

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 SPECIAL SESSION
1st Legislative Day
Wednesday, November 13, 2002

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Twentieth Legislature in extra session, the members of the House of Representatives were assembled in their hall at 10:00 o'clock in the morning and were called to order by the Speaker.

Prayer by Reverend Stephen White, Rector, St. Andrew's Episcopal Church, Newcastle.
Pledge of Allegiance.

A roll call was taken. 122 out of 148 members answered to their names and accordingly the Chair declared a quorum present.

Those absent were:

Representative BAKER of Bangor
Representative BRANNIGAN of Portland
Representative BUCK of Yarmouth
Representative CHICK of Lebanon
Representative DORR of Camden
Representative DUDLEY of Portland
Representative GLYNN of South Portland
Representative LANDRY of Patten
Representative MARLEY of Portland
Representative McGLOCKLIN of Embden
Representative McNEIL of Rockland
Representative MENDROS of Lewiston
Representative MICHAEL of Auburn
Representative MITCHELL of Vassalboro
Representative MORRISON of Baileyville
Representative MUSE of South Portland
Representative PEAVEY of Woolwich
Representative PERKINS of Penobscot
Representative PERRY of Bangor
Representative PINKHAM of Lamoine
Representative QUINT of Portland
Representative SNOWE-MELLO of Poland
Representative STANLEY of Medway
Representative SULLIVAN of Biddeford
Representative TREADWELL of Carmel
Representative WHEELER of Eliot

The Following Proclamation: (H.C. 483)

**STATE OF MAINE
PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of a projected \$240 million budget shortfall for the current fiscal year, a shortfall that may increase with revenue reforecasts;
WHEREAS, the State of Maine must end the fiscal year with a balanced budget;
WHEREAS, curtailments and administrative reductions in current expenditures are not sufficient to alleviate the shortfall;
WHEREAS, budgetary legislation must be enacted as soon as possible to assure that the fiscal year 2003 budget will be balanced;
NOW THEREFORE, I Angus S. King, Jr., Governor of the State of Maine, by virtue of the Constitutional power vested in me as Governor pursuant to Article V, Part 1, section 13 of the Constitution of Maine, convene the 120th Legislature of this

State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Wednesday, November 13, 2002, at 10:00 o'clock in the morning, to receive communications, and enact the proposed legislation submitted by the Governor containing budgetary recommendations, or submit legislation that achieves the same objectives.

In testimony whereof, I have caused
The Great Seal of the State to be
hereunto affixed GIVEN under
my hand at Augusta this twenty-ninth
day of October in the Year of our
Lord Two Thousand and Two.
S/Angus S. King, Jr. Governor

S/Dan A. Gwadosky
Secretary of State

READ and ORDERED PLACED ON FILE.

On Motion of Representative COLWELL of Gardiner, the following Order: (H.O. 48)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor Angus S. King, Jr., and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

Was **READ** and **PASSED** and the Chair appointed the following Members:

Representative BERRY of Livermore
Representative MAILHOT of Lewiston
Representative TESSIER of Fairfield
Representative BRANNIGAN of Portland
Representative ETNIER of Harpswell
Representative JONES of Greenville
Representative NASS of Acton
Representative WINSOR of Norway
Representative BELANGER of Caribou
Representative ROSEN of Bucksport

On Motion of Representative NORBERT of Portland, the following Order: (H.O. 49)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Was **READ** and **PASSED** and Representative COLWELL of Gardiner was appointed to convey the message.

COMMUNICATIONS

The Following Communication: (H.P. 1747)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

September 25, 2002
Hon. Michael V. Saxe
Speaker of the House
120th Legislature
Hon. Richard A. Bennett
President of the Senate
120th Legislature
Dear Mr. Speaker and Mr. President:

On September 24, 2002, 1 bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to the Joint Standing Committee on September 24, 2002, as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

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 Year Ending June 30, 2003" (EMERGENCY) (H.P. 1746) (L.D. 2220) (Presented by Representative BERRY of Livermore) (GOVERNOR'S BILL) (Cosponsored by Senator GOLDTHWAIT of Hancock and Representative: NASS of Acton, Senators: CATHCART of Penobscot, MILLS of Somerset)

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

S/Pamela L. Cahill

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

The Following Communication: (H.P. 1748)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

Hon. Millicent M. MacFarland

Clerk of the House

Maine House of Representatives

2 State House Station

Augusta, ME 04333-0002

Dear Clerk MacFarland:

Thank you for your letter of May 13, 2002, transmitting to Administrator Whitman a Joint Resolution concerning the Clean Air Act's New Source Review (NSR) Program. In the Resolution, the members of the Maine Legislature urge the President and the Environmental Protection Agency (EPA) to maintain the existing NSR regulations and urge Congress to block regulations that would result in diminished public health and environmental quality. I want to briefly respond to the points raised in the Resolution and request that you communicate this response back to the Legislature.

I want to assure you that I am committed to the air quality benefits provided by the NSR program. However, I believe the program can and should be improved. Many of our stakeholders share this view, including governors and State environmental commissioners from both major parties. EPA worked with a diverse group of stakeholders for more than 10 years to respond to these calls for the reform of the program. We evaluated several possible ways to make the program better, including a number of ideas that were developed and proposed by prior administrations.

The regulatory improvements that we announced on June 13, 2002, are intended to address widespread concerns about the effectiveness of the NSR program. The improvements are aimed at creating incentives for companies to reduce emissions and at removing barriers to environmentally beneficial projects. They are also intended to promote greater certainty for regulated sources, improving overall environmental compliance. These ideas have been developed over several years and have reflected an extraordinary level of public participation.

Because the Maine Legislature's Resolution mentions NSR litigation, I also want to assure you that NSR enforcement

remains a high priority. I continue to believe that reductions from such cases will provide Americans with cleaner, healthier air. For example, in New Jersey earlier this year, we settled a major enforcement action involving PSEG Fossil, LLC which EPA estimates will result in significant reductions in SO₂ (by 36,000 tons per year) and NO_x emissions (by 18,000 tons per year).

Again, thank you for your letter. I appreciate the opportunity to be of service and trust that the information provided is helpful.

Sincerely,

S/Jeffrey R. Holmstead

Assistant Administrator

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

The Following Communication: (H.C. 484)

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

May 7, 2002

Richard A. Bennett

President of the Senate

3 State House Station

Augusta, Maine 04333

Michael V. Saxl

Speaker of the House

2 State House Station

Augusta, Maine, 04333

Dear President Bennett and Speaker Saxl:

I have decided not to sign into law H.P. 1742, L.D. 2218, "An Act to Improve the Responsiveness of the Unemployment Insurance Program," for the reasons that follow.

L.D. 2218 expands unemployment insurance benefits to include individuals who restrict their work search to less than full-time employment. This eligibility expansion would become effective June 1, 2003 and cease on June 1, 2006 through a sunset provision included in the bill. The cost of this benefit expansion is projected to be \$13.8 million over the three-year period. The bill proposes that federal "Reed Act" funds distributed under the Job Creation and Worker Assistance Act of 2002 be used to fund this expansion. These federal funds were distributed to states to be used to pay regular benefits or to fund the operation of the state unemployment and/or employment system. However, neither the use of these funds nor the sunset provision would negate the financial impact on employer contribution rates in 2006.

In other words, if this bill is enacted, a change in contribution rate schedule will be triggered in 2006 so that employers could expect to pay an additional \$13.2 million in unemployment contributions in that year. Further, experience suggests that the actual termination of these benefits – after they have been available for three years – is highly unlikely, thus making increased ongoing costs almost inevitable.

As you are aware, Maine employers paid a substantial premium in unemployment contributions in recent years to address the critical solvency problems that threatened the viability of the Unemployment Trust Fund. Contribution levels were set artificially high to restore stability to the trust fund. 2002 is the first year since addressing trust fund solvency that contribution rates have decreased to a level more in keeping with actual unemployment experience. Although the trust fund has been stable throughout the past year, it is still very early in the recovery process to consider expanding the benefit costs of this program. Additionally, although unemployment contribution rates decreased in Maine in 2002, they still remain significantly higher

than the national average and those of our neighboring New England states including New Hampshire, Massachusetts, Vermont and Connecticut (see attached chart).

Only 18 states have taken action to expand benefit eligibility to individuals restricting their work search and job availability to less than full time. Although Maine is not one of these, our unemployment insurance program does include other benefit provisions that few other states have, such as dependency allowance, dislocated worker benefits, an alternate base period for eligibility determination, and self-employment assistance.

I understand the policy reasons that support the inclusion of part time workers into the unemployment benefit system, but firmly believe that this or any expansion of benefits, and the resultant increase in employer taxes, must be evaluated in the context of the overall cost of doing business in Maine. The fundamental problem is that our costs are relatively high in almost every category – workers' comp, unemployment insurance, health insurance, taxes generally – and further added costs in any area only exacerbate this problem. My ongoing concern for the overall health of the Maine economy – and all of its workers – forces me to oppose the bill.

It is critical to maintain the balance between benefits offered and the state's ability to attract and retain jobs. At this point in time, I am unable to support another increase in the financial burden on employers as I believe that it will, along with other factors, be a detriment to economic growth. Therefore, I am not able to support this legislation at this time

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 485)
STATE REPRESENTATIVE WILLIAM R. COTE
HOUSE DISTRICT 87

July 21, 2002
Bureau of Corporations, Elections and Commissions
Department of the Secretary of State
101 State House Station
Augusta, Maine 04333

Dear Secretary Gwadosky:

I, Representative William R. Cote, hereby resign my position as District 87 Representative effective immediately.

I served District 87 well for four years. I enjoyed it while it lasted. So it saddens me to write this letter but I need to move on now. Please accept my resignation effective immediately. Thank you for everything.

Sincerely,
S/Rep. William R. Cote

READ and ORDERED PLACED ON FILE.

Subsequently, Representative BERRY of Livermore reported that the Committee had delivered the message with which it was charged.

The Following Communication: (H.C. 486)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

September 18, 2002
Honorable Millicent M. MacFarland

Clerk of the House
2 State House Station
Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I), I have appointed Representative Patrick Colwell of Gardiner and Representative William Savage of Buxton to the Joint Standing Committee on Legal and Veterans' Affairs to fill the vacancies left by Representative Nancy L. Chizmar of Lisbon and Representative William R. Cote of Lewiston.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 487)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

September 18, 2002
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I), I have appointed Representative William S. Norbert of Portland as a member of the Joint Standing Committee on State and Local Government to replace Representative Philip Cressey, Jr. of Baldwin.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 488)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

September 25, 2002
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I), I have appointed Representative William S. Norbert of Portland as Acting House Chair of the Joint Standing Committee on State and Local Government.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 489)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

September 25, 2002

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I), I have appointed Representative Charles Mitchell of Vassalboro as a member of the Joint Standing Committee on State and Local Government.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Michael V. Saxl

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 496)

**PENOBSCOT INDIAN NATION
OFFICE OF THE TRIBAL CLERK
COMMUNITY BUILDING
INDIAN ISLAND
OLD TOWN, MAINE 04468**

October 30, 2002

Hon. Millicent M. MacFarland

Clerk of the House

Clerk's Office Room 300

State House

Augusta, ME 04333

Dear Clerk MacFarland:

This is to certify that Donna M. Loring was re-elected Representative to the State Legislature for the term of October 1, 2002 - September 30, 2004.

The Tribal Biennial Election was held on September 14, 2002 under the provision of Chapter Four of the Penobscot Nation Laws and Ordinances.

Sincerely,

S/Linda Socoby

Tribal Clerk

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 497)

**PASSAMAQUODDY TRIBE
JOINT TRIBAL COUNCIL**

November 6, 2002

Honorable Millicent M. MacFarland

Clerk of the House

State House Station 2

Augusta, Maine 04333-0002

Dear Clerk MacFarland:

It is certified that the Passamaquoddy Tribe duly elected Frederick J. Moore III, as Passamaquoddy Tribal Representative to the Maine Legislature for a term of four years commencing October 1, 2002 to September 30, 2006.

Tribal elections were held at the Pleasant Point and Indian Township Passamaquoddy Reservations in September of 2002.

If you need more information, please call me at (207) 853-2600 Ext. 254.

Sincerely,

S/Mary J. Lola-Nicholas

Passamaquoddy Joint Council Clerk

READ and ORDERED PLACED ON FILE.

