

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

(S.P. 289) (L.D. 940) Bill "An Act to Amend the Laws Pertaining to the Boarding of Dogs"

(H.P. 318) (L.D. 440) Bill "An Act to Require Responsibility of the Employers of Persons who Collect Signatures"

(H.P. 46) (L.D. 71) Bill "An Act to Return a Certain Parcel of Land to Hartland from Pittsfield" (C. "A" H-6)

(H.P. 58) (L.D. 83) Bill "An Act to Amend the Laws Requiring Notification for Public Hearings Concerning Ordinance Changes" (C. "A" H-7)

(H.P. 210) (L.D. 274) Bill "An Act to Allow Towns to Use the Money Held in Administrative Funds That Comes from the Use of Ministerial Trust Land" (C. "A" H-5)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

ENACTORS Emergency Measure

An Act to Amend the Maine Consumer Credit Code to Permit Reverse Mortgages (S.P. 207) (L.D. 666) (C. "A" S-12)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Require the Courts to Accept Civil Orders of Arrest on Any Day Court is in Session (H.P. 180) (L.D. 235)

An Act to Amend the Fee Schedule for Probate Filings (S.P. 138) (L.D. 417) (S. "A" S-13)

An Act to Amend the Employee Leasing Company Registration Process (S.P. 147) (L.D. 426)

An Act to Change the Time for Appointment of a Visitor or Guardian Ad Litem after Appointment of a Temporary Conservator or Guardian (S.P. 165) (L.D. 494)

An Act to Correct Certain Errors and Inconsistencies in Marine Resources Laws (H.P. 395) (L.D. 540)

An Act to Clarify the Effect of Failure to Provide Notice of Filing of a Judgment Lien (H.P. 421) (L.D. 571)

An Act to Expand the Methods of Service of Disclosure Subpoenas (H.P. 526) (L.D. 717)

An Act to Amend the Small Claims Court Laws (S.P. 249) (L.D. 818)

Were reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

HOUSE DIVIDED REPORT - Majority (11) "**Ought Not to Pass**" - Minority (2) "**Ought to Pass**" - Committee on **Legal and Veterans Affairs** on Bill "An Act to Amend the Law Regarding the Sale of Alcohol on Golf Courses" (H.P. 467) (L.D. 638)

TABLED - March 13, 1997 by Representative TUTTLE of Sanford.

PENDING - Acceptance of Either Report.

On motion of Representative TUTTLE of Sanford, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

On motion of Representative CROSS of Dover-Foxcroft, the House recessed until 6:00 p.m.

After Recess

The House was called to order by the Speaker.

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (H.P. 832) (L.D. 1137) (Governor's Bill) pending adoption of Committee Amendment "A" (H-15).

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Ladies and Gentlemen of the House. I speak to you tonight as not the Chair of the Appropriations Committee, but a member of this House to work with you and with the Governor to present a budget to meet the needs of the citizens of this state. The budget document that is before this House, this evening, was put together for a large number of people through several months of work in the Appropriations Committee room. The people who put their efforts into this budget were the members of my party, members of the Republican Party and members of the King administration. This budget, like every other budget that has succeeded it, is not complete in the minds of each of us as individuals. It is an honest effort of consensus based on resources that this state has available to bring a balanced budget for the operation of Maine State Government.

The committee that worked on this bill is not made up of just two political parties, but of many different philosophical opinions. However, it does, in my opinion and I hope in yours, reflect the needs of the citizens of this state. It addresses not all the needs, but generally, most of the needs for general purpose aid to education. It addresses, but not all the needs, but generally most of the needs of the university system and technical college system. It addresses not all the needs, but most of the needs in the area of mental health and human services. It addresses not all the needs, but generally most of the needs of the Judicial Branch of government. It addresses not all the needs, but generally most of the needs of the Corrections Department. Other areas this budget addresses, but I am sure not to the complete satisfaction of everyone in this chamber, is funding for tourism, funding of the Magnet School, funding of the Medical Access Program, funding of tree growth, circuit breaker, and research and development for the University of Maine.

Considering the economy of this state, the revenues that we generate, the budget demands that we have, through the good efforts of the members of this Legislature, the efforts of the Appropriations Committee and its staff, along with the support of

the King Administration represents general consensus of needs. I ask you as a member of this chamber to support this budget tonight. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Thank you Madam Speaker. A point of parliamentary inquiry. Is this at the point where we present amendments?

The SPEAKER: The Representative has posed a question. This is the point where it is appropriate to present House Amendments. Once we adopt Committee Amendment "A," we would have to reconsider to get back to that point.

Representative DONNELLY: Thank you. May I ask a second question? Have all the amendments been distributed?

The SPEAKER: We have distributed 13 amendments of the 43 that we are expecting. Does Representative Wheeler have his amendment available?

