We have never kept that promise. It is not majority funded. Do you know where it goes back to? It goes back to yours and mine property owners. We wonder why people are so angry at education. Ladies and gentlemen, they are not angry at education and the cost of education. They are angry at the way we fund it. They are angry that it is funded through property tax and that is where the raise is. We save money here and we pat ourselves on the back and then we pass on the tax increase to the local level.

Maine learning results, unfunded mandate. If you don't believe me, go back and ask your local school committee what they are putting into teacher development. The law says that 90 percent of the learning results will be tested through local assessment. Ask your teachers what they are trying to do. The very concept of public policy says under Maine learning results, all children can learn.

The federal government has a new slogan, leave no child behind. Goodness, all children can learn, leave no children behind. Our public policy that we would debate here would create a four-year program, no system to decide who is going to fund it in the future and we leave large districts hit for the second time in a row. Not my district, but I promised to do what was best for all of Maine. A child has a right to good education. They are not here. I am willing to bet if you took those pictures of those children in the paper today and you said to those children, you can have laptops or somebody else can have a book. What would you vote for? I would bet my professional life in teaching that the children would say that everybody should have books. Children are more fair than adults. They understand it. They get it. Society needs to develop a sense of inward values. Kids already understand that.

My favorite book to teach, and if you haven't read it or you read it a long time ago, it is a quick read if you don't have to stop and discuss it with kids, is Animal Farm by George Orwell. A group of animals throws out Mr. Jones the farmer and takes over. There are two leaders vying for positions. One is named Snowball. You can imagine with that name, a benevolent leader. The other one is Napoleon. I imagine that is there through no idea that Napoleon might create a certain thing. Napoleon and Snowball comes out with all these rules. The first one is, all animals are created equally. It becomes the real goal of this

rebellion. They go along and all of a sudden Napoleon finally becomes the leader and he moves into the human's house and they begin to sit at the table and they begin to play cards and do all those things that the humans had done. Under the cover of darkness, Napoleon sends one of his charges out. He writes on the big public display board a small clause after all animals are created equally. He writes, but some are more equal than others.

Ladies and gentlemen of the House, those of you who have stuck with me and forgone lunch, I ask you, are some districts more equal than others? Are some children more equal than others? Are some programs more equal than others that they need no review in two or three years by this body and the other body? I hope for all children that your answer will be no. You will adopt this amendment because it does nothing to any of the deals that have been made, not one thing. Conformity is still there to tackle mental health. It simply gives all Maine citizens a chance to move ahead in education this year. It gives the program a chance to be evaluated and funded if it proves its worthiness. I ask you to please support this amendment. Thank you.

Representative ETNIER of Harpswell moved that **House Amendment "E" (H-980) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-980) to Committee Amendment "A" (H-968).**

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

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the amendment that has been offered and against this motion for a variety of reasons. I have to tell you when you look at the amendments that have come before us on our desks, and as I look through them one by one by one, I am absolutely struck by the fact that most of them deal with the funding of general purpose aid to education and the belief by members in this body that the budget has gone wrong in that area. There are a number of things in the budget that I support and I would very much like to vote in support of this budget. However, the general purpose aid to education funding is wrong and it isn't fair. We have balanced the deficit of this state on the backs of the school districts in Maine and that is just simply wrong.

Yesterday I was down at the other end of the hall and I just wanted to share a personal story with you. I was down the other end of the hall and there was a number of legislators standing around. They all had the letter "L" in a sticker on their lapel. I went up to my Senator, a member of the other body, Lynn Bromley, and I asked, what is with all these stickers, these Ls on everyone's lapel. She pointed at the legislators and looked around and said, isn't it obvious? They are all losers. I thought about it for a moment and I looked around. I agreed. I asked her what is with the Ls? She went on to explain that they were all school districts that are losing money. We have on our desks a printout. On the printout, if you take a look, it says that the number of school units that are impacted that are losers in the State of Maine as a result of the budget that we are contemplating adopting are 114 school districts. They are going to lose money. One hundred and sixty-six districts are going to gain money.

Colleagues, there should be no winners and losers in education. That is just not right. If we have a budget deal and there are losers, that is wrong. I am very much in support of this issue because having spent most of my adult life in the

technology field, in concept, I am very much in favor of the laptop initiative and program. However, I have to say that when I look at the funding cut for my district in South Portland of \$1,400,000 that represents a 32 percent cut in one year of South Portland's school funding. I look at the other side of the budget and I see that the Legislature and the Governor's Office is proposing spending this money on laptops to send to our districts, it becomes painfully aware that we are going to technology, we are going to have laptops in our district, but we are not going to have any teachers to teach the students how to use them. There is, and should be, a compromise. That is what a budget is. It is a document of compromise. There has been no compromise on the laptop proposal. I have met with the Governor, as I know many of my colleagues in this body have met with the Governor on this proposal, and we have met with other members and groups within this body and within the other body. There has been no compromise on this issue. There is room for a compromise. I believe that the good Representative from Biddeford, Representative Sullivan, has a very good proposal here. Continue the laptop proposal. Go forward. This funds it the first several years. We will have experience under our belt. There will be a new Legislature come in and take a look at this program and evaluate it with the budget priorities of the state. At the same time, let's take the money that should have been directed to the school districts, every school district in the State of Maine, through a funding of general purpose aid dollars for education and let's take a look at the districts, the losers in this community, those kids that are going to lose and let's try and make their school systems and their school districts whole by filling in that gap. I can't see how this proposal, this compromise proposal, would in any way derail this budget. Again, the budget is a document of compromise and it does represent the best of all worlds, go forward with the laptop proposal, fund it initially, start it going and keep the school districts full. Ladies and gentlemen, please consider and vote for this important amendment. Thank you.

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

Representative MUSE: Mr. Speaker, I would question whether we are working with a quorum.

Representative MUSE of South Portland inquired if a Quorum was present.

The SPEAKER: The Chair would answer that 54 members of the House are present. A quorum is not present. Quorum call.

The Chair would declare a quorum present.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I rise today in very strong support of laptops. I stood very proudly behind Representative Tom Davidson a couple of years ago when he introduced the bill that would create the endowment fund for laptops. I spoke with the Executive and threw my support behind laptops wholeheartedly when people were still scratching their heads not quite sure what they were all about and what it would do. I have often disagreed with members who have said, give me books, not laptops. I still disagree with those members. Now, I believe something far worse has crept into the picture. Now, with the budget in the way it has been presented to us, there are communities who will not only lose books, but they will lose teachers. How is a child going to learn how to use a laptop if they don't have a teacher to teach them how to use the laptop?

I can probably count on less than my hands the number of times that I have agreed with the Representative from Biddeford, but boy am I thrilled to do it today. I think that this amendment is

outstanding. A little over 61 years ago Franklin Roosevelt stood before Congress and he said, "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little." With this budget the way that it is written, when we see that 114 school districts are losing, that is far too much. There are far too many that will have too little.

I hope that I won't have to go home again, I don't even want to say the South Portland word, and tell them this year, I know we got promised last year that we would get more money, but it just didn't show up. I know that just about a month or so ago when the projections were saying that the shortfall was going to be much greater that we were willing to dip into the Rainy Day Fund. We were willing to dip into the laptops and then a little more money showed up and now we back off. We seem to have forgotten when so many of us stood on the stairwell in the start of this session and we pledged that there wouldn't be cuts to education funding.

I simply can't go home with the budget the way that it is written. I have heard members stand up and say that I don't represent only the people in my district, but I represent all of the people of the State of Maine. I said that when I took my oath of office. Before I took my oath of office, I promised the people of South Portland that I would always remember that I am here as their Representative. With that in mind, I will very strongly support the good Representative's amendment and hope that we can defeat the pending motion and move on to pass this amendment. Thank you Mr. Speaker.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I think first of all I want to commend the committee and the leadership of both parties for their addition of GPA into this proposal over the weekend. That was a positive first step. It will help ease, somewhat, the property tax increases that are probably going to happen in every single school district, whether the printout shows you a winner or a loser and actually uses the words, winner or loser.

The problem that we have is we have a defective formula. The formula doesn't work and it gets worse when it is under funded. The only analogy I can think of is a mother cooking dinner for a family of six, but she puts enough food on the table for four. The tiffs and the fights begin and it is unit against unit, region against region. I am really glad to have this amendment finally before us. We talked about it this morning in our caucus. This House Amendment "E," \$5 million GPA. If you go to your last printout and you take a look at the increase that occurred over the weekend, you could probably take five-sevenths of that and if you are in a receiver district, that would tell you the additional GPA money that your district will receive if we pass this amendment. The \$4 million cushion is added to the original cushion that the Chief Executive first proposed back in January.

I had hoped that we would have the budget coming to us this week that made a commitment to additional cushion, but it did not happen. It is real clear. I think everyone understands the source of this \$9 million. It is the fourth year of the computers. Contrary to what the newspapers are still saying, it is now an endowment. The money was not raised on the private side. I think some of the endowment is already getting spent. It is not an endowment. Future Legislatures will have to make a decision on whether they are going to put in monies into that program to keep it going. The source is the fourth year of the computer program.

The pilots will continue. The machines will be distributed to both grade levels statewide. The only change if you accept this amendment, is the Legislature will have to make a decision a

year earlier whether they are going to put in the money. They will have been out in the field. This doesn't affect that. We will have a better idea if they are an effective teaching tool.

Earlier in hall, we had a lot of folks, many of them I recognized their voices, because they have been calling me the last month. I keep at home the printout for all the school districts. When they call and tell me they are involved in the pilot programs or they are a technical advisory, I say, what is your town and what is your school district? They tell me and I say that if you wait a second, I will look it up for you. Under the original budget, I would look and it would say a loss of \$450,000. I would say, let's be very conservative. Your school district is going to lose four to five teachers versus the laptops. You have to make a policy decision. Do you want the laptops delivered? Ironically it would probably be on the same day the machines are delivered as laid off teachers are carrying their personal effects out of the building. In every one of those instances those people who are advocates for this and deeply involved said that they cannot lose my colleagues because I know what the cost would be in my school system.

I would have like to have been able to give you a computer printout today that would show you what these changes would do, the \$5 million GPA, the \$4 million subsidy, but I knew the department couldn't do that in one day. From the number of people that we saw, it appears that their calling tree is much better than the calling tree we have in our school district on snow days. I always arrived at school ready to teach and there was no school. I wish they could transport that to the local school districts.

We heard that more than 100 school units are involved. Some of those school units involve four, five or six towns. I can't tell you how many towns are involved. I can't get that information, but 100 school units, probably 200 or more towns. We are talking about almost 60,000 school children in the State of Maine. The printout actually says on the last page, how many students are gainers or winners and how many are losers? It is 60,000, according to the printout from the Department of Education, and they are losers.

The collective loss is more than \$8.6 million. We can talk here about investing in this and investing in that and patting ourselves on the shoulder. If you pass this budget unamended, you have passed on a cost in loss of subsidy of \$8.6 million. That is your subsidy. That doesn't include a school budget that may have gone up 10, 11, 12 or 13 percent from last year and the loss is connected with that.