At this point, the Speaker announced the presence in the Hall of the House of Representative-elect MOORE of the Passamaquoddy Tribe. The Speaker appointed the following Representatives to escort Representative-elect MOORE to the Office of the Governor to take and subscribe the oath necessary to qualify him for the discharge of his official duties:

Representative BROOKS of Winterport

Representative CLARK of Millinocket

Representative GOODWIN of Pembroke

Representative McKEE of Wayne

Representative SKOGLUND of St. George

Representative BELANGER of Caribou

Representative HONEY of Boothbay

Representative PINKHAM of Lamoine

Representative WHEELER of Bridgewater

A message was received from the Senate, borne by Senator Small of Sagadahoc of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

The Following Communication: (H.C. 498)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

November 13, 2002

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority, I have appointed the following Representatives and members to serve on committees, study commissions and task forces:

Advisory Committee on Dental Education, Chapter 496, P.L. 1999

Mr. Kevin Lewis of Manchester

Legislative Youth Advisory Council, Chapter 439, Part PPPP, P.L. 2001

Representative Michael W. Quint of Portland

Representative Carol Weston of Montville

Barrett Littlefield of Kents Hill School

William Barker of Caribou High School

Leela Brackett of Washington Academy

Billy Lane of Bristol High School

Elizabeth Comeau of Penquis Valley High School

Nathaniel Yellis of York County

Lilly Angelo of the Northern Maine Technical College

Tony DiSotto of Colby College

Centralized Voter Registration Advisory Committee, Chapter 637, P.L. 2001

Hon. Harry True of Fryeburg

Hon. Richard Davies of Manchester

Ms. Debra Lane of Cape Elizabeth

Ms. Janice Carpenter of Portland
Mr. Alan D. Julson of Portland
Community Preservation Advisory Committee, Chapter 648, P.L. 2001
Representative Theodore Koffman of Bar Harbor
Representative Susan M. Hawes of Standish
Representative Janet L. McLaughlin of Cape Elizabeth
Representative David L. Tobin of Windham
Jeffery Sosnaud of Portland
Ed Suslovic of Portland
Maine Library of Geographic Information Board, Chapter 649, P.L. 2001
John Giles of Portland
John Holden of Bangor
Will Mitchell of Portland
Barbara Charry of Falmouth
Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers, Chapter 661, P.L. 2001
Representative Gary J. Wheeler of Eliot
Representative Harold A. Clough of Scarborough
Lawrence Pullen of Auburn
Leo Madden of Lisbon Falls
Ted Brown of Portland
Richard Pfeffer of Portland
Ann R. Robinson of Augusta
Maine Small Business Health Coverage Plan Board, Chapter 677, P.L. 2001
Joseph Ditre of Augusta
Peter Schwindt of Brunswick
Task Force to Study the Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers, Chapter 707, P. L. 2001
Representative Jacqueline R. Norton of Bangor, House Chair
Representative Arthur F. Mayo III of Bath
Health Care Workforce Leadership Council, Chapter 89, Resolves of 2001
Patricia Philbrook of Augusta
Judy Brown of Bangor
Ralph Gavarro of Dover-Foxcroft
James Cassidy of Lewiston
Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House, Chapter 113, Resolves of 2001
Representative Charles D. Fisher of Brewer
Representative Monica McGlocklin of Embden
Blue Ribbon Commission to Address the Financing of Long-term Care, Chapter 114, Resolves 2001
Representative Thomas J. Kane of Saco
Representative Arthur F. Mayo III of Bath
Brenda Gallant of Wiscasset
Robert Mollica of Portland
Michael McNeil of Falmouth
John Moran of Manchester
Steve Tremblay of Portland
Vicky Purgavie of Freeport
Kathy Pears of Phippsburg
Leo Delicata of Portland
Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families, Chapter 115, Resolves of 2001
Representative Gerald M. Davis of Falmouth
Christine Hastedt of Freeport

Patti Wooley of Waterville
Elizabeth Mahoney of Cumberland
Lu Bauer of Windham
Nancy B. Kelleher of Portland
Representative Joseph E. Clark of Millinocket to work with the State Planning Office as they finalize their recommendations regarding the purchase of conservation easements by the State, Chapter 116, Resolves of 2001
Task Force on Rail Transportation, Chapter 120, Resolves of 2001
Representative Charles D. Fisher of Brewer
Representative Sharon H. Libby Jones of Greenville
Representative Thomas W. Murphy, Jr. of Kennebunk
Representative Edgar Wheeler of Bridgewater
Representative Ronald F. Collins of Wells
Steve Francoeur of Old Town
Michael Murray of Portland
Robert Grossman of York, Pennsylvania
Commission on Fatherhood Issues, Chapter 121, Resolves of 2001
Representative Deborah L. Simpson of Auburn
Representative Marie Laverriere-Boucher of Biddeford
Representative Glen Cummings of Portland
Heidi Leinonen of Sanford
Emily Douglass of Saco
Task Force to Study the Impact of a Maine-based Casino, Chapter 124, Resolves of 2001
Representative Donna M. Loring of Richmond
Representative Bruce S. Bryant of Dixfield
Representative Janice E. Labrecque of Gorham
Jim Carson of South Portland
Richard Balkite of York
Advisory Committee on Family Development Accounts, Title 5 M.R.S.A. § 12004-I, sub-§ 25-B
Robin Dobbins of Augusta
Barbara Kierstead of Westbrook
Michael Bonzagni of Harrington
Children's Mental Health Oversight Committee, Title 34-B, M.R.S.A. § 15004
Sharon A. Harbin of Lewiston
Oil Spill Advisory Committee, Title 38, M.R.S.A. § 551-A
Bets Brown, Ph.D. of South China
Sincerely,
S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 490)
**MAINE MILLENNIUM COMMISSION ON HUNGER
AND FOOD SECURITY**

April 16, 2002

The Honorable Michael V. Saxl
Speaker of the House
Maine House of Representatives
SHS #2

Augusta, Maine

Dear Speaker Saxl:

The Maine Millennium Commission on Hunger and Food Security is pleased to transmit to you the final report of the Commission. The Commission has worked for two years to develop a strategy for ending hunger in Maine. An interim report was issued at this time last year along with accompanying legislation addressing some of the Commission's early findings that required legislative action for their achievement. The Commission is heartened and

very pleased with the reception received from the 120th Legislature and the steps that were begun to end hunger in spite of budget deficits and the shadow of reports of tough economic times ahead. We believe the State of Maine and its legislature understand the importance of an adequate and healthy diet to improving the health of our citizenry, the academic achievement of our children, the productivity and creativity of our workforce, and to peace and security in the world.

In our interim report, the Commission identified three essential strategies necessary to ending hunger in Maine and established goals for their achievement. In our final report, we further define and identify the steps that are needed to complete the journey to the achievement of the three strategies set forth in our interim report. We also propose several additional and far reaching recommendations that we believe will set in motion the processes that are needed to engage a much wider involvement of policy makers and the public in the move to end hunger. We have found that many things contribute to hunger and that their contribution must be recognized and addressed in policy. We have also found that hunger is costly, and that ending hunger a prudent and critical step that will increase the productivity and well-being of our citizens, and in doing so, achieve great savings in health care, in our educational system, and in other services have been growing exponentially in recent years and demanding a greater portion of our public dollars. In short, hunger is much more than a social problem and to address it comprehensively, we must begin to think in different ways with entirely new perspectives and objectives.

In the pages that follow the Commission has spelled out steps for the upcoming legislative session that will establish the policies necessary to set the stage for ending hunger and that begin strategically to make the monetary investments that will be required. There is much more work to be done. Time has not allowed us to detail every step and strategy offered in our report. On behalf of the members of the Commission, it has been an honor to serve you and the people of Maine.

Sincerely,
S/Paul C. Christian,
Chair
S/Rep. Lois Snowe-Mello,
Co-Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 491)

**STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0038**

May 13, 2002

Hon. Michael V. Saxl
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Saxl:

Pursuant to "A Resolve to Implement the Recommendations of the Commission to Study Poverty among Working Parents with Regard to an Annual Report Card on Poverty" I am pleased to submit the enclosed 2001 Report Card on Poverty in Maine to you. This year, in addition to the report card, which tracks a standard set of indicators from year to year, we have also prepared a supplemental report containing newly released

demographic data from the Census Bureau that has implications for the level of poverty in Maine.

I hope you find the information contained therein of use to you. If you have questions or would like further information, please feel free to contact Joyce Benson at this office. (tel. 287-1461 or e-mail joyce.benson@state.me.us)

Sincerely,
S/Evan D. Richert, AICP

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 492)

**STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
DIVISION OF HEALTH ENGINEERING
11 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0010**

June 30, 2002

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

Subject: Advisory Commission on Radioactive Waste and Decommissioning Annual Report

Honorable Michael V. Saxl,

I am submitting this Annual Report for the Advisory Commission on Radioactive Waste and Decommissioning pursuant to Title 38 Waters and Navigation, Chapter 14-A, Subchapter I: General Provisions, §1453-A. Advisory Commission on Radioactive Waste and Decommissioning. This is being submitted on behalf of the advisory Commission on Radioactive Waste and Decommissioning by the Department of Human Services' Radiation Control Program. This report includes events of 2001, total fees received from each generator, line item detail on expenditures including in-state and out-of-state travel, printing, mailings and hearings, personnel, general operating expenses, supplies and overhead for the department and transfer of funds.

I have attempted to include all information that is pertinent to the operation of the commission, but if you have any questions please contact me at 287-8401.

Respectfully yours,
S/Thomas C. Hillman
Staff, ACORWD

Low Level Waste Coordinator
Radiation Control Program

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 493)

**STATE OF MAINE
DEPARTMENT OF AUDIT
66 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0066
Letter of Transmittal**

Senator Richard A. Bennett
President of the Senate
Senator Michael H. Michaud
President Pro Tempore
Representative Michael V. Saxl
Speaker of the House of Representatives
The Honorable Angus S. King, Jr.
Governor of Maine

We are pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2001. This report complies with the State's audit requirements, including those placed upon the State as a condition for the receipt of over \$1.7 billion in federal funds. The audit was conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and non-Profit Organizations*.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Report on Compliance and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*
- Report on Compliance with Requirements Applicable to Each Major Program and Internal Control over Compliance in Accordance with OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Corrective Action Plan
- Summary Schedule of Prior Audit Findings

On behalf of the Department of Audit, I would like to express my gratitude to employees throughout State government who have assisted us during the conduct of our audit and in the issuance of this report. We continue our mutual effort to improve financial reporting and accountability to the citizens of our State.

We would be pleased to respond to any questions or comments about the 2001 Single Audit of the State of Maine.

Respectfully submitted,
S/Gail M. Chase, CIA
State Auditor
June 28, 2002

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 494)
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BUREAU OF THE BUDGET
STATE HOUSE STATION #58
AUGUSTA, MAINE 04333

Date: October 16, 2002
To: Honorable Angus S. King, Jr., Governor
 Honorable Richard A. Bennett, President of the Senate
 Honorable Michael H. Michaud, President Pro Tem of the Senate
 Honorable Michael V. Saxl, Speaker of the House
 Honorable Jill M. Goldthwait, Senate Chair
 Honorable Randall L. Berry, House Chair
 Members, Joint Standing Committee on Appropriations and Financial Affairs
From: S/John R. Nicholas, State Budget Officer
Subject: Report on the forecast of revenues and expenditures for the General Fund and the Highway Fund for the FY 02-03 biennium and the FY 04-05 biennium in accordance with Title 5, section 1665, subsection 7.

The Bureau of the Budget is pleased to present its budget forecast for the General Fund and the Highway Fund for the FY 04-05 biennium in accordance with Title 5, section 1665. This effort was initiated and passed into law by the 117th Legislature as fulfillment of one of the recommendations of the Special Commission on Governmental Restructuring to provide a platform for long term financial planning.

This budget forecast is based on the current structure of state revenues and expenditures for both the General Fund and the Highway Fund as required by Title 5, section 1665, subsection 7. However, unlike previous such budget forecasts, this report also estimates the budget impact in FY 04 and FY 05 of the Governor's budget proposals to offset the projected General Fund budget shortfall in FY 03. As a result, this budget forecast should provide the most consistent view of revenue and expenditure trends over the long term as a basis for financial planning and decision making.

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 495)
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
BLUE RIBBON COMMISSION TO ADDRESS THE FINANCING OF LONG-TERM CARE

November 8, 2002
 The Honorable Richard A. Bennett, President
 Maine State Senate
 The Honorable Michael V. Saxl, Speaker
 Maine House of Representatives
 State House
 Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:
Pursuant to Resolves 2001, chapter 114, the Blue Ribbon Commission to Address the Financing of Long-term Care is pleased to submit its interim report. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Health and Human Services. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,
 S/Senator Betty Lou Mitchell, Senate Chair
 S/Representative Thomas J. Kane, House Chair
READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 862)
SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333

September 13, 2002
 Millicent MacFarland
 Clerk of the House
 State House
 Augusta, Maine 04333
 Dear Clerk MacFarland:
 Please be advised that in accordance with Senate Rule 203.5 and consistent with the terms of the power sharing agreement in the Senate, President Bennett has made the following changes to the Joint Standing Committees:

Senator Michael J. McAleve's appointment as Chairman and member of the Joint Standing Committee on Criminal Justice has been rescinded. Senator Paul T. Davis, Sr. will replace him as Committee Chairman. Senator Christine R. Savage has been appointed to serve as the second Republican member on that committee.

Senator McAleve's appointment as a Member of the Joint Standing Committee on Judiciary has been rescinded and Senator Paul Davis has been appointed to replace him.

Thank you for your attention to these matters.