Representative WHEELER of Bridgewater presented House Amendment "A" (H-24) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative WHEELER: Thank you Madam Speaker, Men and Women of the House. I stand before you today to fulfill a commitment that I made to my constituents concerning state obligations. One of those obligations was to pay the full commitment to the tree growth. I have suggested in the amendment that we take the money from the Maine Economic Improvement Strategy. I personally feel that we should pay our commitments to those issues that the state has committed to in the past before we make or implement any new programs. For example, the tree growth funding means a great deal to my area. I come from Aroostook County, for those of you who don't know a lot of our areas are covered by the Tree Growth Law. If we don't fully fund this program, I think we should repeal the tax and let the towns evaluate the property at its full value and collect the taxes in a way that they will realize full funding.

In Oakfield, because of the tree growth, they lose about \$28,500. In Merrill, they lose \$27,700. The Town of Smyrna is \$41,878. I am not going to stand up here and give you a long speech. I am just asking you to support what I have made for a commitment to my constituents and I think that most of you have. Thank you Madam Speaker.

Representative BERRY of Livermore moved that House Amendment "A" (H-24) to Committee Amendment "A" (H-15) be indefinitely postponed.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "A" (H-24) to Committee Amendment "A" (H-15).

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. We will be talking about a lot of big changes to the proposal in front of you this evening. A lot of things that have been talked about already by the chairman of the committee are living up to some obligations we had trying to meet needs. What Representative Wheeler is presenting tonight is an opportunity to fill a hole in the budget that is presented to a commitment that hasn't been lived up to for a long time. It is a commitment to an agreement that the state and municipalities with areas of tree growth entered into quite a while ago. It is living up to a commitment that we have. I would urge you to vote against Indefinite Postponement and vote for living up to our commitments. Thank you.

Representative BUCK of Yarmouth requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-24) to Committee Amendment "A" (H-15).

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

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

Representative JOYCE: Madam Speaker, May I pose a question through the Chair to Representative Wheeler?

The SPEAKER: The Representative may pose his question.

Representative JOYCE: Thank you. It seems like a lot of us ran on property tax relief. Wouldn't this help property tax relief back in the municipalities?

The SPEAKER: The Representative from Biddeford, Representative Joyce has posed a question through the Chair to the Representative from Bridgewater, Representative Wheeler. The Chair recognizes that Representative.

Representative WHEELER: Thank you Madam Speaker. The answer is yes.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. A budget is a little bit like a stew. There has to be a little bit in it for everyone involved. There are many pieces in this budget that I personally do hold to be of high priority. I personally would not vote to continue the funding of the Magnet School. The purchase of Sears Island is not a priority of mine. Nevertheless, I understand that to reach compromise and pass a budget, which will satisfy not only the majority of this body but the majority of the citizens of the State of Maine, that we sometimes have to vote for pieces of a budget, which we don't like.

It is true that the state has not been meeting its obligation in the area of tree growth for a long time. This budget goes far farther than any budget in recent memory to address that issue by putting in an additional \$6 million falling short by only \$1 million. At the same time, this budget does nothing to address the needs of the 1,000 children out there who need mental health services and are on the waiting list for mental health services. This budget does nothing to address the waiting list of 690 young adults and children who require day services to treat their mental retardation. This budget is far from a perfect document, but I would suggest that if we want to pass a budget at all, each one of us will have to compromise. I would ask you to join me in Indefinitely Postponing House Amendment "A."

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-24) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 12

YEA - Ahearne, Bagley, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont,

Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAleve, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Baker CL, Brooks, Bruno, Cianchette, Farnsworth, Jones KW, Saxl JW, Underwood, Winn.

Yes, 74; No, 68; Absent, 9; Excused, 0.

74 having voted in the affirmative and 68 voted in the negative, with 9 being absent, subsequently, House Amendment "A" (H-24) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative LEMKE of Westbrook presented House Amendment "B" (H-35) to Committee Amendment "A" (H-15) which was read by the Clerk.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. This amendment eliminates funding in the bill related to system of learning results and appropriates the amounts deappropriated, \$3.9 million, to increase funding to the Maine Technical College System. This substitutes real learning for real results. Jobs for a system that is still "a work in progress" that will only create jobs, as far as I can see, in the immediate future for education bureaucrats. The learning results is being funded in this budget without hearings on related bills, which could well alter it. It could make it a further work in progress, if you will. That is not a proper way to do the people's business and it is not a proper way to be expending the people's money. This amendment is proeducation. It is projobs. It will not break the budget, but make a better one, which is what the amending process is about. I couldn't help noticing that when the good Representative from Old Orchard Beach, in urging support of the budget, ran through the priority items, he did not mention learning results. It is not a priority. Certainly, it is not a priority compared to jobs and real education. I therefore urge you to vote for education. Vote for jobs. Vote for the pending motion and Madam Speaker, I request a roll call.

Representative LEMKE of Westbrook requested a roll call on adoption of House Amendment "B" (H-35) to Committee Amendment "A" (H-15).

Representative LEMAIRE of Lewiston moved that House Amendment "B" (H-35) to Committee Amendment "A" (H-15) be indefinitely postponed.