This proposal, this amendment, is not a hold harmless. It calls for \$4 million. There still will be losses in those school communities. There still will be pain. There may be layoffs. There definitely will be property tax increases. This is not a hold harmless. What it means on the local level, program cuts at a time that we have mandated learning results and they have to initiate programs to reach those goals, we have declared school units losers and have reduced their money and made it more difficult. If you pass this budget unamended, you had better get used to the word Riff, Riff means layoffs. In every school there is a list called Riff. It lists by department and seniority who are the first to go. You can be sure that teachers are looking at that now. They have seen the printout and they are losers and they are very quickly going to lose their jobs. The property taxes that are coming are very substantial.

I had a friend about an hour ago ask me, how come you are so intense about this? It is personal for you when we talk about GPA and we talk about cushions. I have been here '80 to '88 and went back to teaching. I was in the classroom when the budget crisis hit. I saw the moratoriums on textbooks. I saw the freeze

on hiring. I saw my class numbers climb to 32 or 33 students. I was teaching in a trailer in the parking lot as wide as these three rows and as long without enough chairs and without enough tables. These youngsters packed into that room for an hour. The bell would ring and another 32 would come in. That is why it is very intense. I know if we don't properly fund every child's education, there will be a price that has to be paid.

I agree with those who are opposed to the cushion that there are inequities from region to region. That is one reason that we have pushed more funds to the rural areas in the last two or three years. We agree with that. That is why we voted to do that. I ask you, should it be the state's education policy reflected in this formula that to build up and improve schools in one region, we are going to do it by terminating programs and laying off teachers in another region. As we look toward equity, I think it was Abraham Lincoln that said, "You do not raise one man by tearing down another."

For 14 years I have fought in this House for increased education funding for all Maine students, all Maine school districts. Those of us that are losers in this subsidy are the collateral damage in this budget, over 100 units, more than 60,000 school children. As the good Representative from South Portland had said, many of us had met with the Chief Executive this week looking to find a solution, looking to find a compromise. When that step was taken over the weekend to put the additional GPA in, the next logical step would have been to put the cushion in to try to ease some of that pain and it didn't happen. We offered him an alternative that would have prevented this unit versus unit and region versus region, but that didn't happen and now we are on a path where we have this amendment before us.

As rank and file members of this House, other than a straight up or down vote on the budget, the only method or power that we have to influence a completed budget is through the amendment process. That is our attempt to make a budget whole, to make it right. My hope is that procedurally if we pass this amendment with a strong bipartisan all region vote today, it will send a message to the other inhabitants of this historic building, both on the second floor and at the other end of the hall, that there is one more step that we need to take to make a good budget even better.

I would ask you to vote against the pending motion and then we can go on to accept this amendment. I ask you not to leave 60,000 Maine school children behind.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Ledwin.

Representative LEDWIN: Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to commend the outstanding commitment to education that this budget has made. I think that it shows that we do have a fervent wish to better the younger people of our state. We are all, at all times, concerned with the school funding formula.

I would like to take a minute to explain how this subject is studied by the Education Committee. It is my feeling that we are here for all of the children of Maine. My district has winners and losers with this formula. I feel I am a good spokesperson for the funding formula. Is it a good formula? That is a debatable question and there is not question that changes need to be made, but for now this is what we have to work with. We are a committee of printouts. We have printout after printout after printout.

On your desk you will find, as we call it, a goldenrod colored printout that I would like to draw your attention to. I would like to review with you the first pages of this printout. There have been some mistakes made on this floor by the past couple of speakers as to the number of winners and losers. On the first page you will

find the Governor's proposed budget and then you will find the budget that the Education Committee asked for in Appropriations and we also asked for more if it was available and then you will find the \$730 million budget that is now before us in the budget. That is \$730 million plus dollars. You will also see that there are five quintiles of schools ranked. Those quintiles, this is where the funding formula comes in with the assessment of property and the number of students. Going from the more lucrative communities down to the fifth percentile, which are the less lucrative. You will also see if you kind of peruse across here, that the idea when we started that there were more losses in the second quintile then there are now, but you will also see as you go across here that there is now more money put in the bottom three quintiles, those are your poorer schools in the State of Maine, so that those schools have come up. Yes, we do have losers. We do not have 114 losers as was mentioned. That was in the Governor's proposed budget. If you go all the way over under the proposed plan now, you will see that there are now 99 losers with a total of 58,000 pupils, which is bad. There is no question about it. Nobody wants any losers, but according to the formula that we have now, this is what happens. We also have five with no change and we have 181 gainers, which have gone from 166 in the first proposal to 188.

There is a reason for cushions. Let me add, there is a cushion in this proposal. I think that cushions have been needed. They are needed. The amount is basically what is being debated. All the monies, if you look up in the left hand corner of our goldenrod page, you will also see that with the monies that were added, it has been across the state and across all schools because \$7 million was added for operations and then the state boards and state agencies client program that we had was also added and then the \$2 million more where program costs were added.

There is a need, no question about it, for cushions. As we move towards the essential programs and services, hopefully a smaller cushion will be needed and we can work with the formula that was given to us that has never had the opportunity to work. Thank you.

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

Representative BLISS: Mr. Speaker, Men and Women of the House. Before I talk about what I had planned to talk about, I would like to offer on all our behalf's my apologies to the students who came in a few minutes ago and are looking down from the gallery a large sea of mostly empty chairs. Some of us are off eating lunch.

I am, and have always been, a supporter of the technology fund. I actually hate that it has devolved into something now called the laptop fund. I think there are a lot of districts who can better use their share of the technology money in other ways than providing laptops to their seventh or eighth graders, but be that as it may, it is a laptop fund. I am supportive of it. I have told you before that when I am not here, I actually have another job. I am the director of the career centers at the University of Southern Maine. In that capacity, I talk to a lot of businesses all the time, encouraging them to hire our students. Business leaders tell us almost without exception that they want their new employees to be computer literate. Many of them, frankly, have no idea what they want their employees to do with that computer literacy. They just know that if their employees have it, it is an advantage. That makes it a distinct advantage to our young people to learn as much as they can about computer technology as early as they can. I am extremely supportive of the Executive's proposal to put that technology in the hands of our seventh and eighth graders early on. I think it is a great thing.

I am here representing two communities. I represent part of the tiny community of Cape Elizabeth and part of the much larger community of South Portland. As a result of this budget, as a result of what we apparently are going to vote on today, the Town of Cape Elizabeth tells me that they will be eliminating 10 to 15 teaching positions. The City of South Portland tells me that they will be eliminating between 25 and 35 teaching positions. I am a big supporter of the technology fund, but I ask as you what value a laptop has for a young man or woman stuck in a classroom with 48 to 52 other students because there is not enough teachers to go around? We have to think about what makes sense and how best to teach our young people.

This proposal by the good Representative from Biddeford doesn't eliminate the technology. It just takes the fourth year away. It just says to the Executive, let's take three years of your plan and then let's let the next Legislature see how those three years worked and let them decide what to do next.

As my colleague and good friend from Kennebunk indicated, this is not an endowment. It hasn't been an endowment since the very beginning. We are spending this money. We should let the next Legislature look at how it has been spent and what they want to do with it. In the meantime, we are saving a lot of teaching positions in a lot of districts and we are giving our children the education that they ought to have. I urge you to defeat this motion and give this amendment the opportunity to be voted on. If you don't like what I have to say, if you are absolutely opposed to what I have to say, I ask you to please defeat this motion and give us a chance to vote up or down on this amendment. Thank you very much.

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

Representative COLWELL: Mr. Speaker, Men and Women of the House. I certainly want to rise and support my good friend from South Portland represent his community and his constituencies. That is what we are here for. He does a wonderful job at it, as do the previous speakers. I am not here to talk about laptops at all. I know my good friend from South Portland knows that during the budget negotiations his House leadership was slogging hard and striking hard to try to get the cushion to a reasonable level. I think we do need to remember the debate is about GPA. In this budget resolution that we see before us there is an additional \$12 million to GPA over the Governor's original proposal. That ain't chicken feed, as they say in Gardiner.

I certainly have sympathy for the good Representative from Kennebunk and the Representative from Biddeford about the folks back in Kennebunk. I know they need help, but I just want to point out one fact. I think it is important for the record. I think all of us are here trying to make a better state and the biggest part of our investment, over 55 percent of this budget is for education. We all know that. We all support it. The people of Maine support it. I just want to point out some local figures that show their support. The formula is based on property value being able to be dedicated to each individual student in the particular school district. In Pittsfield, \$189,067 is the amount of property value that can be dedicated to educating a kid in Pittsfield. Their mil rate dedicated to education is \$16.52. In Oak Hill, which is Litchfield, Wales, etc, they have \$195,000 of property value they can dedicate to a kid in their community. Their mil rate for education is \$20.02 for education. Another central Maine community, Fairfield, has \$177,000 of property value to put behind each kid for education. Their mil rate is \$14.53. Although I want to help Kennebunk and I want to help all these other communities and we strove hard to do that in the

budget negotiations, Kennebunk has \$721,181 of property value to be dedicated per pupil for education. They have a mil rate of \$11.26 dedicated to education.

Clearly people in Maine value education. They value it from the southern part of the state to the northern part of the state. I don't disagree with that. We do need to adjust how we do things. Clearly in a state that has local control, individual communities as you can see by the list of cities and towns that I read out, each have different values toward education. I just think we have to remember that in this budget, in the budget that we passed last year and in this supplemental budget, we have increased state aid to local schools by over \$140 million over this two-year period. The budget compromise raises all votes. Maybe some don't get raised enough. I am not going to argue that. I just thought it was important to read that into the record. Thank you Mr. Speaker.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. One thing you should always do before you start to use statistics is make sure you understand those statistics. Where this school funding formula does not work is that the printouts are based on valuations that don't exist. They come into a community, they knock out certain highs and certain lows and then they say that is what your valuation should be. The figures you just read off, that sounds pretty impressive. That is \$11 per thousand effort. It is almost \$16 because the figures you cited are phony figures. They are phony dollars that don't exist. We don't have that valuation on the ground to build. That is what the Department of Revenue Services says it is. When you look and you said in Kennebunk they only do \$11 per thousand, it is almost \$16 per thousand. It is reaching the point of a property tax revolt. When you use the figures, make sure you understand the figures.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. Last time when I stood up I thanked the Appropriations Committee and I did that because I believed it and it was the right thing to do. This time I am going to speak to the Majority Floor Leader, my very good friend, Representative Colwell. He sat right in front of me during my first term. I must admit that I could tell stories and I can't wait to tell his grandchildren because he kept us quite entertained while Speaker Rowe was at the podium. He is a wonderful friend. I spoke not as a loser. I spoke because of a fundamental belief about education, children and about a formula that does not work. I have gotten a couple of notes on my desk that say, will do this do anything to the laptop pilot program, the two years that we are looking at now? The answer is absolutely no. I am a simple person when it comes to math. It simply takes the fourth year of funding, which is \$9 million and moves it into GPA and \$4 million cushion. I would ask you just one thing, when you are thinking about this, you are a family. Your children have moved. You have one grandchild that lives near you in the district you represent. You have a grandchild in a losing district. Do you really think the child that lives in the losing district is less deserving? I don't. The funding formula does not work when it is not fully funded. We have never met our promise to fully fund it at the 55 percent. This does not break the budget. It does not collapse anything else. Let us not change that animal farm, all animals are created equally. Let us not be ones to add in the darkness of the budget, but some animals are more equal than others. This simply takes and does what we should do for the children of the State of Maine no matter where you live, no matter

what your parents do. Please vote against this Indefinite Postponement and let's give the amendment a chance to be voted up or down. Thank you.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Morrison.