Sincerely yours,
S/Pamela L. Cahill

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 933)

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

October 3, 2002

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 Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry, the nominations of:

Carol A. Eckert of Windsor for reappointment and John M. Jemison, Jr. of Orono for appointment as members of the Board of Pesticides Control;

Roger Milliken, Jr. of Cumberland for reappointment as a member of the Land for Maine's Future Board; and
Michael A. Wiers of St. Albans for reappointment as a member of the Maine Milk Commission

Upon the recommendation of the Joint Standing Committee on Business and Economic Development, the nominations of:

Geraldine R. Canning of South Portland for reappointment, J. Maurice L. Bisson of Brunswick, James J. Conlon of Brewer, Karen L. Piper of Embden for appointment as members of the Finance Authority of Maine;

Linda M. Page of Limestone, Philip P. Parent of Van Buren, and Rob A. Langner of Fort Fairfield for appointment as members of the Loring Development Authority of Maine;

Sheryl S. Gregory of Litchfield for appointment as a member of the Maine State Housing Authority;

Alain Ouellette of Fort Kent, Cathy C. McKelway of Oakland, Edward A. Cormier of Minot, James O. Donnelly of Brewer, and Richard L. Kelso of Gardiner for appointment as members of the Rural Development Authority, Board of Trustees; and

Cynthia Rowden of Cutler, David W. Keezer of Machias, Diane Tilton of Harrington, Evelyn D. Preston of East Machias, Janet Toth of Eastport, Shirley Erickson of Bucks Harbor, and Wanda M. Cates of Cutler for appointment as members of the Washington County Development Authority, Board of Trustees

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs, the nominations of:

Capt. Susan J. Clark of Cape Elizabeth for appointment as a member of the Maine Maritime Academy, Board of Trustees;

Honorable Mark W. Lawrence of South Berwick for appointment, and Sally S. Beaudette of Walpole for reappointment as members of the Maine Public Broadcasting, Board of Trustees;

Michael L. Edgecomb of Spruce Head, Paula Haddow of Standish, and S. Monroe Duboise of Portland for reappointment, David W. King of Limestone and Nancy J. Violette of Lisbon for appointment as members of the Maine School of Science and Mathematics Board of Trustees;

Bridget D. Healy of Freeport and Joanna M. Jones of Waldoboro for reappointment as members of the Maine Technical College System, Board of Trustees

David R. Gaul of Damariscotta, Donald W. Miller of West Bath, Dr. Romy V. Spitz of Portland, Roxanne Baker of Portland, Stephan P. Korpi of Saco, and Sylvia D. Schroeder of South Portland for reappointment, Holly Sterry of Waterville, Nicholas S. Nadzo of Portland, and Stephen A. Gagnon of Raymond for appointment as members of the School Board of the Governor Baxter School for the Deaf;

Janet Tockman of Springvale for appointment as a member of the State Board of Education; and

Matthew C. Rodrigue of Farmington for for appointment as the student trustee member of the University of Maine, Board of Trustees

Upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife, the nomination of:

Richard E. Rogers, Jr. of Phillips for appointment as a member of the Inland Fisheries and Wildlife Advisory Council

Upon the recommendation of the Joint Standing Committee on Judiciary, the nominations of:

Wayne R. Douglas of Portland for Judge (no designated residence) of the Maine District Court;

Warren C. Kessler of Readfield for reappointment as a member of the Maine Human Rights Commission; and
William S. Brodrick of Wells for appointment as Active Retired Justice of the Superior Court

Upon the recommendation of the Joint Standing Committee on Labor, the nominations of:

Edwin S. Hamm of Portland for reappointment as an alternate employer representative, Karl Dornish, Jr. of Winslow for reappointment as the employer representative, and Richard Hornbeck of Bowdoinham for appointment as an alternate employer representative of the Maine Labor Relations Board;

David S. Wakelin of South Portland and John S. Eldridge, III of Brunswick for reappointment as members of the Maine State Retirement System, Board of Trustees; and

James A. Hilly of Portland for reappointment as the employer representative of the Maine Unemployment Insurance Commission;

Upon the recommendation of the Joint Standing Committee on Legal and Veterans Affairs, the nominations of:

Terrence J. MacTaggart of Hampden for appointment as a member of the Commission on Governmental Ethics & Election Practices; and

Orland McPherson of Eliot and Raquel D. Boehmer of Monhegan for reappointment as members of the State Liquor and Lottery Commission

Upon the recommendation of the Joint Standing Committee on State and Local Government, the nominations of:

Christopher E. Howard of Portland for reappointment as a member of the Maine Governmental Facilities Authority; and

James A. Mingo of Holden and Rodney B. Hiltz of Monmouth for appointment as members of the Workers' Compensation Board;

Upon the recommendation of the Joint Standing Committee on Transportation, the nomination of:

Douglas A. Volk of Portland for appointment as a member of the Maine Turnpike Authority

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

At this point, the Speaker recognized the Representative from Camden, Representative Dorr; the Representative from South Portland, Representative Glynn; the Representative from Lewiston, Representative Mendros; the Representative from Woolwich, Representative Peavey; the Representative from Bangor, Representative Perry; the Representative from Lamoine, Representative Pinkham; the Representative from Poland, Representative Snowe-Mello and the Representative from Medway, Representative Stanley and they were added to the quorum call of the First Special Session of the 120th Legislature.

Subsequently, Representative COLWELL of Gardiner reported that he had delivered the message with which he was charged.

At this point, the Speaker recognized the Representative from Portland, Representative Dudley and he was added to the quorum call of the First Special Session of the 120th Legislature.

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

Subsequently, Representative BROOKS of Winterport reported that the necessary oath had been taken by Representative MOORE to qualify him to enter upon his official duties.

At this point, the Speaker announced that Representative MOORE of the Passamaquoddy Tribe would be assigned seat 6.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

our colleague and friend, the Honorable Martha A. Bagley, of Machias. Representative Bagley, the beloved wife of Walter Bagley, had been a member of the Maine Legislature since 1997.

She was well-known as a champion for Washington County and for working people throughout the State. Her love of family and her contribution to her community and her State made a difference and provided an outstanding example of public service. She loved to read, do jigsaw puzzles, play cribbage and attend Shrine activities with her husband. She was also an accomplished cook and knitter. The Honorable Mrs. Bagley was an inspiration to many and will be greatly missed by her loving family and friends and others she met during her public service;

(HLS 1547)

Presented by Speaker SAXL of Portland.

Cosponsored by Senator SHOREY of Washington, President BENNETT of Oxford, Senator BRENNAN of Cumberland, Senator BROMLEY of Cumberland, Senator CARPENTER of York, Senator CATHCART of Penobscot, Senator DAGGETT of Kennebec, Senator DAVIS of Piscataquis, Senator DOUGLASS of Androscoggin, Senator EDMONDS of Cumberland, Senator FERGUSON of Oxford, Senator GAGNON of Kennebec, Senator GOLDTHWAIT of Hancock, Senator KILKELLY of Lincoln, Senator KNEELAND of Aroostook, Senator LaFOUNTAIN of York, Senator LEMONT of York, Senator LONGLEY of Waldo, Senator MARTIN of Aroostook, Senator McALEVEY of York, President Pro Tem MICHAUD of Penobscot, Senator MILLS of Somerset, Senator MITCHELL of Penobscot, Senator NUTTING of Androscoggin, Senator O'GARA of Cumberland, Senator PENDLETON of Cumberland, Senator RAND of Cumberland, Senator ROTUNDO of Androscoggin, Senator SAVAGE of Knox, Senator SAWYER of Penobscot, Senator SMALL of Sagadahoc, Senator TREAT of Kennebec, Senator TURNER of Cumberland, Senator WOODCOCK of Franklin, Senator YOUNGBLOOD of Penobscot, Representative ANDREWS of York, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative BAKER of Bangor, Representative BELANGER of Caribou, Representative BERRY of Belmont, Representative BERRY of Livermore, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOUFFARD of Lewiston, Representative BOWLES of Sanford, Representative BRANNIGAN of Portland, Representative BROOKS of Winterport, Representative BRUNO of Raymond, Representative BRYANT of Dixfield, Representative BUCK of Yarmouth, Representative BULL of Freeport, Representative BUMPS of China, Representative BUNKER of Kossuth Township, Representative CANAVAN of Waterville, Representative CARR of Lincoln, Representative CHASE of Levant, Representative CHICK of Lebanon, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Representative COLLINS of Wells, Representative COLWELL of Gardiner, Representative COWGER of Hallowell, Representative CRABTREE of Hope, Representative CRESSEY of Baldwin, Representative CUMMINGS of Portland, Representative DAIGLE of Arundel, Representative DAVIS of Falmouth, Representative DESMOND of Mapleton, Representative DORR of Camden, Representative DUDLEY of Portland, Representative DUGAY of Cherryfield, Representative DUNCAN of Presque Isle, Representative DUNLAP of Old Town, Representative DUPLESSIE of Westbrook, Representative DUPREY of Hampden, Representative ESTES of Kittery, Representative ETNIER of Harpswell, Representative FISHER of Brewer, Representative FOSTER of Gray, Representative FULLER of Manchester, Representative GAGNE of Buckfield, Representative GERZOFKY of Brunswick, Representative GLYNN of South Portland, Representative GOODWIN of Pembroke, Representative GOOLEY of Farmington, Representative GREEN of Monmouth, Representative HALL of Bristol, Representative HASKELL of Milford, Representative

HATCH of Skowhegan, Representative HAWES of Standish, Representative HEIDRICH of Oxford, Representative HONEY of Boothbay, Representative HUTTON of Bowdoinham, Representative JACOBS of Turner, Representative JODREY of Bethel, Representative JONES of Greenville, Representative KANE of Saco, Representative KASPRZAK of Newport, Representative KOFFMAN of Bar Harbor, Representative LABRECQUE of Gorham, Representative LANDRY of Patten, Representative LaVERDIERE of Wilton, Representative LAVERRIERE-BOUCHER of Biddeford, Representative LEDWIN of Holden, Representative LEMOINE of Old Orchard Beach, Representative LESSARD of Topsham, Representative LORING of the Penobscot Nation, Representative LOVETT of Scarborough, Representative LUNDEEN of Mars Hill, Representative MacDOUGALL of North Berwick, Representative MADORE of Augusta, Representative MAILHOT of Lewiston, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Representative MATTHEWS of Winslow, Representative MAYO of Bath, Representative McDONOUGH of Portland, Representative McGLOCKLIN of Embden, Representative McGOWAN of Pittsfield, Representative McKEE of Wayne, Representative McKENNEY of Cumberland, Representative McLAUGHLIN of Cape Elizabeth, Representative McNEIL of Rockland, Representative MENDROS of Lewiston, Representative MICHAEL of Auburn, Representative MICHAUD of Fort Kent, Representative MITCHELL of Vassalboro, Representative MORRISON of Baileyville, Representative MURPHY of Berwick, Representative MURPHY of Kennebunk, Representative MUSE of South Portland, Representative MUSE of Fryeburg, Representative NASS of Acton, Representative NORBERT of Portland, Representative NORTON of Bangor, Representative NUTTING of Oakland, Representative O'BRIEN of Lewiston, Representative O'BRIEN of Augusta, Representative O'NEIL of Saco, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative PEAVEY of Woolwich, Representative PERKINS of Penobscot, Representative PERRY of Bangor, Representative PINEAU of Jay, Representative PINKHAM of Lamoine, Representative POVICH of Ellsworth, Representative QUINT of Portland, Representative RICHARD of Madison, Representative RICHARDSON of Brunswick, Representative RINES of Wiscasset, Representative ROSEN of Bucksport, Representative SAVAGE of Buxton, Representative SCHNEIDER of Durham, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SKOGLUND of St. George, Representative SMITH of Van Buren, Representative SNOWE-MELLO of Poland, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STANLEY of Medway, Representative STEDMAN of Hartland, Representative SULLIVAN of Biddeford, Representative TARAZEWICH of Waterboro, Representative TESSIER of Fairfield, Representative THOMAS of Orono, Representative TOBIN of Windham, Representative TOBIN of Dexter, Representative TRACY of Rome, Representative TRAHAN of Waldoboro, Representative TREADWELL of Carmel, Representative TUTTLE of Sanford, Representative TWOMEY of Biddeford, Representative USHER of Westbrook, Representative VOLENIK of Brooklin, Representative WATERHOUSE of Bridgton, Representative WATSON of Farmingdale, Representative WESTON of Montville, Representative WHEELER of Bridgewater, Representative WHEELER of Eliot, Representative WINSOR of Norway, Representative YOUNG of Limestone.

On **OBJECTION** of Representative SAXL of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. Martha Bagley epitomized everything right about our tradition of a citizen legislator in our great state. I am so proud to serve with her. We came in together, but I have known her for much longer. I have known her for my entire life. Martha went to high school with my mom. Martha took a road that wasn't easy in her life, but she took every one of those challenges and every one of those hardships and every one of those joys and she turned them into a beautiful life for herself and her family. There were so many members of her family, whether they were related to her by blood or just by the love that she shared throughout this body and throughout the entire State of Maine. She was a tireless fighter for Washington County. She had my arm behind my back many a time, that is for sure. Although being born in Machias and going down there, she didn't have to work that hard.

I guess I just want to say we are going to miss her. I am going to miss her personally. I know everyone here is going to miss her. When you think of Martha you think of compassion, tremendous work ethic, decency and just a sense of wonder and a sense of joy about her life and about her service here. Thank you Mr. Speaker.

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

Representative **JONES**: Mr. Speaker, Ladies and Gentlemen of the House. It is with profound sadness that I rise today to take a moment to remember my seatmate and my dear friend, Martha. As many of you know, Martha, lost her courageous battle with multiple myeloma cancer on October 21.

Martha Bagley loved three things in her life, her family, her lifetime home of Machias and the people of this great state. It was my profound honor to have served with her beginning in the 118th Legislature. She never ceased to amaze me with her dedication to all three always. A day never went by that she did not share with me something about her incredible family. An issue that was very near and dear to her were the people of the down east region and how will they continue to prosper. The State of Maine has lost a great stateswoman. I would like to thank her family for sharing Martha with our family.

I would especially like to thank Kim Bagley for helping her mother continue to serve the State of Maine with the utmost dignity. I was blessed to become her seatmate, her friend and part of her extended family. God speed, Martha.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. Today as has happened too many times during my tenure here, we pause to memorialize a member who has passed away. Today as we deliberate we are reminded by two roses of what has occurred since we last met to members of our extended family. Today the memorial is for the good Representative from Machias, Representative Bagley. While I speak of Martha, I could very well be speaking of my friend from Lisbon, Representative Chizmar. Martha was a woman of high character, positive thinker and one who put the interest of her constituents above that of her health and well-being. She struggled through this past term with a variety of problems, yet continued to be a presence in this body and on her committee. She never complained. She remained a good chair and did her people's work. Martha and Nancy were my friends. I would say that makes me a fortunate person.

Finally, while we are considering our friends, Martha and Nancy, we should not forget the good Representative from Lebanon who is also very ill. We should keep in mind the family members of those in this body who are also having hard times. Thank you.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I want to thank Representative Fisher for expanding this memorial. I do recall my memories of Martha and Nancy, two of my closest friends. I sincerely mean that. Martha was the definition of soul of the body. She represented to me what soul is. She taught me a lot. It was not difficult to vote on certain issues because I followed Martha's light. If it was for Washington County and if Martha was for it, then I was for it.