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. As we all know, the learning results will be coming to us very soon. Last year, we debated this for nine and a half hours and it passed. It has gone out to hearing process. It is going to come back to us with language that we can address. One of the most important aspects of this was the training and assessment piece, but particularly the training for teachers. The reason why I supported the bill the last year was because I would not do it without having the money for training for teachers in Maine. I urge you to support the Indefinite Postponement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Thank you Madam Speaker. We did debate the learning results for a long time last year. The program isn't any better now than it was then. It is a program on social engineering. It is a program that supposedly develops standards for learning and yet there is not any input allowed from the local school districts. I urge you to defeat this motion and

let's pass this amendment. When the vote is taken, I request a roll call. Thank you.

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 Holden, Representative Campbell.

Representative CAMPBELL: Madam Speaker, Men and Women of the House. I don't see this as a matter of the merits of the learning results. I see this as a real opportunity to provide opportunities for students in Maine. When I was a member of Board of Trustees of the Maine Technical College System, we had a study that told us there is a need in the State of Maine for 10,000 students in the Technical College System. At this time, we are servicing 4,000 students. That is a 6,000 student opportunity and here is just a small opportunity for us as men and women of this body to give those people an opportunity to encourage good paying jobs from the bottom up. I think this is not so much a matter of the learning results, but an opportunity to fund the Technical College System with small amounts of seed money. I urge that you support this amendment when you cast your vote.

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

Representative STEVENS: Madam Speaker, Men and Women of the House. Just as a quick aside, lest anyone think this is maybe their only opportunity to support the Technical College System, in Committee Amendment "A," the Technical Colleges are scheduled to receive a 2-percent increase in the first year and 3-percent increase in the second year. I believe we were quite generous and supportive of the Technical Colleges by treating them the same as we treated the University System. I think we have been very supportive of them and we have taken care of them by offering them these increases. I agree with my friend from Holden, that this is a chance to fund education, but the Technical College students are not the only ones who need support. All Maine students need support and the learning results are an opportunity for us to provide that support through official recognition of the standards that the previous Legislature passed. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative TOBIN: Thank you Madam Speaker. Question, are there any other amendments regarding learning results?

The SPEAKER: The Representative from Dexter, Representative Tobin has posed a question through the Chair to anyone who may care to respond.

A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-36) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 13

YEA - Ahearn, Bagley, Baker CL, Baker JL, Barth, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, Mayo, McElroy, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton,

Chartrand, Chick, Chizmar, Clukey, Cross, Dexter, Donnelly, Dutremble, Fisk, Foster, Gerry, Gieringer, Goodwin, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Skoglund, Snowe-Mello, Stedman, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Cianchette, Underwood, Winn.

Yes, 81; No, 66; Absent, 4; Excused, 0.

81 having voted in the affirmative and 66 voted in the negative, with 4 being absent, House Amendment "B" (H-35) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative DONNELLY of Presque Isle presented House Amendment "C" (H-36) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Thank you Madam Speaker. This next amendment is a simple little amendment that I am sure will fly right through and be approved by a majority of the members here. It fulfills something that the members of the Executive Department and Legislature have been working on jointly for some time. That is moving forward with the privatization of our state liquor stores. By doing this over and above what Committee Amendment "A" takes for savings, we had \$6.6 million. What this amendment proposes to do this evening is to take the savings from closing those state liquor stores and privatizing them and move that money into General Purpose Aid for Education. I think it is the one huge piece of common ground that both parties share in setting education as an important place for funding. As a matter of fact, in one proposal in a report that is not before us right now, the Republican Party puts forth the same exact item on GPA or funding K-12, as the Democrat Party.

What this proposes to do is to further soften the punch that school districts around this state in 14 counties are feeling by the message in which we are funding General Purpose Aid for Education and distributing the funds. What this amendment does, it puts \$6.6 million over and above what both parties have agreed to fund, to help soften the blow in 14 counties in this state. I hope you will join with me this evening in saying that our kids education is more important than state liquor stores. Thank you.

Representative BERRY of Livermore moved that House Amendment "C" (H-36) to Committee Amendment "A" (H-15) be indefinitely postponed.

Representative DONNELLY of Presque Isle requested a roll call on the motion to indefinitely postpone House Amendment "C" (H-36) to Committee Amendment "A" (H-15).

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

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

Representative TUTTLE: Thank you Madam Speaker, Men and Women of the House. I hadn't planned on speaking on this issue, but when I saw the amendment coming before us as the Chair of the Committee on Legal and Veterans Affairs, I would urge this body to support the original language in Part L of (H-15), the Majority Report. The present language that has been given to us by the Appropriations Committee accomplishes the following. It maintains the network of state stores allowing small businesses with agencies to remain competitive regarding costs for transportation as putting cases of products and also raising revenue that is needed for this state. It changes the current 8-

percent discount price to agency stores to a minimum and authorized additional discounts. It authorizes the allocation of the existing Kittery Discount Liquor Store to a location directly accessible for all people entering the Maine Turnpike. It also directs the Bureau of Alcoholic Beverages to implement operational changes to generate an additional \$3 million to the General Fund to be used for things like education and other areas of necessity to the state.