Representative **MORRISON**: Mr. Speaker, Ladies and Gentlemen of the House. I had to decide which of these amendments I would get up to speak on. I happened to pick this one, but there were a number of others back along the way that had a lot of merit to them. I guess this one has come close. I have to apologize for not getting my amendment in. If I had gotten mine in, it would have been \$25 million out of the laptop fund to take care of the GPA and put the rest in the Rainy Day Fund. The rainy days are still ahead of us, folks, if we are watching what is happening to the economy in the State of Maine and the layoffs and the closings and so forth. I am very afraid it is going to continue. What we are basically saying here, in my opinion, is that we are asking the local people back home, school boards, superintendents and the local taxpayers to pick up the tabs for the laptops. That was what it was going to amount to.

By not taking care of these expenses, you are asking them to either cut their budgets or increase their taxes in some way. That is the choices they are going to have back there. I have a list of seven or eight communities down in Washington County that are affected by the cuts, the decrease in GPA. I am not sure how they compare to a Portland being much larger, but the Town of Waite, the striving metropolis that it is, is losing \$1,900. The irony of that is that \$1,900 may be more harmful to the people of Waite than the \$1.5 is to the people of Portland. That is how it is. There is nothing up in Waite except for a few homes.

The Town of Baring between Calais and Baileyville, \$26,000 lost. These are communities that in the quintiles of the printout of the Department of Education most of them run in the fourth and fifth quintile. Two of them in my district, for example, Princeton and Robbinston are in the lowest quintile. One is taking a \$6,000 hit and the other is taking \$7,000 hit. That is big money for those communities, big money. If you are saying they are being wasteful down there. They are not as smart and conservative as we are here in Augusta and save our money. We are careful with money. We spend the taxpayer's money wisely here in Augusta. We are smart and know what we are doing. We are not wasteful. When we need to make cuts, we cut them here in Augusta. Just kidding. Take a look at the budget and what we are doing. We are adding positions in. We are not cutting here. We just keep adding on and we are asking the people back home to take the hit. In something as important as education, I haven't heard anybody in here say how unimportant education is. It is vitally important. I live in Washington County. I know how conservative it is. The State of Maine as a whole is conservative and Washington County is super conservative. We cut those budgets to the bare bones. Ask the teachers in Princeton, for example, when they negotiate for increased wages and things like that. They are down to bare bones. They can't afford to take any hits. We talk \$6,000 or \$7,000 and as the Representative from Kennebunk said, this is just taking into consideration to decrease, not taking into consideration what increase is coming along. Something is going to have to happen back home and yet we think we can afford laptops.

The laptop issue itself, I was opposed to it first because we had a school in Calais falling down around the kids ears. We have temporary buildings in there. This seems to have been straightened out. The Department of Education has that on track. I thought, fine, let's give laptops a try. We can't afford it. We should be doing the same thing with the state budget that we do with our home budgets. We decide what we can and can't afford.

This is something that we simply can't afford. I am sorry. A couple of proposals came down the line here today that at least would give an opportunity for a pilot project if somebody is all that fired up about laptops. Give it a pilot project and see how it works. I have heard some pros and cons how it has worked elsewhere. Let's try the pilot thing. This amendment still leaves some money in it to allow for that, but it takes care of the immediate need that we have, not completely, but it does take care of some immediate needs and I think it would be doing the people back home a big favor in the school departments and their local property taxes that are going to take a hit, guaranteed. If it doesn't happen, I will be the first to admit it and say sorry. Thank you.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I just wanted to stand and compliment the players on both sides of this issue. They have laid their facts out well. I just want you to know I have no big issue to tell you, but I know that many of us are anxious to get on and make our decision on this. I am sure we are anxious to place our finger on one of those two buttons. Thank you.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. I thought I would balance this off by giving a very short speech. Stop me after a minute if I exceed. First of all, I think the laptops are very worthy. I have been up and down on this one, but I am back and I have talked to kids. I have seen the demonstrations. It is a tool that can be used very well by students. It will even the playing field in that respect for every seventh and eighth grader in the state. It is very rare that we see that. As far as school subsidy this year, certain districts are hit. Other years there will be others. I can remember six or seven years ago that Madawaska with a very small population in comparison to some of the other districts to who had a \$350,000 hit. The teachers got together and voted to teach four days without pay to save two positions and force the administration to do the same. We will not see a solution to this until we make some hard changes, but needed changes. I am talking about redistricting. There are some districts of schools, I think, in this state for the good of the students and the benefit of the taxpayers should be shut down. We would save in salaries, maintenance of buildings and administration, big time. The time has come for that. Enough said, I don't know if I exceeded my minute.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinitely Postpone House Amendment "E" (H-980) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 541

YEA - Belanger, Berry RL, Blanchette, Bouffard, Brannigan, Bruno, Bryant, Bumps, Bunker, Chase, Chick, Colwell, Cowger, Crabtree, Daigle, Davis, Desmond, Dorr, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gooley, Green, Hall, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Ledwin, Lemoine, Madore, Mayo, McNeil, Mitchell, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Peavey, Perkins, Perry, Pineau, Richard, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Tessier, Thomas, Trahan, Treadwell, Tuttle, Usher, Weston, Winsor, Mr. Speaker.

NAY - Annis, Ash, Berry DP, Bliss, Bowles, Brooks, Buck, Bull, Canavan, Carr, Chizmar, Clark, Clough, Collins, Cote, Cresse, Cummings, Dudley, Duprey, Estes, Foster, Gagne, Gerzofsky, Glynn, Goodwin, Haskell, Hatch, Hutton, Kasprzak,

Laverriere-Boucher, Lessard, Lovett, Lundeen, MacDougall, Marley, Matthews, McDonough, McGlocklin, McKee, McKenney, McLaughlin, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Patrick, Pinkham, Povich, Quint, Richardson, Rines, Sherman, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tobin D, Tobin J, Tracy, Twomey, Volenik, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Andrews, Bagley, Baker, Dugay, Landry, Mailhot, Marrache, McGowan, Michaud, Watson, Young.

Yes, 71; No, 69; Absent, 11; Excused, 0.

71 having voted in the affirmative and 69 voted in the negative, with 11 being absent, and accordingly **House Amendment "E" (H-980) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative MARLEY of Portland **PRESENTED House Amendment "H" (H-983) to Committee Amendment "A" (H-968)**, which was **READ** by the Clerk.

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

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I will have to say that I am sadly disappointed by the last vote. House Amendment "H" is very simple. Obviously the laptop issue is not getting any traction. This amendment simply transfers \$3 million from the Rainy Day Fund to be distributed to general purpose aid to local schools cushion in the fiscal year 02-03.

I am going to follow up on some of the discussions from before. The issue isn't about Portland, South Portland, Rome, Medway or Millinocket. It is not about the losers, the handful of us. It is really about those 114 schools. Forget about us. You should really look at hundreds of jobs that could potentially be lost, tens of thousands of children that will be injured. Portland has 7,700 students. South Portland has 3,000. We need to get out of just the numbers and the dollars at hand here. We are talking about an insignificant amount in this budget. We have been told that the laptop issue will unravel the budget. We are talking about the Rainy Day Fund. I understand that this is part of this budget deal. We need to try to do something. It won't keep the districts hold harmless. It will simply allow districts to make some tough decisions. The formula is working in the way we have lost students and we have high valuations. We need an opportunity so that we don't just have to make massive cuts that are unproductive to education. It is that simple. We are just asking for an opportunity so that we don't have to go and make massive program cuts so that we can make thoughtful cuts and decisions and try to do it through anticipated retirements and enrollment changes. This simply gives us a cushion or a parachute, if you will, rather than a ton of bricks to make these changes. Please look at the numbers. Think about the unintended consequences. There are many good things in this budget. I am not going to disagree with that. To be fair to all, I think you need to look at the unintended consequences and that would be the hundreds of jobs lost and the tens of thousands of children injured as well as the taxpayers paying higher taxes in communities. Thank you.

Representative BERRY of Livermore moved that **House Amendment "H" (H-983) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-983) to Committee Amendment "A" (H-968).**

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 the Rainy Day Fund as proposed in Committee Amendment "A" is fully committed to back the tax conformity issue, the portion that I mentioned earlier for the Baxter School settlement that we did in the first session. To commit this Rainy Day Fund amount I think it would be in competition to that piece of that budget agreement. I hope you would support the motion to Indefinitely Postpone. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "H" (H-983) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 542

YEA - Annis, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gagne, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, 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, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Treadwell, Tuttle, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Winsor, Mr. Speaker.

NAY - Bliss, Clark, Clough, Estes, Gerzofsky, Glynn, Goodwin, Gooley, Hutton, Marley, Mendros, Michael, Morrison, Murphy T, Muse C, Quint, Stanley, Stedman, Sullivan, Tobin J, Tracy, Twomey, Wheeler GJ.

ABSENT - Andrews, Ash, Bagley, Baker, Brooks, Buck, Dugay, Landry, Mailhot, Marrache, McGowan, Michaud, Pinkham, Watson, Young.

Yes, 113; No, 23; Absent, 15; Excused, 0.

113 having voted in the affirmative and 23 voted in the negative, with 15 being absent, and accordingly **House Amendment "H" (H-983) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative GLYNN of South Portland **PRESENTED House Amendment "J" (H-985) to Committee Amendment "A" (H-968)**, 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. Specifically House Amendment "J" deals with a portion of the budget, which is known as the Fund for the Legislature. What this amendment attempts to do is to deappropriate a sum of \$5 million from the Legislature's budget and use that to increase general purpose aid for local schools for all districts in Maine by \$3 million and additionally appropriate \$2 million for the cushion for the low receiving districts.

There are a number of taboos in the Maine budget proposal that we are looking at. One appears to be the laptops, which we have discussed in previous amendments and this amendment attempts to get at the taboo of the legislative budget set by the Legislative Council. I certainly hope I am not speaking out of turn to members of the Legislative Council, but that budget is out of control. It is wildly out of control. In fiscal year 2000 the legislative budget was \$15.1 million. The proposal in this budget that we are looking at is \$21 million. This represents a \$6 million

increase since fiscal year 2000. I think that having the 2001 year budget an 18.78 percent increase was ridiculous. I look at the different aspects of our budget. A budget is a document of compromise. Why is it that the negotiators of our budget looked at every section of our budget and made reductions? However, when it comes to the Legislature's budget, the budget that benefits us, me, you and all of the legislators in this body, why is that we rewarded ourselves with an increase while at the same time looking at our sets of priorities cut aid to local schools and also the schools that we did increase their aid, we didn't at a high enough rate? If this amendment that is before you passes, the state budget since 2000 for the legislators portion of the budget is going to increase \$1 million since 2000. It is going to take \$5 million out of that and it is going to direct it home where it belongs.