I did have the opportunity to visit with Martha's family in Machias at night and I did know Kim. Kim, you were tremendous and you helped Martha fulfill her duties as the elected Representative from Machias and the surrounding towns. I was very impressed by the other siblings. She had a terrific family. Thank you for sharing Martha with us.

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

Representative **MCDONOUGH**: Mr. Speaker, Men and Women of the House. I rise this morning to remember our good friends, but particularly Martha Bagley who I had the opportunity of working very closely with in the 119th and the 120th. She was the chair of the State and Local Government Committee. She was a wonderful person, a person who was always committed to doing a good job. She always set the bar very high and wanted things to be done in the appropriate manner. Those of us who knew her well will always remember her for those attributes. Thank you Mr. Speaker.

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

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. I want to thank the Speaker and leadership for this memorial today to Martha on behalf of the entire delegation of Washington County. She meant a lot to us and the people down east. She had two families, a family at home and a family here. We all know that once you join this body that we are all family. I came into this House with Martha in the 118th and we represented fishermen. We were both on Marine Resources and I was on Inland Fisheries and Wildlife as well. She then moved onto State and Local where she represented Washington County and the State of Maine extremely well. She continued in the 120th under very severe circumstances. She carried on and what a fighter, what a scrapper. I want to thank again the leadership who came down in late October. We had an excellent gathering of members of this body and the elected and unelected leaders of this state who really enjoyed Martha while she was here. I am very proud of the gathering that we had and proud of our leadership who organized that and the service. I thank you again.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative **JACOBS**: Mr. Speaker, Men and Women of the House. I just wanted to stand and remember Martha Bagley. As a freshman four years ago I came in and was terrified, as probably many of us are, and Martha was just so outgoing, welcoming, calm, deliberative and she stayed that way for all the four years that I knew her. Her hands were always warm when you shook hands with her. I just want to remember her goodness and God bless her.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to remember Martha. I served in the 120th with her on the State and Local Government Committee. She was a great leader. She knew municipal government. She served as the Town Clerk up there in Machias. It was a pleasure and an honor to serve under her. I also would like to remember Nancy Chizmar. I served in the 117th Legislature on Legal and Veterans Affairs. Nancy and I became quite good friends. I also would like to remember Nancy as a good legislator also. Thank you.

ADOPTED and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1126)** 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 Year Ending June 30, 2003" (EMERGENCY)

(H.P. 1746) (L.D. 2220)

Signed:

Senators:

GOLDTHWAIT of Hancock
CATHCART of Penobscot

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

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

Signed:

Senator:

MILLS of Somerset

Representatives:

NASS of Acton
WINSOR of Norway
ROSEN of Bucksport
BELANGER of Caribou

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1126)** 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-1126)** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (S.P. 836)

**STATE OF MAINE
120TH MAINE LEGISLATURE**

November 1, 2002

Hon. Lloyd P. LaFountain III
Senate Chair, Joint Standing Committee on Banking and Insurance

Hon. Christopher P. O'Neil
House Chair, Joint Standing Committee on Banking and Insurance

120th Legislature
Augusta, ME 04333

Dear Senator LaFountain and Representative O'Neil:
Please be advised that Governor Angus S. King, Jr. has nominated James A. Clair of South China, Gerald R. Cayer of Waterville, Kathryn G. Pears of Kennebunkport, Suzanne Grover of Norway and W. Godfrey Wood of Falmouth for appointment as members of the Board of Directors, Maine Consumer Choice Health Plan.

Pursuant to Public Law 2001, Chapter 708, these nominations will require review by the Joint Standing Committee on Banking and Insurance and confirmation by the Senate.

Sincerely,
S/Richard A. Bennett
President of the Senate
S/Michael V. Saxl
Speaker of the House

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

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

COMMUNICATIONS

The Following Communication: (S.P. 837)

**STATE OF MAINE
120TH MAINE LEGISLATURE**

November 1, 2002

Hon. Betty Lou Mitchell
Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Hon. Shirley K. Richard
House Chair, Joint Standing Committee on Education and Cultural Affairs

120th Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Richard:
Please be advised that Governor Angus S. King, Jr. has nominated David R. McCarthy of Cape Neddick for reappointment as a member of the Maine School of Science and Mathematics Board of Trustees.

Pursuant to Title 20-A, M.R.S.A. §8204, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,
S/Richard A. Bennett
President of the Senate
S/Michael V. Saxl
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

COMMUNICATIONS

The Following Communication: (S.P. 838)

**STATE OF MAINE
120TH MAINE LEGISLATURE**

November 1, 2002

Hon. Kevin L. Shorey
Senate Chair, Joint Standing Committee on Business and Economic Development

Hon. John Richardson
House Chair, Joint Standing Committee on Business and Economic Development

120th Legislature
Augusta, ME 04333

Dear Senator Shorey and Representative Richardson:
Please be advised that Governor Angus S. King, Jr. has nominated George A. Finch of Eastport for appointment as a member of the Washington County Development Authority, Board of Trustees.

Pursuant to Public Law 2002, Chapter 568, this nomination will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,
S/Richard A. Bennett
President of the Senate
S/Michael V. Saxl
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

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

At this point, the Speaker recognized the Representative from Portland, Representative Brannigan; the Representative from Yarmouth, Representative Buck; the Representative from South Portland, Representative Muse and the Representative from Portland, Representative Quint and they were added to the quorum call of the First Special Session of the 120th Legislature.

At this point, the Speaker recognized the Representative from Bangor, Representative Baker; the Representative from Eliot, Representative Wheeler; the Representative from Portland, Representative Marley; the Representative from Biddeford, Representative Sullivan and the Representative from Penobscot, Representative Perkins and they were added to the quorum call of the First Special Session of the 120th Legislature.

SENATE PAPERS

Non-Concurrent Matter

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 Year Ending June 30, 2003" (EMERGENCY)

(H.P. 1746) (L.D. 2220)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1126) in the House on November 13, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1126) AS**

AMENDED BY SENATE AMENDMENTS "B" (S-630), "D" (S-632) AND "F" (S-634) thereto in NON-CONCURRENCE.

On motion of Representative BERRY of Livermore, the House voted to **RECEDE**.

Representative WATERHOUSE of Bridgton **PRESENTED House Amendment "A" (H-1127) to Committee Amendment "A" (H-1126)**, which was **READ** by the Clerk.

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I came up here in the 117th Legislature. At that time, I thought the State of Maine was spending too much money. I will read the amendment summary. "This amendment decreases state spending by an additional \$484,383,522. This amendment reduces general fund appropriations to reflect the amount of the budget implemented in fiscal year '96, '97 adjusted for changes in the consumer price index since that time and further adjusted for amounts that are deappropriated in Committee Amendment 'A'."

We heard a lot through the years, certainly the eight years that I have been up here, that some legislator's amendments are frivolous or are never going to go anywhere, but many times people up here put amendments in in good faith. They believe in the amendments even though they don't think it is going to go anywhere because they believe the content of the amendment and they are consistent with what their amendment is saying.

Back in the 117th, and the Speaker remembers, and those of us who came up in the 117th remembers that the State Economist, Lori LaChance wrote a book called *Dollars and Cents*. In that book she made the point at that time during the '80s the revenues came pouring into the state, but the problem was that the state spent even more than the vast amount of revenues that were coming in. Maine, as we have heard many times before, is a state with a low population, a low per capita income, but it is also by anybody's standards one of the highest taxed. It has the reputation for being unfriendly for business. We want good paying jobs in Maine for Maine citizens, but our actions from my eight years up here, I think we have done everything that would hurt those chances.

I have heard up here today this budget referred to as the big push, putting things off to do later and using one-time money. Also back in that period when I first ran for office, the Executive had written a book called, *Making a Difference*. For those of you who have never read it, I recommend when you come up for the 121st that you do read it. In that book the Executive talked about the gimmicks in the '93 and '95 budget, the sliding of the state employees payday into the next fiscal year and the other gimmicks and the one-time monies and referred to an accountant friend of his that called the gimmicks creatively rigged accounting practices, CRAP. The state finished fiscal year '90 in the black, but only by spending the savings account, which we did and generally sliding things into the future in the hope that the economy would come to life and bail everybody out. These are things right out of that very same book. The author of that book, the Executive, referred to it as the push the problem out solution.

I will finish my statement on the floor by the last quote that I took from the book. "I think it is the responsibility of anybody running for Governor in 1994 to tell the people of Maine what he or she would do to close what will almost certainly be a significant gap. My answer starts with the basic options of which there are only three, raising taxes, find some one-time revenue sources or cut spending. You won't be surprised if I tell you that from me that the first two are out." Ladies and gentlemen of the House, you also won't be surprised if I tell you that for me they are out also. That is why I present this amendment in that spirit of being

consistent with my stances on other budgets up through the years that I never voted for and took no part in this deficit.

Representative BERRY of Livermore moved that **House Amendment "A" (H-1127) to Committee Amendment "A" (H-1126) be INDEFINITELY POSTPONED**.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. The Appropriations Committee has been working on the budget as proposed by the Governor for several weeks now. We had public hearings with input from all the committees of jurisdiction. They understand their areas of jurisdiction and they made recommendations to us. I know for many of them it was quite difficult and quite complicated to do so. When I look at this amendment, in Part SS-1, it appears to me that we are not going to withstand any other provision of law, the state budget officer will transfer by financial order upon approval of the Governor, the amounts identified in Section 2 of this part. The same budget officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amount no later than January 15. These transfers are considered adjustments to appropriations in fiscal year '02 and '03. This requires a report to the Appropriations Committee, not approval, not input, not approval by the Legislature.

Again, I would say that the Appropriations Committee, even though it is a divided report, all members worked very hard to come to an agreement as near as possible. I would ask you to vote for the pending motion. Mr. Speaker, when the vote is taken, I would ask for the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1127) to Committee Amendment "A" (H-1126)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1127) to Committee Amendment "A" (H-1126). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 693

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Clark, Colwell, Cowger, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, Mayo, McDonough, McKenney, Mendros, Michael, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Treadwell.

Yes, 81; No, 57; Absent, 10; Excused, 0.

81 having voted in the affirmative and 57 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-1127) to Committee Amendment "A" (H-1126)** was **INDEFINITELY POSTPONED**.

Representative NASS of Acton **PRESENTED House Amendment "F" (H-1132) to Committee Amendment "A" (H-1126)**, which was **READ** by the Clerk.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. It is my purpose tonight in offering this amendment to restore the Executive's curtailment of approximately \$8 million of general purpose aid to education. We are all aware that we need to make some significant cuts in the state budget. There is no doubt that in future efforts in the next session we will have to affect GPA spending.

It is my point tonight to bring up what I hope is a more important point. I think we need to look elsewhere before we get to GPA and some of the other things that are in this proposal. I don't think that we ought to be hitting GPA that has its greatest effects on students and the property tax at home before we talk about reducing the size of state government. There is nothing in this proposal that significantly reduces the size of state government. Putting a freeze on hiring does not do anything permanent. Not filling vacancies does not do anything permanent or ongoing to filling this budget shortfall. That is my point in doing this. Those things that have the greatest affect on property tax and on students I think ought to be the last things we do. There is nothing in front of us today that reduces the size of state government. It is my impression, and these numbers are rough, but the current proposal in front of you, 25 percent of it or \$57 million is ongoing savings. The remaining 75 percent or \$172 million is one-time reductions. In this instance in going into severe economic times, I think we ought to be looking at a proposal that reverses that.

Mr. Speaker, it is my hope that we take action on this. It is not likely that it is going to be permanent. I know that we have to do something about GPA, but we ought not to do it now, we ought not to do it first. Thank you.

Representative **BERRY** of Livermore moved that **House Amendment "F" (H-1132) to Committee Amendment "A" (H-1126)** be **INDEFINITELY POSTPONED**.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. Looking at the amendment, I am trying to find out how the \$8 million is funded. The nearest I can tell is the \$8 million is funded from the deficit. I would urge you to vote for the pending motion. Thank you Mr. Speaker.

Representative **GLYNN** of South Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-1132) to Committee Amendment "A" (H-1126)**.

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. It comes of no surprise to many of you that I rise this evening in support of public education and support of the reinstatement of the general purpose aid dollars to education. I think that this is a highly responsible thing for us to do. We should rate general purpose aid to education a priority in this

budget document. I can tell you in my community that we lost \$2 million in general purpose aid funding to education. There were a lot of impacts that happened in our community. I don't believe at all in this budget document that we can begin with cutting general purpose aid to education with all the other areas that we need to look at and other areas that I believe are of a lower priority than the funding for general purpose aid.

The property taxes in this state are too high. For us to continue to balance the budget on the backs of the local communities and my feeling is totally irresponsible, we have an obligation to keep our hometowns funded and when we make a promise and when we make a commitment, we need to stand behind that promise and that commitment. I sat through numerous budget hearings and I sat through numerous discussions by the Legislature as well as discussions by the Education Committee and through those discussions, I felt that there was going to be some effort to make the communities whole. The byproduct of this budget proposal has, in fact, been to cut schools and to balance it on kids and to balance it on property taxpayers. If we are serious about reducing the tax burden, the most regressive tax, the property tax, we would support this amendment. I applaud the Republican corner for putting forward this amendment. I urge you to vote in support of public education and against this Indefinite Postponement.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I can't help but find it a bit specious to argue out of one corner of our mouths that we must reduce taxes because we are the heaviest taxed state in the country and out of the other corner of our mouth argue in construction of great sluices to channel money to our home districts. The only responsible thing to do here to balance the budget, do the best we can to serve our people and to support the pending motion.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. What we do in this one day or two day special session is sending signals to the Maine outside of this State House of where the priorities are and how we deal with a crisis and what they can expect in the next Legislature. As an historian, I like to go back and look at how did we reach this point in terms of this tax burden, with the income tax, the sales tax. Politicians went out to the Maine people and said that education is our number one priority. We don't have enough to fund it. We are worried about the property tax so the income tax came into being, the sales tax came into being. About every three or four years it got cranked up another percentage and another percentage. The people were told that education is a priority. We want to ease the burden on the property tax. I think as we look at this proposal before us, that we are attempting to amend, you could almost call it the cocoon budget. All the pain is outside of state government. The problem with the property tax and the problem with not properly funding education is that between telling the voter education is my number one priority, when we get up here we get distracted. We don't keep our commitment. We spend the money elsewhere. It is like trying to build a house without walls. Those walls are education. They are our children's future. They are the future of this state. We get into such a rush to put the furniture into the house, that we think we will get elected or re-elected by starting every imaginable new spending program that comes down the pike and then we find out what the priorities are. Instead of saying that we went to you in the past and we have the highest income tax rate in the nation and we are a low-income state with a regressive sales tax,

supposedly because education is our number one priority that when the revenues slowed down one of the first items to get thrown from the stern of the ship is general purpose aid, investing in the schools and investing in the students, investing in our state's future and also trying to keep the pressure off the local property tax. I bet every one of us that is coming back in the 121st has said that, investing in kids and lowering the property tax.