As Representative Berry has said, I urge you to defeat House Amendment "C," presented by Representative Donnelly. This amendment is based on the Governor's original language which does the following, it closes all stores thus placing the major portion of more than \$23 million of the annual revenue at risk. It bases cost savings on figures developed with no input from the Bureau of Alcoholic Beverages or the Committee on Legal and Veterans Affairs. It continues the failed policy of attempting to replace a closed state store revenues with money totally generated by three new state agency stores. In my opinion, it is not marketing our stores properly and it is not doing justice to the increased revenues that will be generated by the Majority Report. It also allows the Bureau of Alcoholic Beverages to grant an agency liquor license to businesses with 300 feet of different areas. It eliminates well over 100 state workers and therefore, I would encourage this body to support the motion to Indefinitely Postpone House Amendment "C."

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

Representative WINGLASS: Madam Speaker, Ladies and Gentlemen of the House. I rise to support the man in the corner and the amendment that was originally proposed, so I oppose the motion that is on the floor. I really think it is about time that some of us look inside ourselves and start looking at what we are doing with this kind of an amendment. The amendment as proposed would, in fact, do something that needs to be done for the young people of the State of Maine. Six million dollars is an awful lot of money and it would make an awful lot of difference. It seems to me if you care about the teachers in the State of Maine and if you care about the supplies and you care about the conditions of textbooks and you care about the education that young people are receiving in the public schools that you will soundly defeat this motion that has been offered by my colleague from Livermore. Thank you Madam Speaker.

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

Representative BERRY: Thank you Madam Speaker, Men and Women of the House. My motion to Indefinitely Postpone certainly does not reflect my regard to General Purpose Aid to Education or my support of the local schools. This budget has been crafted in our committee as the chairman has stated earlier. With the Committee Report, we balanced our budget. We built it considering other concerns as the Representative from Portland, Representative Townsend said. I agree with her that we have concerns for some of our mental health and mental retardation needs in community day services. We built this budget in the committee. We built it in public. We have involved the committees of jurisdiction. I believe we have a good budget as it is and I will support Committee Amendment "A" and I will continue to support Indefinite Postponement of House Amendment "C."

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

Representative JOYCE: Thank you Madam Speaker. I think I am speaking for all my constituents in Kennebunkport. We would really love to give more support to education, but the fact is, take a gallon of Dewers for example, it cost \$45 in Maine. My

constituents just can't afford not to go to New Hampshire and buy it for \$30.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. I see an intriguing delight here that when these amendments are being proposed that they are taking money to defeat the appetite of others. As you all know, I have legislation in to get us out of the retail and the wholesale business. I have legislation pending. No one said that this budget and during my opening statement addresses all the needs. What it does do is it addresses most of the needs. When we are dealing with the liquor stores, unfortunately, this administration has managed these liquor stores to fail, not because of the state employees. The numbers that the Governor has presented in his budget, which we had amended and which we are debating here on the floor is predicated on savings of \$9.8 million. We don't know if that can even be achieved. As I speak to you here tonight as a member of this chamber, I am not sure we could have predicated this budget on that \$9.8 million.

What I do hope that comes out of this discussion tonight is that we all have bills that are pending. This budget can be modified and amended through our action through the public hearing process. There are many bills that are pending that deal with how we are going to continue to develop the state stores, knowing that they have been managed to fail, knowing that we have had over the past seven or eight years a decline in the number of cases that have been sold. In 1987, this state sold almost 850,000 cases of liquor. Today, we sell 250,000 less. What has the State of Maine done? They have increased the price. They went from \$89 a case to \$105 a case. Although I may want to modify the way that the state is in the liquor business, just to get out of the retail is not the solution. You have to look at the entire industry, retail and wholesale.

If it is a "feel good" that these dollars would be put toward general purpose aid, that is fine. If you are really looking at the principle of the way we deliver services, this is not the route to take. It should begin and end with the committee of jurisdiction holding public hearings, listening to the public's wants and needs and then supporting a bill that comes out of the Legal and Veterans Affairs Committee. I urge you to support the Indefinite Postponement of House Amendment "C."

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. Right now we are in the process of going into a tremendous effort to look at privatizing the industry. Everybody across the country recognizes that the best thing for us is to give competition in the free market. If you will excuse me for being philosophical just for a second, I think this whole deal with the state liquor stores boils down to one simple thing. Do we trust the free market? Do we think free market and competition is the best thing for this particular product? I happen to think it is and I hope you do to.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. My good friend from Old Orchard Beach talks about declining sales. I would like to talk about declining funding of education. One of the first things I did when I returned back to this House, was ask for a printout. I have been in the classroom and I have been teaching and I have seen the effects of the declining funding each year in education. I am more concerned about the decline commitment on the part of the state's education. The good gentleman's amendment, not a lot of money, but it is \$6 million over a two-year period. Given a

choice when we went door to door we talked about priorities. On one hand, some say it is a priority that the state stay in the liquor business. I think this amendment talks about another priority, the education of Maine children. I am going to vote against Indefinite Postponement. I am going to vote for a very proeducation amendment.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. I have talked many times on this subject of privatizing liquor stores. I know we have heard some facts and figures tossed around about what kind of revenues will be generated if we leave it in the public sector. I have examined all the figures from several different sources and we know, for example, that if we privatize just the retail end of those stores, the state is going to save \$5.5 million anyway. In addition to that, it has been suggested that the policy of citing three private sector stores where an original state liquor store was located actually lost revenue. The facts are just the opposite, revenues have increased in those cases. The point I am trying to make here tonight is that we know, at the very minimum, it is going to be \$5 million, perhaps \$7 million more that the state will generate by privatizing liquor stores. The fact that we are going to be channeling that money into public education; it is even more compelling that we adopt this amendment. Thank you.