The folks that sent me up here from South Portland wanted me to bring the money back from Augusta. They didn't want me to spend it on us and myself up here. That is the purpose of this amendment. I would like to point out some of the things when you look at some of the expenditures within the budget, even if you look at the issue of personnel, in 1997 in the Legislature's budget, there was 77 full-time positions and 123 part-time positions. In this budget before you we have 146 full-time positions and we have 39 part-time positions. We look at the increases in just general operating expenses alone from last year to this year. The general operation expenses went from \$4.8 million to almost \$5.2 million. What is general operating expenses? Lights, paper, utilities. Why is it that our budget for the Legislature is increasing and allowed to increase at this astronomical rate when we are forcing our bloated budget on the backs of the folks back home? It doesn't seem right. It doesn't seem fair. Please join me with the reallocation of these resources back home where they belong.

Representative NASS of Acton moved that **House Amendment "J" (H-985) to Committee Amendment "A" (H-968) 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 legislative budget, depending on your point of view, is controversial. It is difficult for the Appropriations Committee to work on. However, it is my recollection that from the beginning, including last year, that the Appropriations process has extracted concessions from the legislative budget as proposed by the council. In several rounds in the supplemental budget, the Legislative Council has offered up and the council has made cuts that amount to the standard that we applied to other departments, first a 2 percent cut and then a 4 percent cut. My recollection is that they were fairly close to that. Mr. Speaker, again, this is and should not be, a document where we can resolve controversial issues. God knows we have enough trouble resolving the controversies when they stand alone. This could be potentially put in that same category. I would urge that we all vote to indefinitely Postpone this issue.

Representative SCHNEIDER of Durham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "J" (H-985) to Committee Amendment "A" (H-968).**

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

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. Documentation that I received from the Office of Fiscal and Program Review states that this proposal increases

this budget by 8.37 percent just this year alone. It was stated by an earlier speaker that, in fact, there had been cuts made to the budget. If there have been cuts, why is it going up?

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "J" (H-985) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 543

YEA - Ash, Belanger, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chase, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mayo, McGlocklin, McLaughlin, McNeil, Mitchell, Murphy E, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Pinkham, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Smith, Stanley, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Tuttle, Twomey, Usher, Volenik, Weston, Winsor, Mr. Speaker.

NAY - Annis, Berry DP, Bliss, Bowles, Carr, Clark, Clough, Collins, Crabtree, Cressey, Duprey, Foster, Glynn, Gooley, Kasprzak, Lovett, MacDougall, Marley, McDonough, McKenney, Mendros, Michael, Morrison, Murphy T, Muse C, Perkins, Quint, Shields, Snowe-Mello, Stedman, Sullivan, Tobin J, Tracy, Treadwell, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Andrews, Bagley, Baker, Buck, Dugay, Landry, Mailhot, Marrache, Matthews, McGowan, McKee, Michaud, Watson, Young.

Yes, 100; No, 37; Absent, 14; Excused, 0.

100 having voted in the affirmative and 37 voted in the negative, with 14 being absent, and accordingly **House Amendment "J" (H-985) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative MENDROS of Lewiston **PRESENTED House Amendment "P" (H-993) to Committee Amendment "A" (H-968),** which was **READ** by the Clerk.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. We have heard a lot of talk over the last few years about laptops and whether it is a good idea or not. There is one group of people that have never been asked. They have never had the opportunity to say whether they think it is a good idea. That is the voters of Maine. They are the same people that were so wise to elect each and every one of us. They have not been asked whether they are wise enough to make a decision on where their tax dollars should be spent.

Before you, I have the opportunity for them to make that decision in House Amendment "P." It sends the \$25 million, the taxpayer funded portion of the technology initiative, to the voters in the June statewide election to let them decide whether they want it to go to this idea or they want it to go to general purpose aid to education where if a certain school district still wants it to go to laptops, they could use their portion to buy the laptops. I would urge you to let the people of Maine decide if this is a good idea or not. Let's not shut them out. Let's hear what they have to say. They are the same people that elected us. We shouldn't be afraid of their decisions.

Representative NASS of Acton moved that **House Amendment "P" (H-993) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. This is a tantalizing opportunity to send this highly debated and somewhat controversial out to the people for a vote. However, I am not certain that we have \$25 million to disperse. There is a state contract. We can probably break it, but we don't know that for certain. If we do disperse the money, the voters decide to do that, there are some here that say that the state's ability to purchase the state's image as an entity that buys in the market place is going to be seriously damaged. It is uncertain to me that we have the \$25 million to disperse. For that reason alone, I would urge that you vote to Indefinitely Postpone this measure.

Representative LaVERDIERE of Wilton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "P" (H-993) to Committee Amendment "A" (H-968)**.

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

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. The people of Maine have a right to decide this issue. If the Executive downstairs bound the Legislature, if some group bound us to something without final legislative approval, that is no argument against not allowing the people of Maine the right to decide if they want laptops. Let the people decide. This is their tax dollars. The Executive promised that he would raise matching money from the \$50 million that this originally started as. Any matching money and any private money that has been raised is not touched by this. Since it is the Executive that got us into this mess, I am sure the matching money that he has raised privately is more than enough to bail us out of whatever expenses are incurred.

The people of Maine have the right to decide on such a huge issue as this. We heard all the arguments why GPA is important. I am not going to rehash that. We heard all the arguments why laptops are a bad idea. I am not going to rehash that. However, I will reiterate what I said earlier that this is a bad deal. These laptops are a bad deal. The Governor promised that he would bring jobs to Maine. I didn't realize he meant Steve jobs. I thought he meant opportunities in employment. Steve jobs are the CEO of Apple. Let the people decide. There is more than enough time on June 11th for if they still want laptops to still go into effect this fall or to still bail out these school districts that are going to be taking a huge beating and these property taxpayers that are going to suffer. If the property taxpayers are going to suffer, let them choose their own medicine by voting for laptops and let's not take that away from them.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. This debate on laptops is not new. It has been going on for a long time. It has been around since the 119th Legislature. It has been debated in the communities, the schools, on the streets, in the homes, in the committees, in the halls and in every meeting I have ever attended, whether it is Maine Better Transportation, the Pulp and Paper Industry or New England convenience stores. They have all asked about it. Everyone has an interest, but not everyone has the facts. The people have made their views known, certainly. As for the schools, they have been given an option of laptops or using the money for other

technology. As was mentioned before, not one superintendent opted out of the laptop initiative. Thank you Mr. Speaker.

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

Representative **MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House. I know people are tired of debating laptops. I will try to be brief. I would like to say regarding all the folks that have sent me tons and tons of information and promotional information and newspaper clippings on the laptops, I was just wondering, is there a way I can get off the "spam" list? That would really please me. I think this is a beautiful amendment. If the people never had a chance to have a hearing and to express themselves at a hearing on this laptop program, at least now they can have a chance to vote on it themselves. This will not kill off the laptop program. It just prevents it from being forced on a school district. The choice of the voters will not be to cut the money, but whether or not to just have the money go to the school fund or the laptop. Each district can make up its own mind. The program itself will still survive. The idea will still be analyzed and we can find out whether or not the laptop program. If the public votes no on the referendum, the program continues as designed. If they vote yes, each school district chooses whether or not to put the money into laptops. As a couple of other speakers have said, all the principals in the State of Maine are supporting the programs, so obviously some school districts are going to accept the program even if they have an opportunity to move the money elsewhere, but some will not. That comparison a couple of years later of the school districts that took the laptops versus the school districts that did not will give us an accurate interpretation of how valuable that program really is.

It is a wonderful amendment. It is extremely palatable politically as well I might add. I commend the Representative from Lewiston, Representative Mendros. I sure don't want to be going home this weekend and have to explain to the people how we snuck through this laptop program without even having a hearing on it, especially where we had this kind of secret deal where a lot of us said we weren't going to vote for any amendments. I think this is a perfect amendment. We should consider it.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. A referendum is not necessarily a bad idea. I am just pleading at this point that we not make it part of the budget proposal. If somebody wants a referendum on this or anything else, let's get it out there and bring it down here and debate it and vote on it. This should not be part of the budget process. It is too hard to get a budget agreement together to hang all this stuff on it. I urge that you vote for Indefinite Postponement.

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. I have another amendment, as others do, that deal with the laptops. Certainly if this were to pass, then the others would be rendered obsolete and we wouldn't have as many to vote on. Another point that keeps being made is that this is a delicate budget with three different bodies involved, including the body downstairs. I would like to let everyone know that a budget passing is an emergency measure that requires 101 votes. Overriding a veto only requires two-thirds of those present and voting. It is easier to override a veto than to pass an emergency budget.

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

Representative PERKINS: Mr. Speaker, Members of the House. I don't know what you hear back home, but in nearly eight years over here, I don't think I have ever heard one citizen from my district tell me we need to send more things out to them to decide. It is quite the contrary. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "P" (H-993) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 544

YEA - Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Fuller, Gagne, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Madore, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Mitchell, Murphy E, Murphy T, 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, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Tuttle, Usher, Volenik, Waterhouse, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Annis, Foster, Gerzofsky, Glynn, Goodwin, Haskell, Lundeon, MacDougall, McKee, Mendros, Michael, Morrison, Muse C, Snowe-Mello, Stedman, Tobin J, Tracy, Treadwell, Twomey.

ABSENT - Andrews, Bagley, Baker, Buck, Dugay, Landry, Mailhot, Marrache, Michaud, Watson, Weston, Wheeler EM, Young.

Yes, 119; No, 19; Absent, 13; Excused, 0.

119 having voted in the affirmative and 19 voted in the negative, with 13 being absent, and accordingly **House Amendment "P" (H-993) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative KASPRZAK of Newport **PRESENTED House Amendment "G" (H-982) to Committee Amendment "A" (H-968)**, which was **READ** by the Clerk.

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

Representative KASPRZAK: Mr. Speaker, Ladies and Gentlemen of the House. I promise not to use words that were previously heard in the last several hours, laptop, Executive or cushion. This amendment that you see before you now would repeal the state's Growth Management Program and it directs the SPO director and the commission of ECD to submit legislation to eliminate the State Planning Office. Why not supply a fiscal note to simply disassemble the State Planning Office? Ladies and gentlemen, the SPO is involved in so many areas of control of our lives today, it would require more time than I had in the last day and a half to present my amendment. This amendment saves the state \$711,294 and returns those monies to the towns and to the cities of the state to do their own planning. Local control, what a concept. I don't know that the entire State Planning Office budget is now, but I do know that when the State Planning Office was created in 1968 when I was just beginning to walk, the budget was \$159,000 or so for the whole works, the

whole shebang. Today we can shrink our budget by \$711,000 and they will still have more to operate on than when the office began.

I have some quotes to read to you briefly. I promise to be brief. From the Legislative Record of this House, January 19, 1968, someone who you all may be familiar with. He was at that time Representative John Martin of Eagle Lake. He is now Senator John Martin of Eagle Lake. He says, "A state planning office should concern itself only with the problems of the State of Maine as a whole and not with the individual communities as separate entities. It is important to remember that when the next Legislature meets the personnel of this department is going to rise in typical bureaucratic form. Let us not forget that." Ladies and gentlemen, I think this is a great idea. If you stand for local control, shrinking the budget, giving the money back to the towns where it belongs, you will support this amendment.

Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "G" (H-982) to Committee Amendment "A" (H-968).**

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 "G" (H-982) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

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

Representative NASS: Mr. Speaker, Men and Women of the House. However you feel about the State Planning Office and however you feel about the cost of state planning and whatever we do about state planning, because we have been debating it lately. A number of growth control proposals are now in front of us. None of these items needs to be resolved in the budget. We decide to do something that becomes state policy. We usually decide at the same time to fund it and then in the next budget we either continue or reduce or increase it. None of these actions should be decided in the budget, in my opinion. Again, it is a controversial item. It certainly deserves to be debated here. It is being debated here. It should not be part of the budget, in my opinion. I urge Indefinite Postponement for this proposal.

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-982) to Committee Amendment "A" (H-968).**

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-982) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 545

YEA - Ash, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Madore, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mitchell, Murphy E, 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, Simpson, Skoglund, Smith, Sullivan,

Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Usher, Volenik, Weston, Wheeler GJ, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Lovett, Lundeen, MacDougall, McKenney, Mendros, Michael, Morrison, Murphy T, Muse C, Perkins, Pinkham, Sherman, Shields, Snowe-Mello, Stanley, Stedman, Tobin J, Treadwell, Waterhouse, Winsor.

ABSENT - Andrews, Bagley, Baker, Buck, Landry, Mailhot, Marrache, Michaud, Twomey, Watson, Wheeler EM, Young.

Yes, 99; No, 40; Absent, 12; Excused, 0.

99 having voted in the affirmative and 40 voted in the negative, with 12 being absent, and accordingly **House Amendment "G" (H-982) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative MUSE of South Portland **PRESENTED House Amendment "N" (H-991) to Committee Amendment "A" (H-968), which was READ by the Clerk.**

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

Representative **MUSE:** Mr. Speaker, Men and Women of the House. As promised, I will be very brief. This is just an amendment that corrects a mistake, an oversight on the part of the Appropriations Committee when they were working in the wee hours of the morning and forgot to fully fund some education. It just takes \$5 million more from the Rainy Day Fund. It will allocate \$3 million of that to the cushion and \$2 million to the GPA and keep everybody on both sides of the aisle very happy and we can go home and have a nice weekend. Thank you Mr. Speaker.

Representative **BERRY** of Livermore moved that **House Amendment "N" (H-991) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "N" (H-991) to Committee Amendment "A" (H-968).**

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 point out again that the funding source for this amendment is from the Rainy Day Fund. As I said earlier, the Rainy Day Fund is a backstop for the tax conformity II issue as agreed in the budget package, Committee Amendment "A." 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. I know that this is going nowhere as we had an amendment that was very similar to it, but what I would like to bring people's attention to is the fact that it has been mentioned twice now by the good Representative who chairs the Appropriations Committee, Representative Berry, that essentially there is nothing in the Rainy Day Fund other than a figure that is on a piece of paper. Maybe we should change the name of the Rainy Day Fund to the Faux Fund that backs up tax conformity. 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 would like to thank Representative Estes for his confidence in my amendment, but I would like to point out to the membership that until the new projections came back from the

state, we had an awful big bucket that we were going to the well with, dipping into that fictitious Rainy Day Fund to cure all sorts of ills. I just want to go back one more time and have another little dip at that and see if we can't take care of the education problem in the State of Maine. Thank you Mr. Speaker.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "N" (H-991) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 546

YEA - Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chase, Chick, Chizmar, Colwell, Cote, Cowger, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, 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, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Wheeler EM, Winsor, Mr. Speaker.

NAY - Annis, Bliss, Carr, Clark, Clough, Collins, Estes, Glynn, Goodwin, Haskell, Lovett, Marley, McKenney, Mendros, Michael, Morrison, Murphy T, Muse C, Quint, Stanley, Stedman, Sullivan, Tobin J, Tracy, Wheeler GJ.

ABSENT - Andrews, Bagley, Baker, Buck, Crabtree, Landry, Mailhot, Marrache, Michaud, Watson, Weston, Young.

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

114 having voted in the affirmative and 25 voted in the negative, with 12 being absent, and accordingly **House Amendment "N" (H-991) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative **GLYNN** of South Portland **PRESENTED House Amendment "I" (H-984) to Committee Amendment "A" (H-968), 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. This amendment, House Amendment "I," the purpose of it is to transfer funds from the Maine Clean Election Fund, \$1 million, to general purpose aid for local schools here in the State of Maine to benefit the districts. It is a very simple concept and a simple notion. A number of my constituents have been increasingly upset about the lack of funding from Augusta for general purpose aid to education and additionally concerned about the priority of Maine State Government to fund elections when looking at the expensive nature of the elections. Our neighbors across the river over in Portland and Falmouth had a significantly expensive election, which many deemed was a waste of money. Tens of thousands of dollars were spent on self-promotion of candidates running for election. We do have priorities, important priorities, in this state that need attention. Among them is our neighborhood schools and our schools at home. I ask that you give weight and consider transferring for our election bids that some of us may be making in the near future instead of spending it on self-promotion of ourselves to educate the constituents on our issues and instead use it to

educate our school districts by transferring the money home. Thank you Mr. Speaker.

Representative WINSOR of Norway moved that **House Amendment "I" (H-984) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "I" (H-984) to Committee Amendment "A" (H-968).**

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 Norway, Representative Winsor.

Representative WINSOR: Mr. Speaker, Men and Women of the House. I would urge all of those here assembled to vote for the pending motion. The Clean Election Fund has already been tapped in this budget for \$4 million. We have been assured that actuarially the money in the fund and the projected revenue is sufficient to handle future needs for the next two election cycles and ongoing. I think it would put that fund at risk to take any additional funds out of it. Thank you.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. I find this an interesting quandary between literally funding our own reelection campaigns or putting textbooks in schools. I, for one, am glad I am not running for reelection and I don't have to answer to the voters.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "I" (H-984) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 547

YEA - Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michael, Mitchell, Murphy E, 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, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Bliss, Bowles, Chase, Clough, Cressey, Duprey, Foster, Glynn, Gooley, Haskell, Jodrey, Kasprzak, Ledwin, Lovett, MacDougall, McKenney, Mendros, Morrison, Murphy T, Muse K, Sherman, Snowe-Mello, Stedman, Tobin J, Treadwell, Waterhouse.

ABSENT - Andrews, Bagley, Baker, Buck, Crabtree, Landry, Mailhot, Marrache, Michaud, Muse C, Watson, Young.

Yes, 113; No, 26; Absent, 12; Excused, 0.

113 having voted in the affirmative and 26 voted in the negative, with 12 being absent, and accordingly **House Amendment "I" (H-984) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative MENDROS of Lewiston **PRESENTED House Amendment "Q" (H-994) to Committee Amendment "A" (H-968),** which was **READ** by the Clerk.

Representative ROSEN of Bucksport moved that **House Amendment "Q" (H-994) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative ROSEN: Mr. Speaker, Ladies and Gentlemen of the House. I think for obvious reasons we are trying to keep this budget compromise intact and to allow it to move forward as it was first presented. I think the amendment that is before you is certainly not appropriate at this time. There were repeated joint meetings between the Committee on Health and Human Services and the Committee on Appropriations throughout this entire budget process from January on. There were numerous opportunities to present this issue. I haven't been made aware of the good Representative from Lewiston's interest in this prior to this point. I think it is very late in the process to introduce this now. I further request the yeas and nays.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "Q" (H-994) to Committee Amendment "A" (H-968).**

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

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. The amendment you have before you I bring up every year. It is passed though, but isn't funded. It keeps coming back. It is nice and simple. If you are a senior citizen in nursing home, we spend \$4,000 a month to keep you alive so that people can make money off the nursing home industry and only 1 percent of that, \$40 a month, to let you live. It hasn't been raised in 25 years. It is a very minor fiscal note, \$80,000 and a lot of that is matching federal money. The reason we take care of our senior citizens is not to provide jobs for others, but to give them a quality of life. It hasn't been raised in 25 years. Most of us are going to end up in nursing homes some day. I can tell you in another 25 years from now, I won't even be 60 and most of you will be sitting there wishing that you had voted for this today. This is a minor cost of living adjustment. It is not a huge increase to give them a cost of living adjustment just like we have given ourselves a cost of living adjustment so that each year when the senior citizens get forgotten there will be a little bit of an increase and a little bit more of an increase every year to help them maintain their dignity so that they can get their haircut, get a newspaper, so that when you are in the nursing home in 25 years and you want to read what is going on in the Legislature and talk about how you used to be in the Legislature, you can afford to buy that paper. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. To the good Representative Mendros, does that mean that if you and I are in the same nursing home, that we would be seatmates?

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "Q" (H-994) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 548

YEA - Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mitchell, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Clough, Collins, Cressey, Duncan, Glynn, Haskell, Kasprzak, McKenney, Mendros, Michael, Morrison, Muse C, Perkins, Pinkham, Snowe-Mello, Stedman, Tobin J, Tracy, Treadwell, Waterhouse.

ABSENT - Andrews, Bagley, Baker, Buck, Chase, Crabtree, Landry, Lovett, Mailhot, Marrache, Michaud, Peavey, Watson, Young.

Yes, 117; No, 20; Absent, 14; Excused, 0.

117 having voted in the affirmative and 20 voted in the negative, with 14 being absent, and accordingly **House Amendment "Q" (H-994) to Committee Amendment "A" (H-968)** was **INDEFINITELY POSTPONED**.

Representative **SIMPSON** of Auburn **PRESENTED House Amendment "L" (H-987) to Committee Amendment "A" (H-968)**, which was **READ** by the Clerk.

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

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. I rise to present this amendment. In case some people are not aware, this budget does take \$4 million from the Clean Election Fund. The purpose of this amendment is to ensure that in the future that the Clean Election Fund will remain solvent. While projections are that the fund will be fine in the next four years and in 2005/2006 there may be a shortfall. What this amendment will do is ensure that the Commission on Ethics will be able to have the money transferred to the Clean Election Fund from the Rainy Day Fund automatically by certifying that there is a need.

The people in Maine in 1996 voted for clean elections and I think they expect legislators who actually use the system, and even those of us who did not, would respect their wishes and ensure that the fund remains solvent. I would hope that you would vote in favor of this amendment. I would just like to ensure that you understand, that all members understand, that there will be no affect in the current budget if you vote for this amendment. This amendment will not be enacted. It won't start working until 2005. There will be no affect on the current budget. I think we have a responsibility to ensure that the fund remains solvent. Thank you.

Representative **ETNIER** of Harpswell moved that **House Amendment "L" (H-987) to Committee Amendment "A" (H-968)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "L" (H-987) to Committee Amendment "A" (H-968)**.