This amendment, while symbolic, sends the signal that in the next Legislature as we set our priorities, we will think back to the past and the promises that were made when those taxes were raised that will keep the promise. If you vote no against this amendment, then you are telling your local property taxpayers, you are telling your school boards, which are starting the budget process this month and they are looking for a message from the Maine Legislature, times are tough at the local level and times are tough here. It is not because of revenues. It is because of the level of spending and the level of spending that replaced the priority of education. Instead of addressing that, we put a cocoon around state government and said it is protected, it is not going to be affected. We have taken a scattergun to almost every profession and area in the State of Maine, including school kids and the property taxpayers and said that they will feel the pain.

Let me tell you what it is like being in a community that has to have three referendum votes to pass a school budget. I can look around this chamber and it happened in other communities. When you see a community torn apart and polarized because the state has not kept its promise of funding education or having a school finance act that works where communities that value education are tearing themselves apart. With this amendment you can say the times are tough, but as we make our decisions, a lot of you said door to door that we need to set priorities, well this amendment is where it starts. Where are your priorities? New programs that haven't even started or your commitment to kids and education? This amendment is an opportunity for you to send a message back home to Maine school children, Maine school boards and also to the property taxpayer. Give them some glimmer of hope that in the next Legislature as was promised in the past when we came to raise the tax rates that education will be the first priority before the new spending.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Richardson.

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

The SPEAKER: The Representative may pose his question.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I would just like to know what specific cuts would be made to this budget in order to restore the \$8 million to GPA to local schools.

The SPEAKER: The Representative from Brunswick, Representative Richardson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question, we have not proposed in this amendment any offsetting reductions. We have realized that this budget is not in balance. We don't even know by how much. We have upcoming revisions to the state's revenue projections that may be as high as \$30, \$40 or \$50 million. We are essentially by virtue of this proposal adding \$10 million to that. We have no plan in front of us at this point to deal with that upcoming shortfall. This simply would add to that. We have purposefully not made recommendations for offsetting cuts. This is a stand alone issue and I am asking you to vote on it based on

the priorities that have been discussed in the last few minutes. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I would like to follow up on a previous speaker's comments. Yes, it is true that the revenue reprojections are likely to show a higher deficit in the '03 budget. Committee Amendment "A" is a balanced budget proposal. Committee Amendment "A" as amended by House Amendment "F" would not be a balanced budget proposal. When we talk about promises and such, the Constitution requires us to have a balanced budget. We don't have the ability of Washington to have deficit spending.

The speaker from Kennebunk talked about the cocoon that is around state government. I would say that possibly the Representative doesn't understand how curtailments affect agencies. The agencies are providing services to our citizens throughout the State of Maine. Those curtailments will affect those services. There have been hiring freezes and state employees have had furlough days. I don't think our school teachers have been subjected to furlough days yet.

This amendment is not a good amendment because it does not fund it. The Committee Amendment "A" does have a reduction in GPA as proposed by the Governor and as supported by Committee Amendment "A," a bipartisan report. It still leaves GPA funding at a level higher than the previous biennium. I will leave it at that. I think I have said enough. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. In the real world where I have lived most of my life, certainly not in these halls being the real world, companies grow and prosper and they add employees. Sometimes in the real world they find that times are not so good and they must retract. It is a common principle in the real world that when times go bad, you hold onto your core employees and you have to let the earlier ones go for the survival of the organization. Sometime you know that it takes more than one round to do that. The first in become the first out. The soul of the organization is kept for as long as possible to give you the best chance to recover from the bad times you are in.

Here in these halls we are not living like we are in the real world. The parallel is that in our programs education is our core group. It is our core employee of how we will solve our problems. We are not proposing a first in/first out for this situation. We can see numerous cases where a new social spending is causing our budget crisis, as was alluded to, programs that haven't even begun yet. We are not offering the last in to be the first out. We are not rotating our programs. We are tossing out the 401 first before we get around to things which we know we don't need and in addition to being poor immediate public policy it is setting a very poor message, I believe, to how we intend to solve all of our problems in the future in the 121st. For that reason, I hope that you will join me in opposing the current motion knowing that there are more rounds to come that we look at what we started and what can we live without before we toss what we know we need in the very first round of making a budget adjustment.

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

Representative **MUSE**: I, too, had entered an amendment to address GPA and I withdrew that amendment at the request of several members. I can't sit still quietly without addressing this piece. When I hear it mentioned how fortunate teachers are that

they didn't have furlough days, in my community they were fired. Thank you Mr. Speaker.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. In the real world if you are not part of the solution, then you are part of the problem. In the real world if you don't like the responsible methodology of balancing the budget, then you come up with your own methodology of balancing the budget. You bring it before the people of the State of Maine and you get response and you get public hearings on it and you do that responsibly. That is what happens in the real world. The amendment that is before us is not acting responsibly. It is highly irresponsible. I ask you to please support the Indefinite Postponement. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-1132) to Committee Amendment "A" (H-1126). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 694

YEA - Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Clark, Colwell, Cowger, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Kasprzak, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Richard, Richardson, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bliss, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Labrecque, Ledwin, MacDougall, Madore, Mayo, McDonough, McKenney, Mendros, Michael, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Weston, Wheeler EM, Winsor, Young.

ABSENT - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Rines, Treadwell.

Yes, 79; No, 58; Absent, 11; Excused, 0.

79 having voted in the affirmative and 58 voted in the negative, with 11 being absent, and accordingly **House Amendment "F" (H-1132) to Committee Amendment "A" (H-1126) was INDEFINITELY POSTPONED.**

Representative **SNOWE-MELLO** of Poland **PRESENTED House Amendment "H" (H-1134) to Committee Amendment "A" (H-1126)**, which was **READ** by the Clerk.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Right Honorable Members of the House. I rise before you in support of Committee Amendment "A" to House Amendment "H." I have put forward this amendment and have looked forward to your support for the following reasons. Since the state simply does not have the funds to hire 300 employees, I believe that we should extend the hiring freeze until January 2005. During the year 2004 the Chief Executive shall propose a plan no later than January 30 to the Appropriations Committee. The plan must include a detailed plan for eliminating for filling each of the

vacancies and must be accompanied by legislation necessary to implement the plan.

Times are tough. We have heard that mentioned before tonight. We need time to catch our breath. It is blatantly irresponsible to assume additional employees when we do not know what our financial conditions will be in the future. Many of our small businesses are experiencing a similar shortfall and cannot hire new employees. They must wait until the economy gets better to hire and so should state government. Please follow my light in support of this amendment. Thank you.

Representative **BERRY** of Livermore moved that **House Amendment "H" (H-1134) to Committee Amendment "A" (H-1126) be INDEFINITELY POSTPONED.**

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. It was said earlier tonight in the other body that this amendment might be like putting lipstick on a turkey before you lop its head off. I think we see where there will be amendments offered and there will be no intention of voting on the resulting package. I would urge you to vote for the pending motion. Thank you.

Representative **SNOWE-MELLO** of Poland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-1134) to Committee Amendment "A" (H-1126).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "H" (H-1134) to Committee Amendment "A" (H-1126). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 695

YEA - Andrews, Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Clark, Colwell, Cowger, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Murphy E, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Carr, Chase, Clough, Collins, Crabtree, Cressey, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Mayo, McKenney, Mendros, Michael, Murphy T, Muse K, Nass, Perkins, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Waterhouse, Winsor, Young.

ABSENT - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Treadwell.

Yes, 95; No, 43; Absent, 10; Excused, 0.

95 having voted in the affirmative and 43 voted in the negative, with 10 being absent, and accordingly **House Amendment "H" (H-1134) to Committee Amendment "A" (H-1126) was INDEFINITELY POSTPONED.**

Representative MENDROS of Lewiston **PRESENTED House Amendment "G" (H-1133) to Committee Amendment "A" (H-1126)**, which was **READ** by the Clerk.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I have often been accused by the good Representative from Bridgton, Representative Waterhouse, for being too liberal. Once again, my soft heart came through on this amendment. Much like his amendment that would have brought the state back to the budget passed by the 117th Legislature with an increase based on what inflation was. Mine does that, but it also tacks on an extra 10 percent above and beyond inflation. I think that is a pretty good rate of growth for government, even higher than the rate of inflation. It caps spending at that point for this budget. What that would do is it would also put \$20 million back into education. We actually would be giving more money to the school districts that are losing money and it would put \$300 million aside to create tax relief, real tax relief for Maine's citizens. I guess we are pretty proud of our title as being number one in taxes and now we have no states left to compete with. I guess the next thing to do is to compete with the provinces of Canada. I hear the Yukon has pretty low taxes, maybe we can go after them. We need to do something about the problems of our spending. That is the problem. We spend too much money, that is why our taxes are so high. I eat too much, that is why I am overweight. It is not a gland thing. We take in too much money and spend it and that is why our budget is bloated.

I am tired of young people, my age, leaving the state. I am tired of it, my friends leaving or opportunities. I am tired of the boards that I serve on having senior citizens with money leave the state. I don't want to be in Maine. We are one of the fifth worse, the heck that we are called by web sites. It is called the opposite of heaven for the senior citizens to retire in. I am tired of that. What I am most tired and saddened by are people that I talked to when I went door to door. There was one 83 year old woman in tears telling me that she got this house that she lived in. She bought it with her husband and she was so proud of the day they paid off their mortgage and it was their house. She showed me that. She showed me her tax bill. She pays more in property taxes every single year than what she paid to buy the house. Who can plan for that kind of a retirement? Are you going to be able to pay? What do houses go for? Maybe \$120,000 a year in property taxes if we continue at this same rate that these people have to deal with. I am tired of this. These are the people that elected us. They don't deserve to be punished just because they voted for us. I ask you to stop the spending.

Representative BERRY of Livermore moved that **House Amendment "G" (H-1133) to Committee Amendment "A" (H-1126) be INDEFINITELY POSTPONED**.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I think in my opinion that this is complicated enough to require the review of the Taxation Committee or at least a public hearing. Further comments would say that that same person that maybe is struggling with their property taxes also are reliant on home-care services or other state services, which people who cannot pay their taxes sometimes desperately need. I would ask you to support the Indefinite Postponement. Thank you.

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-1133) to Committee Amendment "A" (H-1126)**.

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-1133) to Committee Amendment "A" (H-1126). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 696

YEA - Andrews, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Clark, Colwell, Cowger, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Murphy E, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Bruno, Buck, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, McDonough, McKenney, Mendros, Michael, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Waterhouse, Winsor, Young.

ABSENT - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Treadwell.

Yes, 89; No, 49; Absent, 10; Excused, 0.

89 having voted in the affirmative and 49 voted in the negative, with 10 being absent, and accordingly **House Amendment "G" (H-1133) to Committee Amendment "A" (H-1126) was INDEFINITELY POSTPONED**.

Representative SAXL of Portland moved that the House **CONCUR**.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. We are almost done. I think a review of how we got into the position that we are in right now is in order. I think you need to go back to March 2001 when we were grappling with a biennial budget that we thought we had a two-thirds agreement on. That fell apart in the Senate. We realized as we went along that that budget that we had an agreement on raised taxes, increased spending beyond what the tax increase was and left us with a \$300 million deficit before it was enacted. It passed with a majority budget and the Chief Executive signed it. Many of us warned you that that budget spent too much money. We said in March 2001 that you are raising taxes and you are spending too much money, but it passed anyway.

We came back in January after the economy really slowed down in April 2001 and revenues started declining in the State of Maine. All of a sudden we miraculously found, the Revenue Forecasting Commission found, \$90 million, how fortuitous. We didn't have to make any cuts. It didn't cause us any pain because somehow \$90 million fell out of the air and we all said that this is a great supplemental budget. It passed by two-thirds. We go home and guess what? Now we have a major problem. That \$90 million that fell out of the air all of a sudden got evaporated back up in the air. We had a major budget problem and that is what got us to this point. Let's talk about real world

and let's talk about responsibility. This budget as crafted doesn't really cause a whole lot of pain. Seventy-five percent of this budget is one-time gimmicks, one-time surplus accounts. If you were here in the early '90s at least we left some money in the bank. This doesn't do anything. This takes every last dime you have. You also passed a \$250 million tax anticipation note that hasn't been done in the state's history before. You still have a negative cash flow problem and this budget doesn't even come close to addressing that fact.

Say what you want about how painful this is, but, ladies and gentlemen, the next Legislature has a billion dollar problem and more and growing because this budget doesn't slow anything down. How are we going to fix the next one?