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

Representative MACK: Madam Speaker, great Honorable members of the House. When I was going through my district, people asked me to come up here and make the tough decisions and to vote on the priorities of this Legislature. I am against Indefinite Postponement of this amendment. It is hard to make the priorities to find out where our priorities are. As far as I am concerned, education is more of a priority than liquor.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this amendment to the budget. As you know, I represent a series a towns on the border with a sister state that will go unnamed, but you know that it is New Hampshire. It has always amazed me that they sell so much cheaper than we do and yet make money. I don't understand why we can't do the same. Well obviously I guess we can't. Therefore, we should get out of the business. I congratulate Representative Kerr on introducing a bill to do that. I had a similar bill in the last Legislature to get us out of both the wholesale and retail market of liquor.

In terms of education, many of you have spoken with me and spoken to each other or others in this body, grumbling and complaining about what the school funding formula has done to your particular school district. With the printouts that you have received so far, that looks to be the case. What is the real problem? It may not be the formula at all. We don't know because we haven't seen real data which tells us that. One of the problems is cushioning, which is the dramatic changes in funding for school units and the second is dollars. We have never put enough money into it to make it fair for all schools. Here is an opportunity to do just that. I urge you to defeat the Indefinite Postponement and accept this amendment to the budget. Thank you.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. It is curious to me that the issue of booze has generated more debate than any other issue so far tonight. I think that probably indicates part of the issue before you. We

have before us a very complicated issue. The proposal in Committee Amendment "A" handles that issue in a responsible manner. I want to say that contrary to the portrayal put forward by some of the previous speakers, we don't have an issue here of children versus booze. We simply have here an issue of how do we go about addressing a very complicated, very emotional and a very controversial issue in a thoughtful and responsible way. I think it is important to know that General Purpose Aid to Education received in this Committee Report an increase of \$22.6 million over the Governor's proposed budget. That is also a significant increase over a budget, which was released over this year in a pep rally, which proposed only 1-percent and 3-percent increases.

I want to say that the committee had some hesitation about the proposal as it was originally put forward, because we were not at all confident that the total of \$9.8 million could be achieved in savings. We also learned during public hearings that the administration had been negotiating with one particular retailer. That was news, which I found extremely disquieting. So, we have put forward what I feel is a very responsible solution. We have asked the committee of jurisdiction to look at all the issues at hand to find \$3 million worth of savings, which all parties seem to feel can safely be found. Whether that is by moving certain liquor stores or whether the ultimate solution is privatizing and perhaps it is. I am a bit of a prude. I personally don't have a problem with liquor being hard to get. Perhaps the committee of jurisdiction will ultimately find that privatizing is the best solution. Nevertheless, I think it is important that we do it in a thoughtful process, which involves the input of the citizens of the state, rather than in a hasty manner tonight. Thank you.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. I earn my primary living as a bartender. I well understand the implications of privatization of the liquor stores. They were set up as state agencies many years ago as a response to the repeal of prohibition so that the state may more closely monitor the consumption of alcohol by its citizens. In that spirit, I look at this amendment as something of a jaundiced eye. Money can be appropriated one way and then later on appropriated a different way. Once the state liquor stores are done away with, they are gone forever. I do not believe that the issue here is education, but I do believe that the issue here could be a matter of temperance. Thank you.

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

Representative MURPHY: Madam Speaker, May I pose a question through the Chair to the Representative from Old Orchard?

The SPEAKER: The Representative may pose his question.

Representative MURPHY: Thank you. There has been a lot of back patting here about a 2-percent increase in education proposed for next year and 3 percent. What is the estimated rate of inflation for next year?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to the Representative from Old Orchard Beach, Representative Kerr. The Chair recognizes that Representative.

Representative KERR: Madam Speaker, Men and Women of the House. The question you asked is it predicated on what the biennial budget is based on as inflation?

The SPEAKER: The Representative from Old Orchard Beach, Representative Kerr has posed a question through the Chair to the Representative from Kennebunk, Representative Murphy. The Chair recognizes that Representative.

Representative MURPHY: Thank you Madam Speaker. The next 12 months and the answer is 3 percent.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. There is nothing I appreciate more than someone asking a question and knowing the answer. I think I feel compelled at this point, since this has taken a new course of action, that back on February 28, we are talking about liquor stores. We are talking about education and when we talk about education, we are talking about K-12, the Technical College System, the University and Maine Maritime. Back on February 28 there was a press release that was released and it was announced that was generated on the second floor that the Republicans had chose to develop a budget. I am so glad to see that we are debating education because Representative Townsend was a little bit inaccurate in her statement in that event that took place, which I thought was a very good one. I think the Governor presented a budget. I think the Republicans presented a budget, while the Appropriations Committee through bipartisan support, continued to work on a budget. It sets some ground rules. I think there was some common ground in that budget document.