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. One thing you should know is that there is language in the existing budget, Committee Amendment "A" that attempts to address the issue that the good Representative from Auburn, Representative Simpson, has brought forward. If you would look on Page 191 of your budget document in Part OO, the committee, in our deliberations, agreed to insert language in an attempt to address some of the concerns that were raised relative to the use of the so-called clean election formula where we put in the budget, we put it in the Rainy Day Fund. What it says, for those of you who don't have your budget documents in front of you, basically is that an estimate for the likely demand of clean election funding during the election will be made and that the commission, the commission meaning the Commission on Governmental Ethics and Elections, may submit legislation to request additional funding in case the estimate that they have predicts some sort of shortfall. That authority that we have given the commission in the language that is already in the budget before you is fairly substantial. That means that they can come without having to get any legislative approval or permission from the Executive or anywhere, they can come directly to the Legislature with legislation that they have crafted in an attempt to address any shortfall they may see. That was compromise language that our committee agreed upon after deliberating an amendment similar to the one that the good Representative from Auburn has brought forward. We did agree on the language that is in the budget, Part OO. I urge you to please support the Indefinite Postponement and that is about it. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Camden, Representative Dorr.

Representative **DORR**: Mr. Speaker, Men and Women of the House. Now that we have finally had a meaningful discussion on campaign finance reform on the national level, the issue is in the forefront of my constituents and I think yours. I have gotten more phone messages about this than any other single issue that we have been addressing. I think we should hold the line with the historic progress that we have made in Maine on campaign finance reform. I urge you to please defeat the pending motion and go on to pass House Amendment "L" and put some stronger language into this budget to preserve the sanctity of the funding for the clean elections process. Thank you.

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. I would ask that you support House Amendment "L" to Committee Amendment "A." This amendment will not change, add or delete, one single allocation in this budget. Here is why we are proposing it. The budget bill, as you have already heard, transfers \$4 million of clean election money to the Rainy Day Fund. It also requires, as you have already heard, that in order for the Commission on Governmental Ethics and Election Practices to get that money, in the event funds are needed, the commission would need to introduce legislation. It makes the commission jump through hoops to get the funds they may need to distribute to clean election candidates. I don't think the people of Maine had that in mind when they voted to approve the Clean Election Act back in 1996. The people of Maine knew full well what they were doing when they voted for clean elections. The Maine Clean Election Act has proven to be successful beyond anyone's wildest expectations. It has gained nationwide attention and has been used as a model by several other states. It is

campaign finance reform that is real and it is substantive. By taking money from the fund and requiring the Commission on Governmental Ethics and Election Practices to jump through hoops to get it, we are betraying a trust placed on us by Maine people. The amendment before you will go a long way toward restoring that trust, because it simply allows the Commission on Governmental Ethics and Election Practices to tap into the \$4 million of clean election money that has been transferred to the Rainy Day Fund without having to submit legislation.

I would reiterate, this bill doesn't change one single item in the budget. The amendment simply says to Maine voters that we recognize that you voted for clean elections. We respect your wishes and we will honor them. Thank you.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I stand this afternoon in support of the Indefinite Postponement of House Amendment "L." I am a supporter of the clean election concept, even though I personally did not participate in it. I would draw two things to your attention. Number one, we appropriate \$2 million a year to the Clean Election Fund. The fund also received \$268,000 in the last tax cycle. That is not an add on. In other words, if I am paying \$10,000 in income tax, I don't add something on to it for the Clean Election Fund. I check off and it is a deduction. It is a deduction from the General Fund to make that \$268,000. The third thing that I would call to your attention this afternoon on this is that this piece of legislation does not kick in until 2005. We will have had two statewide elections by that time. We will know whether or not there is or is not a problem. Why is this body spending time trying to solve a problem that far out when there is income coming in and we have no idea what the expenses in that fund are going to be at that point? I urge your support of the Indefinite Postponement and the defeat of House Amendment "L."

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

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. In answer to the Representative from Bath's question, why should we do this when we are unsure that there will be a problem? It is because if there is a problem and the House is not in session and they haven't asked for money in advance and we don't know the problem until we are in an election cycle, people who in good faith have signed up to run as candidates under the clean election act may not have those funds available to them. I think we owe the people of Maine to ensure that the law that they voted for remains possible. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. As chair of the Committee on Legal and Veterans Affairs, the committee had discussed this issue and we did express our opposition at the public hearing from having this money taken from the Clean Elections Fund. I am standing here today asking you to defeat the motion to Indefinitely Postpone this amendment. As many of us know, the Clean Election Fund could run out of money within four years because of the transfer of the \$4 million. This amendment would permit up to a \$4 million of the Rainy Day Fund to use for clean elections. Any money transferred from the Rainy Day Fund that is not spent by the Clean Elections Fund would be returned to the Rainy Day Fund. Based upon my years of service in this institution and going through the process as many others had, seeing how the implementation of the fund was done by a citizen's initiative, I

think that based upon my information and conclusions from people I have talked to, I think this amendment is the appropriate thing to do. Therefore, I would ask that you defeat the pending motion.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. Four hours and fifteen minutes so far we have been debating all kinds of amendments. Has anyone detected a pattern yet?

There are many people in this body who ran under clean elections. Four million dollars coming out of the fund will not harm the fund at all. If you take that \$4 million out of the Rainy Day Fund and move it back to clean elections, you have just put in jeopardy the tax conformity piece. I understand the whole clean election concept. Two million dollars a year out of General Fund dollars goes to clean elections. All the arguments about GPA cushions and everything could have been solved if we didn't have the Clean Elections Fund or it could have been spent somewhere else. This argument is not about the Clean Election Fund. The Clean Election Fund wasn't set up for another savings account for the State of Maine. You are saying you have to have \$9 million when the actuaries are telling you only need \$5 million and then you are going to keep putting \$2 million a year into it, I think that is wrong. I think people want their tax dollars spent on educational issues, on the elderly, on prescription drugs, long-term care. There is plenty of money in the Clean Election Fund to go for four years. If we want tax conformity and everything else that is agreed upon in this budget, this \$4 million will not hurt the Clean Election Fund. I urge your Indefinite Postponement on this amendment and I truly hope we detect a pattern here after four hours and fifteen minutes. We need to bring this to a conclusion at some point. Thank you Mr. Speaker.

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

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. I think I just heard something from the previous speaker that I did not hear discussed in the amendment, which we are discussing. I don't think I heard that this money was going to come out of the Rainy Day Fund this year. I am listening very intently and I guess I still have a question. Can anyone tell me any negative thing that could happen if this amendment passed? I don't mean the Indefinite Postponement, but I mean the original amendment. I can see nothing negative about this. It doesn't transfer money now. It only states what supposedly the budget already states. If anyone can answer that, I would appreciate it. Thank you.

The SPEAKER: The Representative from Bangor, Representative Norton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. In response to the good Representative's question, the danger that I see with the adoption of this amendment, which goes far beyond what the committee agreed to in an attempt to address the concerns around clean elections is that it basically will jeopardize the entire budget for no particular reason.

The reason I say no particular reason is as has been pointed out, our committee received a lot of information from the Ethics Commission regarding this fund. All parties agree, the clean elections people and the Ethics Commission, that this fund is fully solvent through the year 2005. From that point on there is disagreement about what happens with the fund and our staff on the Appropriations Committee tells us there is nobody that can tell you for certain what happens after that. The word they use is

sheer speculation. I submit, for a fact, there is \$8.5 million plus in that account right now. The withdrawal of \$4 million and putting it in the Rainy Day Fund will have no adverse impacts on this account. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, I urge you to support the pending motion. A major principle not discussed yet is that the essence of this amendment would be to authorize an individual who is not an elected member of any body, not representing the people of the State of Maine to have access to \$4 million of state funds. I can think of no other case, no other process, where \$4 million or any amount of money that belongs to the public is suddenly switched from one fund to another and spent for another purpose when that person is not directly accountable to the people of Maine like the Chief Executive or this body. I think that the concept of the amendment that we are seeking to Indefinitely Postpone is flawed that way. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Simpson. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. I am sorry to rise again. The argument that I am hearing is that this is not necessary. If that is true, it won't even be used. The problem that this is attempting to address in the future is that if there is shortfall, if there is not enough money, there is a mechanism for that money to be restored to the fund, the money that we would be taking this year, so that it will be restored at a time when it is needed. If that time does not come, this will not happen. Thank you.

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. We have been asked whether during the past four hours a pattern has been established. I would submit the answer is yes and no. Yes, a lot of amendments have been proposed. Yes, a lot have been defeated. Yes, every one of them would change the budget document. This one is different. This one changes nothing in the bill. It simply seeks to add language that would restore a trust the people of Maine have placed in all of us.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "L" (H-987) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 549

YEA - Belanger, Berry DP, Berry RL, Blanchette, Bowles, Brannigan, Bruno, Bryant, Bull, Bumps, Carr, Chase, Chick, Clough, Collins, Colwell, Cowger, Crabtree, Cressey, Daigle, Davis, Desmond, Dugay, Duncan, Dunlap, Duprey, Etnier, Fisher, Foster, Fuller, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Ledwin, Lemoine, Lessard, MacDougall, Madore, Mayo, McGlocklin, McGowan, McKenney, McNeil, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Peavey, Perry, Pinkham, Povich, Richard, Rosen, Savage, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Winsor, Mr. Speaker.

NAY - Annis, Ash, Bliss, Brooks, Bunker, Canavan, Chizmar, Clark, Cote, Cummings, Dorr, Dudley, Duplessie, Estes, Gagne, Gerzofsky, Green, Hail, Hatch, Hawes, Hutton, Jacobs,

Laverriere-Boucher, Lundeen, Marley, Matthews, McDonough, McKee, McLaughlin, Mendros, Michael, Mitchell, Norton, Patrick, Perkins, Pineau, Quint, Richardson, Rines, Simpson, Skoglund, Smith, Stanley, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Wheeler EM, Wheeler GJ.

ABSENT - Andrews, Bagley, Baker, Bouffard, Buck, Goodwin, Landry, Lovett, Mailhot, Marrache, Michaud, Watson, Young.

Yes, 87; No, 51; Absent, 13; Excused, 0.

87 having voted in the affirmative and 51 voted in the negative, with 13 being absent, and accordingly **House Amendment "L" (H-987) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative STANLEY of Medway **PRESENTED House Amendment "M" (H-989) to Committee Amendment "A" (H-968)**, 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. Today is an issue that I think is very important to a lot of little, small, urban and rural communities in the State of Maine. That deals with the education piece, the GPA. I have been sitting in this seat for the last six years. We have done all kinds of things for higher education, scholarships for kids to go to college and I have supported every one of them and I will still continue to support every one of them. The point that I am trying to make here is the value of a high school education. In order to go to college you need a high school education. That is very important to a young person today. You don't need to go to college to get a job, but if you don't, then you are losing a lot of money for just having a high school education. I am a person with a high school education. I am very fortunate. I walked out of a high school and I walked down over a hill and walked to a paper mill and am making good money. I am still making good money, knock on wood.

The other thing I want to say is if you don't have a good high school education and it is time to go to college, it will probably take you five or six years to get a good college education. In that five or six years it is going to cost you two extra years because it used to be you could get a good college education in two years, now it takes you five or six years. What happens is you either have to pay for a loan, the student does, or the parents will have to pick up the cost of that, which is a shift to the people that should not happen. You should be able to get a good high school education by going your 12 years to high school and be able to go to college and then graduate. The problem that I am seeing is, I have been here for six years, every year I have taken a decrease in GPA, all but the year we held harmless.