I received a call from the next Chief Executive, Governor-elect Baldacci. He called me and he said, "Joe, we have to work together to solve the problem." I was really hoping that we could do it on this budget. We need to put fixes in place now. We had two areas of disagreement and we couldn't even reach a compromise on two areas. You would have had your two-thirds budget. You would have been there. All of a sudden we were told that you are in the minority and we will just pass the majority budget. That is unfortunate, not only for us as a Legislature, but it is unfortunate for the people of Maine.

In the 118th Legislature when the majority budget became the way to go in this body, we have ruined the State of Maine. You don't arrive at compromises. Everybody has to agree to a compromise. Everybody gives up a little in a compromise. Go ahead. I understand the numbers. I have been told many times what the numbers are. I have been reminded many times that you are in the minority. That is okay. I am going into my fifth term now and I have been in the minority all five of them. You know what, I am telling you that I will work with you in the 121st Legislature, but the fact of the matter is this current budget doesn't solve a whole lot. I am disappointed that we couldn't reach a compromise. I think my caucus is very disappointed that we couldn't do it over two issues. We will look at the green lights and the red lights and it will come out to 81-58. That seems to be the theme tonight. That is unfortunate. Hopefully we can work better in the next Legislature. We still have a \$60 million problem facing us in this current year. By June '03 you still have another \$60 million to deal with. I don't know how you are going to do it. This thing doesn't do anything. There is no more money. There is no more pot of gold somewhere that you can just go in and grab. Let's look forward to the 121st. We have some major problems ahead of us. You have my commitment to work with you. You can continue to remind me that I am in the minority or you can reach your hand out and say, let's work on this together. Thank you Mr. Speaker.

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 take this opportunity to take my good friend the Representative from Raymond, Representative Bruno, up on his offer to work together in the 121st Legislature. I mean that very sincerely. The answer to the question, how are we going to fix the next one, is clearly together. I believe that. I believe that my good friend from Raymond believes that. I also just want to back up a little bit about what we have seen here tonight. It does show the tremendous difficulty and the very divergence opinions, the great diversity amongst all the people of the State of Maine as shown by this wonderful body. Each and every one of us is duly elected and we are here to serve the people who sent us here. I treat that very seriously. I respect that. I certainly don't think that, at least not in this corner, is it about in any way, trying to disadvantage the minority. It is about

balancing the budget. We have seen amendments tonight that would have cut state spending by \$484 million with proportionate cuts. I guess that would mean roughly a \$240 million cut to education, because that is roughly 50 percent of this budget.

We have seen amendments that would have added \$10 million or \$8 million back to GPA. Every one of us wanted to do that. The difference and the problem is we do have to balance this budget as the good chair of Appropriations said. We can't run deficits. The simple fact is we have doubled the state commitment to GPA. The simple fact is we did cut spending in the last budget. We came up with over \$200 million. We are talking about tonight doing exactly what we are sent here to do, fulfill our constitutional obligation to balance this budget, right now, with the official numbers that are given to us by the Consensus Economic Forecasting Commission. I am frustrated by the economists too. The day after or the week after we adjourned and someone found that piece of paper wherever it was hidden and said, oh by the way, you are \$90 million short. I am frustrated with that. We did pass that budget in a bipartisan way. You know, it was a good faith effort. The Republicans did it. The Democrats did it. We did it together. The economists were wrong. You know, I don't have a lot of faith in them anyway, but we have to work with the numbers that they give us. That is the way it works here. We are working with those numbers here tonight. The number is \$240 million. That is the problem that we have to deal with in this budget. I want to thank the Appropriations Committee for all the work that they have done in finding the \$240 million. I think as we saw in this debate earlier that there are cuts to education, social services and state employees. Maybe some people wanted more and maybe some people wanted less, but the fact is this budget is balanced. It is balanced tonight. I think we owe it to the people of the State of Maine to get this job done for them and for us and for this institution. I do welcome the opportunity to work with each and every member of this chamber in the upcoming session to deal with whatever challenges we have and to do it in a spirit of comedy and a spirit of dignity that uphold the traditions of this body. Thank you Mr. Speaker.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. As I stated earlier, the Appropriations Committee has been in and working hard. In response to previous comments, I would say that my intentions were to pass a two-thirds budget until last Friday afternoon at 4:00 when the members of the other minority report stated that they weren't interested. I was a member of the Appropriations Committee in the 118th Legislature when we did the majority budgets and I know when I was appointed the chair by the present Speaker in this Legislature I committed to doing everything I could not to go down that path. I think our committee has worked well together. Although we have disagreed, we have been respectful of each other and we have presented our differences. This discouraging minority report is discouraging to me. With the comments criticizing the majority report, but the minority report is Ought Not to Pass. It does not present a balanced budget. It does not address the needs in any way of the current situation. It leaves it to the Democrats and the Independent member of the Senate to come forward and expect to have the support of the Executive to deal with this situation.

We have passed balanced budgets and the revenue we have, a system of non-partisan experts that forecast the revenues. They took it out of the Governor's Office to present the numbers that are necessary. I think that is still the responsible way. I think they have done the best they can. You can look across the nation and look at the numbers. I think I should have presented

an amendment that would have legalized casinos and outlawed the stock market. I think the Americans and the people of Maine have been let down by those with the money in corporate America that have made the decisions based on greed and fear that they have. The working people that have invested in 401Ks and believing that they are going to benefit from an economy and that they support American industry, the industry that takes their money and runs overseas or takes their money and is buying gold faucets for their executive suits. I know some of you will think that I am reaching on this, but I am discouraged that the State of Maine is impacted by those decisions, by an economy based on greed and fear.

I am not happy about having to come back and do this budget in this way. I think the members of our committee stepped forward on almost all of these pieces in a bipartisan way, an honest way. The better proposal was the delay that was proposed in the Governor's package. He did not do that lightly. The effort of some in this building to use this as a way to reduce property taxes in other areas without the necessary public hearings, such a complicated package, or the public input from municipalities and how they might be affected. I think it was unreasonable to expect that. The people that had made that demand made no effort to present a real proposal. The Appropriations Committee met for a whole week of public hearings. We met for a whole week of report back to the committees and we had work sessions. We met with leadership. They said there was no point in the Appropriations Committee continuing to meet unless there is agreement on BETR. We still had concerns. We had time to work out some of the concerns on the hospital proposal. I am not happy with where we ended up, but that is where we ended up.

I will support the package, Committee Amendment "A", as a means to have a balanced budget. There are items in this budget that are new spending from the previous Legislature. It is Drugs for the Elderly. In this budget it takes that money one time, but if this waiver is approved you will see from the Fiscal Office in their structural gap that there will be a savings of \$45 million from this program if it is approved. Some of these investments that we have made will be extremely helpful to Maine citizens and a budgetary savings. I think I have said enough. I do thank the Appropriations Committee for their hard work in coming in in the fall and sacrificing their own time and doing the best that they can. I hope you will support the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. To anyone who can answer, this budget proposal that we have before us now should by a strange twist of faith not pass, what would be the next procedure? Would it mean that we would go back to more hearings, more suggestions on ways to balance the budget or looking at different ways of reaching that goal? What would be the next step?

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I appreciate the Representative's question, because I did want to point out that by not passing this budget, we leave it for the 121st Legislature. They will start with a possible five members of the Appropriations that may return if the two members added switch bodies and are able to be reappointed to

the committee. They will be necessary to organize that committee and to learn how the budget documents work. By leaving this with an Ought Not to Pass, I believe leaves us in a terrible position for the next Legislature. I don't know what more this Legislature can do. The Constitution does require us to pass a balanced budget. The Executive has called us into Special Session and I believe we are hereby required to balance the budget. I hope that is enough. I don't know exactly what will happen. I am ready to go home after this. I put everything I can into this and hope you will help us get out of here. Thank you.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to correct or attempt to correct a misunderstanding that the House Chair of Appropriations has in terms of why we are here today. I don't believe we are here today because of the perceived greed of corporate America. We are here because the people in this room and the other body over the last eight years have spent more than we have taken in. It has absolutely nothing to do with the perceived greed of corporate America.

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

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. First, I want to apologize for standing while my friend Representative Berry of Livermore was talking. I thought you had finished. I apologize to you for that.

I would like to respond a little bit to Representative Stedman's request for information. My personal belief is that if this fails nothing changes, the bill itself has the emergency preamble stripped. It is not going to come into affect until the next Legislature is seated and so on. The majority of the items in this budget are just simply transfers and recognizing the monetary value of the curtailments and the things that I think that are particularly objectionable are the things that I would hope that we could with the force of a rejection from this body, it would force both the Republicans and the Democrats from the committee to renew their efforts to come to some sort of satisfactory conclusion.

While I am here, I would just like to tell you that I cannot vote for this bill because regardless of what my chair says, you can put all sorts of lipstick on this, but I think this is a turkey and I think so for several reasons. One, it does not face the real problem that our state government has and that is that it has grown too expensive to sustain with our current gross product. If we want to spend more money, we have to grow our economy. It is in my view a quick fix for today's problem. Because it fails to make substantial programs in the way we deliver services, it will make future solutions to our looming budget even more difficult and the reductions more painful. The reason we have a budget problem today is quite simple. People are not earning the money that they were expected to earn that we originally put together our documents. In addition to that, we have appropriated over the last three years \$300 million more than the revenue we anticipated receiving on ongoing programs. If we had spent that money in one-time programs, I don't think we would be having the difficulties that we have today.

You cannot spend more than you make for long, nor can your government do. Spending in excess of known revenue has caused Maine's financial problems. It is as simple as that. The plan to change the BETR Program, which is a substantial part of this document will send, in my view, the wrong message to the investment community inside and outside of Maine. It will reinforce the belief that Maine's government is unfriendly to investments and cannot be trusted to keep its word. It will shake

corporate America, the very people that my chair is saying are greedy. They work in ways that they want more than anything, which is consistency and predictability in government policies having to do with tax and regulatory matters. If it is a good thing to have the business community invest in new production and equipment here in Maine, then I think we are sending the wrong message and the effect in the future of our action today will be to depress their investment in our economy. That is not a good thing.

Regardless of our spending problems, we cannot expect the economy to grow in Maine if our regulatory and tax policy are out of line with our neighboring states and provinces. We cannot expect it to grow. I listened to every candidate running for major office in the state and every single one of them said that growing our economy is the major goal for their administration.

The bill does raise taxes. It raises taxes by delaying an accelerated depreciation program that was part of the federal tax code. It assesses a new tax on hospitals. It assesses a new tax on nursing homes and residential treatment facilities. The last two groups on this bill are taxed with a hope that the federal government will allow the tax to be a cost reimbursable under the Medicaid Program. We use a significant amount of this anticipated money to increase spending in some areas of these programs. However, this increased dependency on federal programs will cause an even greater problem for the State of Maine should the federal government reject the match program in the future. Those of you who were around in the early '90s would remember how difficult it was to make up that \$200 or \$300 million tax that we had grown used to.

It is unfortunate, but this budget does not face the problem of a government that is too expensive to sustain. Again, the reason that we have a problem today, in my view, is that we have, in fact, appropriated over \$300 million more in spending than we have anticipated in revenue. We have a \$1.2 billion problem to cure in the next budget cycle. I think we are sending exactly the wrong message to the very people that we want to invest in our state and our communities by changing the tax code in this way. Mr. Speaker, I thank you very much.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. In preparing to come here today, I did a little bit of research to find that among the states in this nation our budget deficit pales in comparison to most. There are 44 states, as I understand it, that have budget deficits and 30 of which have worse deficits than we do. What do we do? We set the Appropriations Committee out to make sure that they took care of this \$240 million budget deficit. The cuts they made are surgical. There is not question about that. This is a budget that is lean, but not mean to the people of the State of Maine. It is true that next year we, who are coming back, will have to face a large budget deficit and we will, together, deal with that issue. We shouldn't belabor what we are doing here. This is \$240 million in cuts and we have made those cuts. The Governor proposed the package. We had a public hearing and now, thank God, we are at a point where we can vote on something, which the Maine people have waited for for some time. I understand, and if I am wrong I am sure I will be told so, but if we don't pass this budget today, the Governor will be forced by the terms of the Constitution to cut funding for education and health care through the use of his curtailment powers. We, the Legislature, will have little or no impact when that occurs. I am not prepared to do that. I am not prepared to allow the Chief Executive to cut this budget through curtailments when we have the right and the obligation to do so. I will ask you to please support the pending motion because we

have invested in the past in education. We have provided tax cuts and we need tax reform and we will get to that business. First we need to address this \$240 million shortfall. We can do so tonight and go home, get rested and come back. Thank you.

Representative MURPHY of Kennebunk **REQUESTED** a roll call on the motion to **CONCUR**.

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

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This is the first time in my life that I have ever walked away from a job that isn't finished. It bothers me. Almost two years ago we had taken an oath to uphold the Constitution. I felt it went further than that. We had an obligation to complete our work to make things whole. What I see is that when we leave here either later this evening or tomorrow morning, we will be leaving a billion dollar mess. That is not the mess for the next Legislature, that is our mess. That happened on our watch. What we did was we advocated our responsibility. We overspent. No one should be surprised because the fiscal notes told us the scope of the shortfall, three times the amount of any other shortfall ever approved. We knew what we were doing. If it was a credit card, we maxed out and we went to other credit cards and we maxed them out. What concerns me as a coequal branch of government is we let the Chief Executive decide the route that we were going to go. The route that we decided to go was right back to the early 1990s. There are things in this budget, BETR, that by pushing the BETR into another fiscal year that at some point in the future you will have to find \$50 million new money to bring it back to where it was before this bill began to move through.