The Democrats chose to fund education from day one, whatever the committees recommendation was. The committee recommended, with a unanimous committee report, I do believe, to fund education at 3 percent each year of the biennium. The cost of that is almost \$27 million. The Republican budget, based on the document that I have that took place February 28, was a 2-percent increase and a 3-percent increase with no cushion. Today, we have a Minority Report that does have a 2-percent, a 3-percent and a \$3 million cushion each year. That is the common ground that we all have. Education is a priority. I think that when you are looking at the University System on that same day, February 28, education was funded at 1 percent and 3 percent. This document chooses to fund the University System at 2 percent and 3 percent. It is well above the Governor's recommendation and well above the Republican Party's recommendation. The same holds true for the Technical College System. The Governor's was a 1 percent and 2 percent each year. The Republicans were 1 percent and 3 percent. The Democrats were 2 percent and 3 percent.

When you are talking about the liquor stores and I think Representative Buck and I will shift back to the issue that is at hand. Representative Buck had asked the questions and was concerned about the cost of sales and liquor in this state compared to New Hampshire. As I said to you earlier, back in 1987, this state sold 850,000 cases of liquor. In each case there is approximately 2.4 gallons of liquor. At that time, the price was a little over \$89 a case. Today as I speak to you, we sell 250,000 less cases. The solution has always been to revise what we had as a great system. It was almost identical to New Hampshire. It was a controlled state. After my research and looking at what is wrong with the way that we are doing business in this state and why can't we drive the price of liquor down is simply basic Economic 101.

What we need to do is to make sure that we can compete with New Hampshire. We have gone so far to eliminate state stores that if you really want to do it right, you would go back to a controlled state. We have come too far. I looked at that and analyzed it and that is why I have legislation in to get us out of the retail and the wholesale and to go even a step further. Let's be concerned about the mom-and-pop stores, because the present system can't work and doesn't work. How can a mom-and-pop store bid on a license? They can't. They can't compete. Has the state ever lost money on liquor in any one of

the stores? No, we haven't lost money. What has happened in this state is that back in 1987, I hate to keep going back, but you have to follow the trail here. It has been a long journey for the state employees and for our general fund. We always develop or react to a reaction based on revenue.

In 1987, there was approximately 70 or 72 state stores versus 70 or 72 agency stores. As we began to get out of the liquor business by closing down state stores, Representative Buck is absolutely correct, the agency stores began to sell more than the state stores. They should have. Today you have 28 state stores and I don't know how many agency stores you have. It is probably well over a couple hundred. The Governor has proposed, as this amendment does, for the state to get out of the retail business. At this point, that proposal doesn't bring the prices to compete with New Hampshire. That is why I think it is imperative that the committee of jurisdiction, I am sure there is plenty of support to either get back in or get back out of the retail and the wholesale business. I think it is going to require major changes to what the Governor has proposed if it is just to get out of the retail and if it is to get out of both, you have to have an overall plan of what you are going to do. To predicate this budget on savings, as the Governor has of \$9.8 million, to get out of the retail business. I don't think that those numbers are real. I think we will be back in here revisiting this issue. I am just truly dumbfounded that when we talk about education in these amendments that we are floating money toward education. The Committee of Education voted, but what is in the two various proposals that have been presented don't reflect what the committees have voted. I would urge you to Indefinitely Postpone House Amendment "C."

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I commend the good Representative from Old Orchard for reviewing the Republican budget. I wish I had been afforded the same two and a half weeks to look over the one before me that I received today. The reason we have this before us today is because I have been told that the towns and the SADs need to know what kind of money they are getting for education. Well, I think they would like to know if this is coming to them. This isn't a new concept for us, shutting us down. Having it in the budget is not a new concept. The family court is funded in the budget and we only just finished hearing that bill maybe an hour and a half ago. It certainly hasn't been voted on. It certainly hasn't been set into policy. There is no detail. This isn't something that is unheard of around here. The difference is who put it in.

Today is March 18, if I am correct? Yes, it is. We are talking about having to revisit issues because we might pass a budget tonight. Well, if we actually let the policy committees do their job and actually listen to each other as to what we would like to see in a budget, instead of having a 445 page document dropped in our laps with the causation of 66 amendments due to the frustration level of people who have been either shut out of negotiations or haven't had the time to go down and listen to what the Appropriations Committee is doing.