This year the biggest hit to my municipality and it is hard to take. I can sympathize with the people from Portland, Yarmouth and Old Orchard Beach. I can understand where they are coming from. Once you get into this mold, it is a hard time for you to get out of it. What happens is either your population is shifting to the rural areas if you are in a city or if you are from where I live in a rural area, then you are moving south to a city or a place where there is work. The valuation over time will make a big difference at how this all operates. There are two factors that are in the formula. I am not saying the formula is right and I know we have to live with it, but the things that are going on in some of these areas of the State of Maine are really having a drastic affect on the cost of education in these communities.

By shifting the population and by having a change in the valuation, we are putting more emphasis on some of the areas surrounding some of our cities that have taken up the blunt of the bottom money that is being absorbed in the GPA. Also, with the

shift in population we are giving more to the areas that are growing all the time. What they are trying to really say here is that we have to do something. To fully fund the formula is the only way you can really do it. Until that point in time comes, and I know there is a bill floating around here that is going to deal with school funding, which I think is going to be a very important piece of legislation that could help take some of the burden off in some of these communities, but that is not here yet. That is a year or two away at the earliest. We are still in this predicament that we are in right now where some communities are losers and some are winners and nothing against the winners and nothing really personal against the losers, but I will tell you what, who is really losing is the child in some of these communities. I know in my community we are going to lose three teachers this year if we don't get any extra money. I understand other communities are going to be in the same predicament.

The point I really want to make is, how much do we really value a high school education. I know it is really good to say we are increasing our college graduates and everything like that, but we still have people here that deserve a high school education. I think in some of these communities and in some of the things that is going on in the GPA and the way it is distributed that some of these kids are not getting the proper high school education that they should be getting today.

If you read my amendment, it says to take \$2.2 million from the Maine Learning Technology Endowment. The reason why that is like that is because I can remember back in the 118th Legislature we were all in little groups. We were called down to the Chief Executive's Office and sat down and had a little chat. It was about near the same time in the session, near the end of the session and the idea of the laptops came up. At that point in time there was \$50 million with a \$50 million match by businesses and by other private resources. The \$50 million and the other part never happened. The reason for the \$2.2 million is we are supposed to have \$100 million in that. The interest of that was about \$8 million and now it is supposed to be funding the laptop program so we wouldn't have to worry about it again. You can see that certain things have happened.

The way I am looking at this is \$2.2 million is the interest that would have been paid if we would have had the \$100 million, which was supposed to have been there at that point in time. I understand things change. I also understand that the people of the State of Maine want a commitment to education for a good high school education is very important. That is one thing that we put our property tax into. We pay our taxes so we can provide our children with an education so they can advance through life. Every time that we have less funding from the state, it makes it harder and harder and harder for that child to get a good high school education. I hope that you will adopt this motion and vote for this. I will tell you that the people you are benefiting are the people you will never see. These people may never go to college. They may never get a college education and they might be gaining something there that will provide them for the rest of their life like a high school education provided me. I think it is a privilege to be able to serve here and to be able to work where I work, but the thing is you have to have a good high school education. If you don't get anything else in life, you need a high school education. It is very important. When we, as a state, do not fund it at the level it should be funded at, we are the culprits. We are the losers. The people of the State of Maine are losers. I hope that you will adopt this amendment and move forward and I hope it won't last another four hours and fifteen more minutes.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. We are talking about one-time money. In this case it is laptop money. When this one-time money is put into the formula and cushion, it is all spent in one year. What happens the next year when there is no money for a cushion or for a hold harmless? School districts think they are being cut. It is being thought of as part of the base subsidy for schools instead of a one-time adjustment. This happened last session when schools received a hold harmless, even those schools who could well afford to hold their own. Now these schools feel a crunch, even though money has been put in for a cushion for all the districts. If we continue to cushion and the hold harmless, the expectations will be compounded in other programs, such as the health program. They will suffer. Even though I agree with the good Representative who spoke before me that education is by far the most important thing, one-time money doesn't help in this case. Thank you.

Representative **BERRY** of Livermore moved that **House Amendment "M" (H-989) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "M" (H-989) to Committee Amendment "A" (H-968).**

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. It is not easy moving Indefinite Postponement on many of these amendments. I know how much they mean to people in this chamber. I especially have a great deal of respect for my good friend from Medway, Representative Stanley. I hope nobody thinks I take joy in these motions, but I think this one, in particular, there was a great effort by some of the leadership members in this body in the final negotiations. There was definitely a strong attempt to improve the cushion. That attempt was blocked quite strongly. We did result in an additional \$2 million through program costs on top of the Education Committee's plan 7. I think that was a plus. For me, being part of that, I can't support this motion as part of the agreement on this budget. I hope that you will continue to support the Indefinite Postponement. I think for both bodies, or whatever, it is important to send this document out clean and speed this process up. Thank you Mr. Speaker.

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

Representative **ESTES**: Mr. Speaker, Men and Women of the House. I would say that I am probably one of the most ardent supporters of the technology endowment. It was very interesting last year to go through the process in which we not only had the report come in from the task force and that was public that people could attend, but we had our public hearing and we had numerous, probably more than a dozen work sessions, to finesse that piece of legislation. We put in a lot of things that I thought were really, really important, like the demonstration sites and having an advisory group that was responsible as well as the commissioner to come back to both the Education Committee and the Appropriations Committee every January with a report on what was going on with that program.

One of the things that a lot of people don't realize is that the funding for that program has to come before the Education Committee and the Appropriations Committee every year for their approval. It is not a perpetual fund that can be spent out over the period of the next four years. When we came up here in January it was a pretty dismal picture with the \$250 million structural gap.

Fortunately last month the reprojected lowered that to \$160 million and many of us breathed a sigh of relief because a lot of the controversial cuts, especially to Health and Human Services, were put back into the budget. This also breathed new opportunity for us to increase general purpose aid over the Governor's original recommendation.

However, I want people also to keep in mind that we had some other things that came unexpectedly. One of them was the unanticipated higher costs for state wards and agency clients. We had to come up with \$6.7 million for this current fiscal year in order to keep our 100 percent obligation. If we hadn't done that in the middle of April, the money would have dried up and the districts would have been on their own to pay for those costs for wards and agency clients.

There are \$2.5 million in this current money that is new money that we ended up having to spend that we didn't expect we were going to have to spend. It is going to a good cause. We really appreciate the Appropriations Committee keeping that commitment of 100 percent subsidy for those communities that are taking care of those students.

Another thing hit us two weeks ago. I really find this one ironic. We have an economic stimulus package being promoted by the President of the United States, passed by Congress. That comes down, and believe it or not people, that puts another \$30 million structural gap that has to be taken care of by the Appropriations Committee. I don't even want to get into tax conformity because I have been trying to figure it out and I see nothing but a lot of smoke and mirrors. When we are told that the Rainy Day Fund is what is backing up tax conformity, then we are having some real problems.

One of the things that I did, because I have been there before serving from 1986 to 1992 in the other body and having to go through the worst times that this state had seen since the depression. I know you had to turn over stones to try to find money and I had a whole list of possibilities. The problem with some of those possibilities is they were tax increases or they were tax equity, which would have ended up spreading out the base of our sales tax. I came up with a couple that I thought were pretty good ideas. I was pleased to see that my Democratic Leadership thought seriously about these and helped me with the research in terms of how much funding was available. They actually took one of them, or tried to take one of them, to the wall last Friday night in the negotiations. One of those ideas was tax amnesty for non-filers. My figures came up with a conservative \$2 million that we could have raised there. We got real soft figures coming in from the Bureau of Taxation, maybe \$800,000 to \$1 million, but still that was a little bit more money.

We are having a real problem in York County and it is happening in other parts of the state, Cumberland County and western Maine. Maine residents are illegally registering their vehicles. We lose out on the sales tax and the municipality loses out on the excise tax. We are also having a problem with out-of-state contractors who are coming in and underbidding Maine contractors because they are not paying income tax and they are not paying sales tax on the building materials they are bringing across the border. That probably would have raised about \$4 million. We pay a five-cent sales tax on cable television premium subscription, but there is no sales tax on satellite TV premium subscription, which that equity would have brought in another \$2 million. I am talking somewhere around \$7 million. I am looking for money that we could have used to put into GPA and put into a cushion.

Finally in frustration this week I took it to the second floor and I tried to get them to come up with some clear figures so that we could get at least this \$2.2 million that the good Representative

from Medway is asking to be put additionally into the cushion. There were three alternatives that I was given. The alternatives were to take cushion money from the Healthy Maine Fund or to take some of the money out of the TANF reserve, which is the AFDC Rainy Day Fund, or to take some money out of what remained in the tobacco settlement funds. They didn't want to touch that. I am a little bit irritated because there was money there, real money, that is owed to this state that could have gone towards general purpose aid distributed through the formula, plus pushing the cushion up.

I would like to take just a minute to talk about the situation the good Representative from Medway was talking about. You go and you look at the printout. We have five quintiles with 57 schools in each quintile. Number one and number two, they are the wealthy communities. When you look at the number of communities that lose, 99 communities or school units end up losing money out of 285 school units. Of the top 57 losers, one of them is in the first quintile, 18 are in the second quintile, 12 are in the third quintile and in the fourth quintile we have 20 and in the fifth quintile we have six. That is the majority. Thirty-seven out of 57 are in the third, fourth and fifth quintiles. I will give you an example. Beals, for example, in the fourth quintile is seeing a 2.9 percent decrease in subsidy. Cooper Mills, third quintile, a 19.6 percent decrease in subsidy from this current fiscal year to the next fiscal year. South Portland we have already heard, second quintile. They are losing almost 33 percent subsidy from this current fiscal year. Stockholm, fourth quintile, 18.3 percent subsidy loss. East Machias, fourth quintile, 6 percent loss. That is \$120,000 off a \$1.89 million budget. That is a big hit for a small school district. Kittery, we are in a situation where we are taking a 29.3 percent hit. That is \$369,000. That is after taking the second highest hit last year, even with a \$6.2 million cushion in there. It was a 9 percent reduction last year of \$111,000. Our subsidy for next year will be \$890,000 from the state toward an \$11 million total projected school budget. It is struggling right now. Utilities are going up. Insurances are going up. Salaries are going up on both the school and municipal side of the budget. Your county communities are also looking at a 75 percent increase in their county tax rate.

I talked to my superintendent and this is some of the things that we are looking at. We have five positions that need to be filled to add programs to keep abreast of learning results. They are not going to be filled. They are looking at cutting eight to 10 ed techs, one library aide for the high school, one library aide from the middle school and the rest are special ed techs. They are also looking at this. Get this, extra curricular, instead of cutting extra curricular programs. They are looking at establishing a \$60 per student, per sport first season assessment in order to keep extra curricular programs going. Textbooks and other education resources will be cut to a barebones, almost no increase. Field trips are gone. The current tax increase that we are looking at in the Town of Kittery is going to be just over \$2 per thousand of valuation.