We let the Chief Executive bring forth a budget proposal that put the pain out into all the areas of the state and insulated state government. It is my understanding other than the vacant positions, which traditionally have been the slush fund for every department, that there is a reduction of one state employee. In York County Mainers have lost their jobs and I am sure in every one of your counties and your communities. Businesses are shutting down, our constituents are losing their jobs. When they ask us what we are going to do to control the spending, our answer is we have put a cocoon or a bubble around state government and it is immune from what is happening out there. The Chief Executive came to us and said that state government, which for eight years have had layer after layer after layer of programs, almost like an 11-tier cake built up, was a sacred cow and it could not be touched. When you go through all these summaries, health care providers, hospitals, schools and Maine businesses, that is where the pain is. It is not within state government.

My greatest frustration is that the committees and the members of the House and Senate, all of us who created the mess, should have been here in July and August. It would not have impacted anyone's election. Those policy committees that understood those departments and knew the way to get back into those departments and meet with the commissioners and say, we have to set priorities here. How are we going to go in to these 15 or 16 programs and find the savings? We didn't meet in July and August. We let the Chief Executive carry the water and it was the same old gimmicks of the early 1990s. I am frustrated.

It is the first time that I have never completed a job. I see a horrendous mess. The state of one million people has a billion dollar shortfall, twenty-two percent of its budget when we return is unfunded. We are walking away tonight or this morning and we are saying it is okay. I, we, made the mess, but we didn't want to

take the time or the courage to solve our problem. In an hour or two from now, we will leave and we will congratulate ourselves. The job was not done. We have walked away from our responsibilities and we left those responsibilities to the next Legislature. I don't feel very good this evening.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. I am getting frustrated myself. I have looked all over my desk and I have heard a lot of bla, bla, bla about overspending and who is doing it. I looked all over my desk and I can't find any other budget. Where is the budget that is going to fix it that we are all talking about? There is one budget here that sets us up to do our constitutional duty and balances the budget. It is here in front of us. I would ask my colleagues to go ahead and vote for it. Thank you.

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

Representative **MAILHOT**: Mr. Speaker, Ladies and Gentlemen of the House. When the Representative from Kennebunk says that we didn't have the courage to do our job here, I hope he meant his side of the aisle. I ask you tonight to solve a problem that you can all do by giving us a two-thirds vote on this budget so that it becomes law immediately instead of 90 days. I certainly hope that you have the courage to do your job. Thank you Mr. Speaker.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. And now the political rhetoric starts. First of all, let me address the good Representative from Brunswick who said we made \$240 million in cuts. Obviously if you know how to read the budget, there are \$57 million in cuts and \$172 million in fund transfers. That is a big difference. The Governor does not have a responsibility to curtail if we do not pass this budget. He is only doing it because he feels he is responsible for doing it. He doesn't have to do it. There are a couple of things there.

As I said earlier tonight, I was reminded many times that you are in the minority and we will just pass a majority budget. Why don't you have our alternative plan in front of you? We didn't want to waste state resources. We can count. We can read budgets. If you have to sit there and tell me you are in the minority and we just have to pass the majority budget and the Chief Executive said that he will just negotiate with the Democrats, why would we waste our time? We negotiated during the Appropriations Committee. You knew where we were. Frankly, at the last minute you really didn't care. As soon as the Chief Executive said that he was going with you, everything moved away, just like that majority budget in the 120th first session, just like the majority budget in the 118th Legislature. As soon as the Chief Executive went to your side, you said adios, see you later. We can point fingers, but we didn't pass the last biennial budget. We voted against it. If you want to take the credit for passing that, then take the credit for causing a billion dollar shortfall. I am not blaming you for it. I am blaming the Maine economy and I am blaming a lot of spending policies that were not very smart.

This is not how we should be going away tonight. If you want to keep reminding me that I am in the minority, go right ahead. I am not going to just sit here and listen to your rhetoric. 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 have seen two budgets offered by

people on this side of the aisle that didn't seem to have very many takers. One by the gentleman from Bridgton, Representative Waterhouse, and one by the gentleman from Lewiston, Representative Mendros. Both those budgets, from what I understand, did not increase taxes, contrary to the budgets being offered on the other side of the aisle and both Representative Mendros and Representative Waterhouse's budgets were in the spirit of the promises made by the new Chief Executive elect. It is something, also, that I do not see paralleled by the budgets on the other side of the aisle.

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

ROLL CALL NO. 697

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Clark, Colwell, Cowger, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, Mayo, McDonough, McKenney, Mendros, Michael, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Tracy, Treadwell.

Yes, 78; No, 59; Absent, 11; Excused, 0.

78 having voted in the affirmative and 59 voted in the negative, with 11 being absent, and accordingly the House voted to **CONCUR**.

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

At this point, the Speaker recognized the Representative from Auburn, Representative Michael; the Representative from Embden, Representative McGlocklin and the Representative from Vassalboro, Representative Mitchell and they were added to the quorum call of the First Special Session of the 120th Legislature.

ORDERS

On motion of Representative COLWELL of Gardiner, the following House Order: (H.O. 50)

WHEREAS, Michael V. Saxl of Portland has served the people of his district and the State of Maine for 8 years as a member of the Maine House of Representatives; and

WHEREAS, since being elected to the Maine House of Representatives, Michael V. Saxl has worked to ensure access to health care for all Maine people through his commitment to the Elderly Low Cost Drug Program, the Cub Care Program, the

Small Business Health Care Initiative, and other measures that have increased access to affordable healthcare and prescription drugs to Maine citizens; and

WHEREAS, Michael V. Saxl has demonstrated his commitment to resolving the difficult issues that come before the Legislature by his formation of the Speaker's Advisory Council on Forest Certification and the Speaker's Advisory Council on Tax Reform; and

WHEREAS, Michael V. Saxl has sponsored numerous pieces of legislation, including Maine's first anti-stalking law, a first-in-the-nation family leave for victims of domestic and sexual violence, and the removal of the statute of limitations for prosecution of sexual abuse of minors; and

WHEREAS, Michael V. Saxl rose rapidly through the ranks of leadership, serving as House Majority Whip for the 118th Legislature in his second term and serving as House Majority Leader for the 119th Legislature in his third term; and

WHEREAS, on December 6, 2000, Michael V. Saxl was elected Speaker of the Maine House of Representatives and, in that office, has served with dignity, fairness and unflinching courtesy, upholding the highest standards of conduct and setting an example of personal integrity that has fostered mutual trust and respect; now, therefore, be it

ORDERED, that the chair used by Speaker Saxl at his desk in his office be given to him as a token of the esteem in which he is held by his colleagues and the people of the State of Maine.

READ.

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

Representative COLWELL: Mr. Speaker, Men and Women of the House. I rise today to honor my good friend, along with the rest of this chamber, Representative Saxl from Portland. This Order bequeaths him his chair. I am not sure he will use the chair because he never sits down long enough to use a chair. Those of you who have worked with him over the last eight years, four years, two years or whatever, you know that Mike Saxl is a man of boundless energy. He is a tremendous fighter for health care, a crusader against domestic violence and sexual assault and just a man that knows that his job is to look out for the best interests of the people of the State of Maine. I am proud to have been in the trenches fighting for those issues with him. I am really even more proud and honored to be able to call Mike Saxl my friend. I believe he is a friend to this body, a friend to our tradition in the State of Maine and a friend to all citizens of the State of Maine. Thank you Mr. Speaker.

PASSED.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Representative Nancy L. Chizmar, of Lisbon, a member of the Maine State Legislature during the 117th through the 120th legislative sessions. Representative Chizmar served the people of District 84 for 4 terms in the House of Representatives and served on the Joint Standing Committee on Legal and Veterans Affairs and the Standing Committee of the House on Elections. We acknowledge her dedicated and exemplary service to the people of her community and to the State of Maine. She will be greatly missed by her beloved husband Paul, her 4 children and her loving family, colleagues and many friends;

(HLS 1288)

Presented by Speaker SAXL of Portland.

Cosponsored by Representative ANDREWS of York, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative BAGLEY of Machias, Representative BAKER of Bangor, Representative BELANGER of Caribou, Representative BERRY of Belmont, Representative BERRY of Livermore, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOUFFARD of Lewiston, Representative BOWLES of Sanford, Representative BRANNIGAN of Portland, Representative BROOKS of Winterport, Representative BRUNO of Raymond, Representative BRYANT of Dixfield, Representative BUCK of Yarmouth, Representative BULL of Freeport, Representative BUMPS of China, Representative BUNKER of Kossuth Township, Representative CANAVAN of Waterville, Representative CARR of Lincoln, Representative CHASE of Levant, Representative CHICK of Lebanon, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Representative COLLINS of Wells, Representative COLWELL of Gardiner, Representative COTE of Lewiston, Representative COWGER of Hallowell, Representative CRABTREE of Hope, Representative CRESSEY of Baldwin, Representative CUMMINGS of Portland, Representative DAIGLE of Arundel, Representative DAVIS of Falmouth, Representative DESMOND of Mapleton, Representative DORR of Camden, Representative DUDLEY of Portland, Representative DUGAY of Cherryfield, Representative DUNCAN of Presque Isle, Representative DUNLAP of Old Town, Representative DUPLESSIE of Westbrook, Representative DUPREY of Hampden, Representative ESTES of Kittery, Representative ETNIER of Harpswell, Representative FISHER of Brewer, Representative FOSTER of Gray, Representative FULLER of Manchester, Representative GAGNE of Buckfield, Representative GERZOSKY of Brunswick, Representative GLYNN of South Portland, Representative GOODWIN of Pembroke, Representative GOOLEY of Farmington, Representative GREEN of Monmouth, Representative HALL of Bristol, Representative HASKELL of Milford, Representative HATCH of Skowhegan, Representative HAWES of Standish, Representative HEIDRICH of Oxford, Representative HONEY of Boothbay, Representative HUTTON of Bowdoinham, Representative JACOBS of Turner, Representative JODREY of Bethel, Representative JONES of Greenville, Representative KANE of Saco, Representative KASPRZAK of Newport, Representative KOFFMAN of Bar Harbor, Representative LABRECQUE of Gorham, Representative LANDRY of Patten, Representative LAVERRIERE-BOUCHER of Biddeford, Representative LaVERDIERE of Wilton, Representative LEDWIN of Holden, Representative LEMOINE of Old Orchard Beach, Representative LESSARD of Topsham, Representative LORING of the Penobscot Nation, Representative LOVETT of Scarborough, Representative LUNDEEN of Mars Hill, Representative MacDOUGALL of North Berwick, Representative MADORE of Augusta, Representative MAILHOT of Lewiston, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Representative MATTHEWS of Winslow, Representative MAYO of Bath, Representative McDONOUGH of Portland, Representative McGLOCKLIN of Embden, Representative McGOWAN of Pittsfield, Representative McKEE of Wayne, Representative McKENNEY of Cumberland, Representative McLAUGHLIN of Cape Elizabeth, Representative McNEIL of Rockland, Representative MENDROS of Lewiston, Representative MICHAEL of Auburn, Representative MICHAUD of Fort Kent, Representative MITCHELL of Vassalboro, Representative MORRISON of Baileyville, Representative MURPHY of Berwick, Representative MURPHY of Kennebunk,

Representative MUSE of South Portland, Representative MUSE of Fryeburg, Representative NASS of Acton, Representative NORBERT of Portland, Representative NORTON of Bangor, Representative NUTTING of Oakland, Representative O'BRIEN of Augusta, Representative O'BRIEN of Lewiston, Representative O'NEIL of Saco, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative PEAVEY of Woolwich, Representative PERKINS of Penobscot, Representative PERRY of Bangor, Representative PINEAU of Jay, Representative PINKHAM of Lamoine, Representative POVICH of Ellsworth, Representative QUINT of Portland, Representative RICHARD of Madison, Representative RICHARDSON of Brunswick, Representative RINES of Wiscasset, Representative ROSEN of Bucksport, Representative SAVAGE of Buxton, Representative SCHNEIDER of Durham, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SKOGLUND of St. George, Representative SMITH of Van Buren, Representative SNOWE-MELLO of Poland, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STANLEY of Medway, Representative STEDMAN of Hartland, Representative SULLIVAN of Biddeford, Representative TARAZEWICH of Waterboro, Representative TESSIER of Fairfield, Representative THOMAS of Orono, Representative TOBIN of Windham, Representative TOBIN of Dexter, Representative TRACY of Rome, Representative TRAHAN of Waldoboro, Representative TREADWELL of Carmel, Representative TUTTLE of Sanford, Representative TWOMEY of Biddeford, Representative USHER of Westbrook, Representative VOLENIK of Brooklin, Representative WATERHOUSE of Bridgton, Representative WATSON of Farmingdale, Representative WESTON of Montville, Representative WHEELER of Bridgewater, Representative WHEELER of Eliot, Representative WINSOR of Norway, Representative YOUNG of Limestone, President BENNETT of Oxford, Senator BRENNAN of Cumberland, Senator BROMLEY of Cumberland, Senator CARPENTER of York, Senator CATHCART of Penobscot, Senator DAGGETT of Kennebec, Senator DAVIS of Piscataquis, Senator DOUGLASS of Androscoggin, Senator EDMONDS of Cumberland, Senator FERGUSON of Oxford, Senator GAGNON of Kennebec, Senator GOLDTHWAIT of Hancock, Senator KILKELLY of Lincoln, Senator KNEELAND of Aroostook, Senator LaFOUNTAIN of York, Senator LEMONT of York, Senator LONGLEY of Waldo, Senator MARTIN of Aroostook, Senator McALEVEY of York, President Pro Tem MICHAUD of Penobscot, Senator MILLS of Somerset, Senator MITCHELL of Penobscot, Senator NUTTING of Androscoggin, Senator O'GARA of Cumberland, Senator PENDLETON of Cumberland, Senator RAND of Cumberland, Senator ROTUNDO of Androscoggin, Senator SAVAGE of Knox, Senator SAWYER of Penobscot, Senator SHOREY of Washington, Senator SMALL of Sagadahoc, Senator TREAT of Kennebec, Senator TURNER of Cumberland, Senator WOODCOCK of Franklin, Senator YOUNGBLOOD of Penobscot.