Let me see. We are going to pass it because they need to know that we are going to give them education. We have to do that tonight. We can't give them more for education because we have to put off closing liquor stores. We are going to have to really look at some real policy decisions. Well, I am sorry, but a budget is a policy decision. It is a great policy decision. When one of you votes to say that we are going to save 100 state jobs and Hartland can sit there and have their kids in a school that should be condemned. A school that if you dropped a candle in there, the kids wouldn't get out or if you poured a gallon of

Dewers in there and dropped a match, they wouldn't get out. Six million dollars goes a long way to a town like that. I don't want to hear the hypocrisy here tonight that the Republicans put out a budget on the 28th and it didn't say this and it didn't say that. At least we had what it took to put out something for debate, to be examined, criticized, congratulated, shot down and to be talked up. The democratic process, that is what I came here for and that is what my people sent me here for and believe it or not, that is what your people sent you here for. I would ask you to oppose this motion.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Men and Women of the House. I have been sitting here listening to this debate back and forth and I know that we are all interested in education. As the old fella down east would say, this is a very simple amendment and there are two ways of looking at it. If you close the state stores, you gain somewhere around \$6 million. At the same time, you are going to lose up to \$23 million or more and 100 good jobs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I will try to get back to the amendment. I do want to talk about what is happening under the proposal in front of us for school districts. I will start at the top of the state and work down. We are talking about somewhere around a \$400,000 cut in Madawaska. Over a \$700,000 cut in Fort Kent. Over a \$300,000 cut in St. Agatha. Around a \$300,000 cut in Washburn. Somewhere between \$200,000 and \$300,000 cut in Caribou. Over half a million dollar cut in SAD 1. Around a \$200,000 cut in Houlton. Nearly a \$200,000 cut in Eastport. It is about the same for Lubec, the big prosperous town of Lubec is going to have to find nearly \$200,000 out of a shrinking property base. Machias has over \$100,000 cut. East Machias has over \$300,000 cut. Lincoln over \$200,000 cut. Pownal nearly \$100,000. Dexter over \$200,000 and Greenville, Milo, Dover-Foxcroft, Madison, Skowhegan, Pittsfield, Kingfield, Farmington, Jay, Waterville, most of the schools in Kennebec County, Waldo County, Knox County, Lincoln County, Franklin County and Oxford County, some towns in Cumberland and York Counties. This does not meet the entire whole. This does not meet the entire whole, but it makes a policy decision, which this is not the first time it has been spoken about.

We have had a Representative talk about why we ought to close another part of the liquor system. I invite them to put that amendment up as well and let's vote on it. We are making big policy decisions here tonight because we are on an expedited process. We are on a process to meet a deadline for several reasons. If we are going to do that then we need to make the policy decisions that go along with that deadline. If there is \$6.3 million and to answer one Representative's question, it is closer to \$9 million, but in the budget with Committee Amendment "A" Democrats' proposal, \$3 million of that was from increased sales or a number of other things. We are saying okay, that \$3 million is already spent. Let's take the other \$6.3 million and do something to ease the hurt that goes directly to property taxes. If you can name 10 school districts or 10 towns in the state where school funding is not the largest item in their property tax bill, I would be flabbergasted.

The number one item in property tax bills is for school funding. We set that as our number one priority at the local level. We are making what seems to be a pretty simple decision here. We have 28 liquor stores left plus a discount liquor store in Kittery. The system began dismantling a long time ago. We are holding onto a vestige of something that is gone and we are

depriving \$6.3 million from our kids education to do it. Representative Murphy talked about a choice. I think when the choice comes down to holding onto a vestige of something that is gone and supplying a better education for our kids, it is a simple choice. I invite you to get beyond the rhetoric and go vote for what is good for our own districts at home. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative THOMPSON: Madam Speaker, Men and Women of the House. To the good Representative from Presque Isle, if this was such a priority item, why is that Committee Amendment "B" doesn't change any of the formula and doesn't add any more additional funding to the budget than Committee Amendment "A"?

The SPEAKER: The Representative from Naples, Representative Thompson has posed a question through the Chair to the Representative from Presque Isle, Representative Donnelly. The Chair recognizes that Representative.

Representative DONNELLY: Thank you Madam Speaker. This is not concerning the amendment before us, but with leave of the House, I would be happy to answer the question.

The SPEAKER: The Representative has been asked about spending priorities and if the House has no objections, he may answer the question. Hearing none, please proceed.

Representative DONNELLY: Thank you Madam Speaker. The question was asked on the Minority Report, the Republican Report, that has a 2 and 3 percent and a 3 and 3 with \$3 million a year cushion. Why is this not part of that? In all honesty, the Republicans were trying to build on common ground. That was the one thing that we agreed on. It was a big, big part of the budget. Does that mean that we couldn't have worked together to find more? No. Does that mean that this proposal would not have come out in extended hearings? No. What it means is that we were attempting to put forth something that one, met the obligation of law by the March 15 date of giving school districts an idea of what they had and they could start building their budget, but it didn't lock in the cement where we went from there together. It was an attempt to build common ground and it's still there. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I agree with the Representative from Presque Isle that we ought to get beyond the rhetoric and move forward. I am just so frustrated. I mean, if this was May 31st in the 11th hour at 3:00 in the morning, we would be sitting here looking at the same garbage. No offense to anybody here. We are going to talk rhetoric and we are going to talk policy and who did what and who did this and all that stuff and it is crazy. If anybody wants to deal with the liquor issue and a bill in committee later on in this session and in the wisdom of that committee, they say close the liquor stores down, I am sure somebody is going jump up and put an amendment on and send it to GPA and I will jump up and endorse it. If not, let's move forward with putting this budget to bed. We have two more months to refine and modify where these monies are coming from and trying to redirect them to important issues that are addressed here in these amendments. I hope that the people's work is done real well in the next couple months and we do succeed in solving some of the problems that we are debating here tonight. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. It has been said that we are kind of putting the cart before the horse if we have in the budget bill closing the liquor stores without a bill before the committee of jurisdiction to have the full public hearing input and so forth. I would offer the fact that in this budget is the establishment of funding for a family court system in this state and that Judiciary was supposed to hear a bill dealing with that today. They never even got around to it. They adjourned at 6:15. I am confused here a little as to the process and I think we are all frustrated with the process of trying to ram through something that not only do we have to hold our noses to vote for it, those who will vote for it eventually, but it is frustrating, the process and it is denying the people of Maine full access to the normal process. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-36) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 14