Let me say something about the people who argue about the cushion. You have had a cushion for nine years now. You have never gotten away from a cushion. I want to read something into the record from the Department of Education. It says, "The Department of Education's position regarding school funding in Maine. Number five, in the long-term the use of a cushion is contrary to the overall intent of the school funding formula. However, during a period of transition to the new funding approach, which is essential programs and services, school units may be unable to quickly adjust to the new approach. Under such circumstances a cushion is appropriate to make the transition easier for local units, both fiscally and politically. The

Department proposes that a cushion be provided during the period of transitioning to essential programs and services, which will be phased in over the next five years until the fiscal year 08 and to be phased out at the year of complete implementation of essential programs and services."

People who are saying it is time to bite the bullet and no more cushions, I remember saying to the Appropriations Committee last year we are going to need a cushion next year. We are going to need a minimum of 5 percent increase in GPA. We are a little over 4 percent with what we have in this budget and that is great, but a cushion is going to be a fact of life next year and the year after until we get to fiscal 08 and essential programs and services in place. An additional \$2.2 million added on puts us at the same level of cushion that we were last year. It is just a trickle, but it is going to help the high receivers, the former high receivers that are being hit in that third, fourth and fifth quintile. It is going to help the South Portlands, the Kitterys and the Cape Elizabeths be able to maintain some sanity in what is just a tremendous cut back in one fiscal year. Thank you Mr. Speaker.

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

Representative WESTON: Mr. Speaker, Ladies and Gentlemen of the House. I am going to address just one piece and that is the cushion aspect. It is in this amendment, but I am going to speak about it in a general terms. Balance is always the key to what we do. We tried as a committee very hard to balance the needs of every child who is in school in this state. Cushions are cushioning the loss from the year before. The larger the cushion, the larger the battle next budget year. When I look at balance, I am not only trying to balance the loss from the year before, but I am trying to balance the education that the students in this state are getting. I am trying to balance the programs that some schools have and others don't. The superintendent from Mars Hill that spoke before us and Appropriations was at the end of the line. When he finally got there after listening to all of the schools talk about the different programs they would be cutting, he said I would be telling you the same thing, except I don't have any of those programs. I never have and probably never will. That is a big piece of what this formula is about. There are losers financially, but that has been spoken every year. We have targets. Everyone knows where this formula is heading. Every school district knows if you lose students, you are going to get less state aid. That is harder for some districts and it is harder some years. If we want a balanced look at those lowest school districts, they are paying the highest mil rate and they are paying the least per student. These are the schools that do need help. Some of them sometimes fall outside of that for some other reasons. This formula, I think, is doing what is fair and balanced, but always some people will be losing. We will not be giving them what they had last year. On the other hand, our responsibility is to give every child a quality education no matter where they live. That is the balanced approach. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative MUSE: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, would this amendment be the same as the ever so closely almost passed Representative Sullivan amendment only far less money to make everyone happy?

The SPEAKER: The Representative from South Portland, Representative Muse has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Kittery, Representative Estes.

Representative ESTES: Mr. Speaker, Men and Women of the House. As I look at the amendment what this would do is it would only add \$2.2 million to the external cushion.

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

Representative NASS: Mr. Speaker, Men and Women of the House. In attempting to answer that question, I would have to say the answer is, it doesn't matter. Even a one dollar difference on this controversial issue is going to throw this budget into turmoil. The cushion was the most difficult thing to resolve, the most difference between this body and the other body and it is going to create deadlock. It will be the same kind of deadlock we witnessed last year. The answer is it doesn't matter. We cannot increase the cushion. We cannot increase the cushion. We have increased GPA in this proposal. As much as we might have liked it, we can't increase the cushion beyond what we are providing for here. If we do, this budget is in trouble. I urge that we Indefinitely Postpone this.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "M" (H-989) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 550

YEA - Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bruno, Bumps, Bunker, Canavan, Chase, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Daigle, Davis, Desmond, Dorr, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mayo, McGowan, McNeil, Mitchell, Murphy E, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Richard, Richardson, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Tessier, Thomas, Tobin D, Trahan, Tuttle, Usher, Volenik, Weston, Winsor, Mr. Speaker.

NAY - Annis, Bliss, Bowles, Bryant, Bull, Carr, Clark, Clough, Cummings, Dudley, Duprey, Estes, Gerzofsky, Glynn, Goodwin, Haskell, Kasprzak, MacDougall, Marley, McDonough, McGlocklin, McKee, McKenney, McLaughlin, Mendros, Michael, Murphy T, Muse C, Muse K, Patrick, Quint, Rines, Sherman, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tobin J, Tracy, Treadwell, Twomey, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Andrews, Bagley, Baker, Buck, Labrecque, Landry, Lovett, Mailhot, Marrache, Matthews, Michaud, Morrison, Watson, Young.

Yes, 92; No, 45; Absent, 14; Excused, 0.

92 having voted in the affirmative and 45 voted in the negative, with 14 being absent, and accordingly **House Amendment "M" (H-989) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

Representative MENDROS of Lewiston **PRESENTED House Amendment "O" (H-992) to Committee Amendment "A" (H-968)**, which was **READ** by the Clerk.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. Have I got a deal for you. Since we didn't want the people to decide whether laptops are a good idea, I have a solution of how it can be best spent. If this were to pass, I wouldn't have to offer my other amendment, because what I

want to do in that is not in here and we can all leave and go home much sooner. What this does is it gets rid of the three tax increases, the reduction in the telecommunication personal property tax that is being delayed, the delay of the implementation of the real estate transfer tax and the most onerous of all, the elimination of the net operating loss carry back. The net operating loss carry back, we all hear about Wal-Mart and how they put these small businesses out of business and they are terrible. We all know how bad Wal-Mart is. When Wal-Mart goes in and makes it real tough for you that year and you are a small business being run out of business by Wal-Mart, you can use this to survive that bad time and those people who get sick of Wal-Mart and get sick of going there and start coming back to your store. By getting rid of this and saying that you can carry it forward, you say to those big companies like Wal-Mart, if you have a tough time you can carry it forward and absorb it, but if you are a small business, carrying your losses forward does you no good because you are not there anymore to benefit from carrying your losses forward. You need it. Eliminating that net operating loss carry back is bad for small business and it is good for big business because it makes it even harder for small business to compete with them.

Those senior citizens in nursing homes, I haven't forgotten them. It gives them their cost of living adjustment that they deserve and the people in the towns that have been forgotten that are losing money, well, it puts \$2 million into the cushion to help absorb that loss. Best of all, it takes \$18 million and puts it into GPA so that all the school districts can get more money in GPA and they can take that money and buy laptops if that is what their school boards want to. I would urge you in all actuality to defeat the motion that is about to be made to Indefinitely Postpone this and pass the amendment. Thank you.

Representative MADORE of Augusta moved that **House Amendment "O" (H-992) to Committee Amendment "A" (H-968) be INDEFINITELY POSTPONED.**

The same Representative REQUESTED a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "O" (H-992) to Committee Amendment "A" (H-968).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "O" (H-992) to Committee Amendment "A" (H-968). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 551

YEA - Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Marley, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Mitchell, Murphy E, Murphy T, Muse C, 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, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Stanley, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Clark, Foster, Glynn, Goodwin, Haskell, Kasprzak, MacDougall, McKenney, Mendros, Michael, Morrison, Snowe-Mello, Stedman, Tobin J, Tracy, Waterhouse.

ABSENT - Andrews, Bagley, Baker, Buck, Landry, Lovett, Mailhot, Marrache, Matthews, McKee, Michaud, Rines, Young.

Yes, 122; No, 16; Absent, 13; Excused, 0.

122 having voted in the affirmative and 16 voted in the negative, with 13 being absent, and accordingly **House Amendment "O" (H-992) to Committee Amendment "A" (H-968) was INDEFINITELY POSTPONED.**

The SPEAKER: A roll call having been previously ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-968) as Amended by House Amendment "K" thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 552

YEA - Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clough, Colwell, Cote, Cowger, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McNeil, Mitchell, Murphy E, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Pinkham, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Mr. Speaker.

NAY - Annis, Bliss, Clark, Collins, Crabtree, Cressey, Cummings, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Honey, Kasprzak, MacDougall, Marley, McLaughlin, Mendros, Michael, Morrison, Murphy T, Muse C, Muse K, Perkins, Quint, Stedman, Tobin J, Tracy, Treadwell, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Andrews, Bagley, Baker, Buck, Fisher, Landry, Lovett, Mailhot, Marrache, Michaud, Tessier, Young.

Yes, 105; No, 34; Absent, 12; Excused, 0.

105 having voted in the affirmative and 34 voted in the negative, with 12 being absent, and accordingly **Committee Amendment "A" (H-968) as Amended by House Amendment "K" (H-986) thereto was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-968) as Amended by House Amendment "K" (H-986)** thereto and sent for concurrence.

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

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

ORDERS

On motion of Representative SULLIVAN of Biddeford, the following Joint Order: (H.P. 1702) (Cosponsored by Senator LaFOUNTAIN of York and Representatives: BLANCHETTE of Bangor, BROOKS of Winterport, COTE of Lewiston, HATCH of

Skowhegan, LAVERRIERE-BOUCHER of Biddeford, O'NEIL of Saco, RICHARDSON of Brunswick, Senator: O'GARA of Cumberland)

ORDERED, the Senate concurring, that the Task Force to Study Regulatory Barriers to Affordable Housing is established as follows.

1. Task force established. The Task Force to Study Regulatory Barriers to Affordable Housing, referred to in this order as the "task force," is established.

2. Task force membership. The task force consists of the following members.

A. Three members of the Senate are appointed by the President of the Senate.

B. Three members of the House of Representatives are appointed by the Speaker of the House.

C. The Commissioner of Economic and Community Development; Executive Director of the Maine State Housing Authority; the Executive Director of the State Planning Office within the Executive Department; the President of the Maine State Chamber of Commerce; the Executive Director of the State Association of Municipalities; the President of the Maine Association of Planners; and representatives from neighborhood associations, city councils, municipal officers, town planning boards, nonprofit and for-profit housing developers, land trusts, manufactured housing manufacturers, financial institutions and the business community are invited to participate as members of the task force.

3. Task force chair. The first named Senator is the Senate chair of the task force and the first named member of the House is the House chair of the task force.

4. Appointments; convening of task force. All appointments must be made no later than 30 days after adjournment. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force no later than 30 days after adjournment of the Second Regular Session of the 120th Legislature.

5. Duties. The task force shall hold its meetings at various locations in the State, to be determined by the chairs. The task force shall gather information and request necessary data from public and private entities in order to develop recommendations

to reduce regulatory barriers to and provide incentives for the creation and availability of affordable housing consistent with legitimate concerns of local communities for healthy neighborhoods, sound environmental practices, sustainable affordability and inclusive communities.

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

7. Compensation. Members of the task force are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force.

8. Report. The task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Legislative Council by November 6, 2002. The task force is authorized to introduce legislation related to its report to the First Regular Session of the 121st Legislature at the time of submission of its report.

9. Extension. If the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

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

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested.

READ and REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

On motion of Representative LESSARD of Topsham, the House adjourned at 4:36 p.m., until 9:00 a.m., Monday, March 25, 2002 in honor and lasting tribute to Chief Clayton "Skip" I. Baker, Jr., of Topsham and Yvette M. "Gerine" Farris, of Pinkham's Cove in Belgrade.