On **OBJECTION** of Representative SAXL of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. Nancy Chizmar and I started in the 117th Legislature together. We came as strangers and we left as wonderful friends. We served on the Joint Standing Committee on Legal and Veterans Affairs that first year. We liked it and returned for four terms. I have had the pleasure of meeting

Nancy's family, getting to know her. Indeed I think in the 120th Legislature some folks who came before the Legal and Veterans Affairs knew that the two old ladies with the gray hair needed to be taken into consideration. She was my friend and I will miss her.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I was the third freshman member of Legal and Veterans Affairs back in the 117th Legislature. The fourth freshman member was the good Representative from Yarmouth. I don't know how it happened that they put the four of us on that committee. We were a rather dangerous group, especially when you consider that joining us was the good Representative Murphy. It was quite a crowd and we became very close. Representative Chizmar was quite a lady, as I said earlier today.

I am storyteller and I have to tell you the story of her last night here. I believe it was around 5:00 in the morning. We had one more recess before we could finish that last piece of business. Her husband Paul came down the aisle and escorted her up the aisle and she turned around and looked and there were five gentlemen on this side of the aisle sleeping. She said to Paul, "Look at me. I am a sick, tired old lady. I am still awake and those men are sleeping." It tells you something doesn't it. We will remember Nancy. Thank you sir.

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

Representative **POVICH**: Mr. Speaker, Ladies and Gentlemen of the House. I have spoken twice today and both times on sad occasions, but full of warm feelings for my two friends. I did have the pleasure to serve with Nancy on Criminal Justice for one short term. She said I was only on loan for one term and then she was going to return to Legal and Vets. I regretted her decision, but Nancy taught me a couple of things, all I ever wanted to know about harness racing. I followed her light every time on harness racing. She taught me everything I wanted to know about Moxie. I actually learned to enjoy it. I told her the story that a friend of mine learned that my store was the only store in Ellsworth that sold diet Moxie. He was appreciative because he was on a sugar-restricted diet and he liked Moxie. He said the good thing about diet Moxie was that you could certainly be sure that if you left three-quarters of a bottle in the refrigerator and you had children around when you came back there would still be three-quarters of a bottle left. Nancy, thank you for harness racing and thank you for Moxie and thank you for you.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. Wow, six years ago when I first met Nancy, I didn't know how to take her. I thought she was really stern. I just didn't know I could ever warm up to her. Six years later, we became pretty good friends. We would all say to each other that we have a friend across the aisle. We would talk about issues. I remember the times during Moxie Days when Nancy would have a barbeque and she would often invite myself and Representative Buck to attend. Those were really good times. I remember also that Nancy seemed really tough, but she was so soft and so caring and what a dear person. I remember the last day that she was here with us and I remember telling her that she looked awful and that she should go home and take care of herself. You are running a Senate campaign and you need to get better. You need to get your strength back. Nancy told me to mind my own business. That is Nancy. She didn't want you to

know how she really felt. She stuck it out and she was so proud of sticking it out with us and being there. Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. As I have always said, these occasions are pretty difficult to say the appropriate thing, but Nancy was my seatmate for the last four terms. We sat together over here. I am in seat 33 and she was in seat 55. She was always there for me in the committee. She was my right hand. It is very symbolic having two deceased members and having two roses in the same day is something that I can't remember in a long time. I think it truly shows that we are a family. We always remember each other and I think it makes us stronger as a body. Nancy, I will miss you. I know we appreciate your service and the dedicated work that you gave to your community and the citizens of District 84.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative HEIDRICH: Mr. Speaker, Ladies and Gentlemen of the House. I, too, served with Nancy. She was a lady that I absolutely admired. She even thought she might even make a good legislator out of me. It was a difficult task. We sometimes didn't vote the same way, but I don't know of anybody in this body that I respected more than Nancy Chizmar. Nancy came to bat for every veteran in this state. You talk to veterans all over the state and they know the name of Nancy Chizmar. She was a marvelous, wonderful woman and I hope when she went to heaven that she was escorted by a whole bunch Marines, because they would have loved her. Nancy, I am going to miss you.

The House stood for a moment of silence in honor and lasting tribute to our colleague, Nancy Chizmar.

ADOPTED and sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 499)

STATE OF MAINE

ANGUS S. KING, JR., GOVERNOR

RICHARD A. BENNETT, SENATE PRESIDENT

MICHAEL H. MICHAUD, SENATE PRESIDENT PRO

TEMPORE

MICHAEL V. SAXL, SPEAKER OF THE HOUSE

November 12, 2002

Hon. Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to our authority under P.L. 2001 Ch. 677 we are pleased to appoint the following members of the public to serve as members of the Maine Small Business Health Coverage Plan Board:

Robert Hardison of Sanford

Jacqueline Wardell of Bristol

John Kelly of Portland

Ellen Jane Schneiter of Portland

Gordon Smith of Manchester

If you have any questions regarding these appointments, please contact us.

Sincerely,

S/Angus S. King, Jr.

S/Senator Richard A. Bennett

S/Representative Michael V. Saxl

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 51)

ORDERED, that Representative Howard A. Chick of Lebanon be excused for the duration of the First Special Session of the 120th Legislature for health reasons.

READ and PASSED.

The following Joint Resolution: (S.P. 839)

JOINT RESOLUTION RECOGNIZING THE

RETIREMENT

OF JOHN R. NICHOLAS

WHEREAS, John, "Jack," R. Nicholas of Winthrop, formerly of Litchfield, husband of Nancy Nicholas, father of Suzanne Roy and Diana Flaherty and proud grandfather of Nicholas, Kyle and Ryan, will retire on November 15, 2002 from his position as State Budget Officer after more than 29 years of selfless service to the People of Maine; and

WHEREAS, Jack has given of his extensive knowledge, expertise and tireless efforts as State Budget Officer to Governor Angus S. King, Jr., former Governor John McKernan, Jr., the governors' staff, the commissioners of the Department of Administrative and Financial Services, the chairs and members of the Joint Standing Committee on Appropriations and Financial Affairs, the Maine State Legislature, the legislative staff and the National Association of State Budget Officers; and

WHEREAS, Jack inspires others through his leadership, effective communications and excellence in financial accounting and reporting, which have assisted the State in achieving 2 bond rating increases; and

WHEREAS, Jack's dedication and vision served as a catalyst as he worked with the Governor and Legislature to institute the historical change to performance budgeting supported by the budget and financial management system, thereby increasing the State's accountability to its citizens; and

WHEREAS, Jack is an effective and analytical problem solver who has worked to balance and then implement over 47 budgets for the State, spanning good and difficult economic times, and to uphold the Constitution of the State of Maine as he served as a member of the Revenue Forecasting Commission and conducted 4-year expenditure forecasts; and

WHEREAS, Jack's sound judgment, integrity, mentoring, customer focus and good humor have earned him the deep respect and confidence of his staff, peers and colleagues; and

WHEREAS, Jack's service to State Government, always being the first into the office every morning and the last to leave at night, also served to improve the operations of the Maine Technical College System and the Department of Public Safety; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Special Session, do pause in our deliberations to express our sincere appreciation to John R. Nicholas and to recognize his years of dedicated service to the State; and be it further

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

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

READ.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I just want to take a moment of your time to recognize a long-time state employee, the State Budget Officer. I know if he is not in the room or in the gallery, I am fairly certain his is still somewhere in the building at the sound system. I want to recognize Jack Nicholas for his 29 years of service to the state. He has worked hard to improve the budget process, the financial accountability. I think he has tried very hard to get the state on the right track. Many times he has been thwarted by the economy or by legislative members themselves, I guess.

I just want to take a moment as Chair of the Appropriations Committee to express my appreciation for his demeanor and work ethic and his dedication to his duty and to the people of the State of Maine. Thank you Mr. Speaker for the opportunity to do that.

ADOPTED in concurrence.

ENACTORS

Acts

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 Year Ending June 30, 2003

(H.P. 1746) (L.D. 2220)

(S. "B" S-630, S. "D" S-632 and S. "F" S-634 to C. "A" H-1126)

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

On motion of Representative **MENDROS** of Lewiston, was **SET ASIDE**.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1126)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "I" (H-1135)** to **Committee Amendment "A" (H-1126)** which was **READ** by the Clerk.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I did intend to speak on this. I might be brief. This is an opportunity to put more money into education. It is an opportunity to come through with the promise and the commitment to Maine's children. The good Representative from Old Town, Representative Dunlap, said earlier when we had an opportunity to do this that it was irresponsible to put the money in without finding a revenue source. The good Representative from Livermore, Representative Berry, said that we can't deficit spend. We need another revenue source. The good Representative from Brunswick, Representative Richardson, said we can't make these cuts without offsetting money to deal with where the money is going to come from. The good Representative from Harpswell, Representative Etnier, said, where is your plan? In the real world you need a plan. To all of them I say, here it is.

This budget, quite simply puts the money into education. It takes money from state employees that make over \$70,000 a year, which is more than what the Executive makes, it cuts their

salaries by 10 percent. It is only the wealthiest of the wealthiest. It also says let's lead by example. We give 10 percent of our salary to help fund this and we pay 25 percent of our health insurance, which we all know soon we will have universal health care and that will be a mute point. We lead by example, give up a little and we go after the wealthiest of the wealthiest.

How did I win in the City of Lewiston as a Republican? I have always been pro-education. I voted for every opportunity to put more money into the education budget. I have put amendments in to get up to the full 55 percent funding and people all the time tell me that you sound like a Democrat. You are pro-education. I say that I actually vote for that money. I don't just say it. I ask you all to vote like Democrats. Vote against the rich and do it for the children.

Representative **BERRY** of Livermore moved that **House Amendment "I" (H-1135)** to **Committee Amendment "A" (H-1126)** be **INDEFINITELY POSTPONED**.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I think I made the reference to the turkey earlier and the same reference stands. Since I have been here I have seen some outstanding dedication and hard work. I know when I started eight years ago I came in expecting a certain rate of pay and found on my first day that I had been cut by 5 percent from what I had been told. I was planning for my loss of wages as it was and found that I was going to receive an additional 5 percent cut. I think this is silly. I would say the good Representative from Lewiston, Representative Mendros, has quoted many of the members that have spoken previously tonight. I would like to quote the Representative from Lewiston, Representative Mendros myself as I ask for Indefinite Postponement. The Representative said, "There is no law against being stupid."

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

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

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. If we want to lead by example, are the same people that help govern our school boards back home going to take the same cut, like superintendents and also presidents of the University of Maine System?

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. They should, but we don't have control of that. If I could have put that in the budget, I certainly would have. I may have enjoyed my delivery, but it doesn't mean that I don't believe in this bill, don't believe in what it does and don't believe that all of these priorities, in my opinion, are lower priorities than funding education. That is what this is all about. We can trade barbs back and forth. That is fine with me, but the fact is this is money that should be going to education and this is a higher priority. That is what it boils down to. Mr. Speaker, when the vote is taken I request the yeas and nays.

Representative **MENDROS** of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "I" (H-1135)** to **Committee Amendment "A" (H-1126)**.

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 Muse.

Representative **MUSE**: Mr. Speaker, Men and Women of the House. On this my final night here, I am thrilled to have an opportunity to quote a former South Portland legislator and say, Mr. Speaker, like the speakers before me, I have nothing to say. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "I" (H-1135) to Committee Amendment "A" (H-1126). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 698

YEA - Andrews, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Clark, Collins, Colwell, Cowger, Crabtree, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Murphy E, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Bowles, Buck, Clough, Cressey, Duprey, Foster, Haskell, Heidrich, Kasprzak, Labrecque, MacDougall, McDonough, McKenney, Mendros, Michael, Murphy T, Muse K, Nass, Nutting, Perkins, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin J, Waterhouse, Winsor.

ABSENT - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Pinkham, Quint, Treadwell, Wheeler EM.

Yes, 107; No, 29; Absent, 12; Excused, 0.

107 having voted in the affirmative and 29 voted in the negative, with 12 being absent, and accordingly **House Amendment "I" (H-1135) to Committee Amendment "A" (H-1126) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-1126) as Amended by Senate Amendment "B" (S-630), Senate Amendment "D" (S-632) and Senate Amendment "F" (S-634) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1126) as Amended by Senate Amendment "B" (S-630), Senate Amendment "D" (S-632) and Senate Amendment "F" (S-634) thereto in concurrence.**

Representative KASPRZAK of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

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

ROLL CALL NO. 699

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Clark, Colwell, Cowger, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine,

Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, Mayo, McDonough, McKenney, Mendros, Michael, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Treadwell.

Yes, 78; No, 60; Absent, 10; Excused, 0.

78 having voted in the affirmative and 60 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

After Midnight

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

At this point, a message came from the Senate borne by Senator Daggett of Kennebec informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Speaker appointed Representative COLWELL of Gardiner on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor Angus S. King, Jr., and inform him that the House had transacted all business before it and was ready to adjourn without day.

Representative VOLENIK of Brooklin
Representative DESMOND of Mapleton
Representative FISHER of Brewer
Representative BOUFFARD of Lewiston
Representative LaVERDIERE of Wilton
Representative MICHAUD of Fort Kent
Representative JACOBS of Turner
Representative MAYO of Bath
Representative BUCK of Yarmouth
Representative GOOLEY of Farmington
Representative LABRECQUE of Gorham
Representative MADORE of Augusta

Subsequently, Representative COLWELL reported that he had delivered the message with which he was charged.

Subsequently, the Committee reported that they had delivered the message with which they were charged.

On motion of Representative FULLER of Manchester, the House adjourned without day at 12:41 a.m., Thursday, November 14, 2002 in honor and lasting tribute to Representative Martha A. Bagley of Machias; Representative Nancy L. Chizmar, of Lisbon and the Honorable Joseph W. Mayo, of Augusta.