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Desmond, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevy, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Cianchette, Quint, Underwood.

Yes, 80; No, 67; Absent, 4; Excused, 0.

80 having voted in the affirmative and 67 voted in the negative, with 4 being absent, House Amendment "C" (H-36) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative DONNELLY of Presque Isle presented House Amendment "D" (H-37) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I am happy to present a simple little amendment tonight that moves up to \$2 million towards our Technical College and University System. We heard an argument earlier that the Technical College should not be separated out from other higher eds. This amendment helps cure that problem. The amendment deappropriates \$500,00 in fiscal year 97-98 and fiscal year 98-99 from a new program that I believe has never had a public hearing and puts it toward, I guess, what we would consider one of our more successful programs in the state, the Technical College System Career Advantage Program Quality Centers. I hope we can count on your support of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. In order to expedite the process this evening, I would like to ask for a roll call and at the same time ask for everyone to vote against the impending motion. Thank you.

Representative STEVENS of Orono moved that House Amendment "D" (H-37) to Committee Amendment "A" (H-15) be indefinitely postponed.

Representative DONNELLY of Presque Isle requested a roll call on the motion to indefinitely postpone House Amendment "D" (H-37) to Committee Amendment "A" (H-15).

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 "D" (H-37) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 15

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Chartrand, Cianchette, Muse, Underwood. Yes, 79; No, 67; Absent, 5; Excused, 0.

79 having voted in the affirmative and 67 voted in the negative, with 5 being absent, House Amendment "D" (H-37) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative DONNELLY of Presque Isle presented House Amendment "E" (H-38) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. Earlier tonight we heard about some of Maine's most vulnerable citizens, those who were not in Pineland or AMHI during the consent decrees. Those who are not being afforded housing like those that were. House Amendment "E" with a filing number of (H-38) takes a half a million a year from a new program that has not had a public hearing yet on research and development that has no plan, that I know of, on how to spend the money. It helps provide out-of-district placement for our most vulnerable citizens who are in each of our school districts. It helps educate some of the folks who have a more difficult time. It helps our school districts provide for services that they want to, but they can't afford to. It helps alleviate that pinch

on GPA as it is currently funded at the local district. I would ask your serious consideration about this amendment.

I will tell you about one child that I know of from up north. I became familiar with this story, not because he was in my district, but as I was learning about General Purpose Aid for Education and the funding formula that goes with it, there were a number of superintendents talking about a child who was moving from one district to another. It was a child that needed an extraordinary amount of services. When that child moved from one school district to another there was about \$150,000 a year price tag for that child's education. It seemed to me that in this discussion and I know the superintendents at the place were not hardhearted because they were concerned about all their students. They were talking about when that student crossed the town line from one school district to another, when their family moved about how it widened the burden on that school district.

It seems a crying shame that someone with a disability, through no fault of their own, people are glad when they move. We ought to embrace them in our community and not have the education of our special children be a pinch or lessen the impact for those other students. This is not wiping out the program that I talked about. There is still \$2 million in the budget for that to go forward. It will give them an opportunity to plan on how they are going to do what they are going to do and come back to us and maybe have a public hearing on it. I would encourage you to pick, at the very least, this amendment to add to the budget. Thank you.

Representative TOWNSEND of Portland moved that House Amendment "E" (H-38) to Committee Amendment "A" (H-15) be indefinitely postponed.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. Please join me in applying the stew theory here. We don't have to like everything in a budget, but what we do need to do is get a budget passed which the majority of us can support. I would ask you to join me in voting for Indefinite Postponement.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Madam Speaker, Men and Women of the House. Yes, I may be confused at this point, but I thought I remembered only a few weeks ago that we had a Democratic Caucus in which we said one of our highest priorities as a Democratic Caucus was to increase funding for out-of-district placement for special education. I understand that really is a crisis in a lot of communities in our state. I know, I for one, have one family right around the corner from me, a strong Democrat, who has a real way with children and young adults with special needs. In fact, they have quite a family that they have taken in under their home. The problem is these children that they take in all have special needs. It increases the cost to my local school district and the rest of the community and the neighborhood wants to push that family out. I think it is a real tragedy, because if you have some family that has a gift and an ability to take in these children and you can meet their needs at a very low cost instead of institutionalizing them, that we should allow them to be able to take care of the children in the environment of a nurturing and caring family. I agreed with what the Democratic Caucus said, but only a few weeks ago, that they were standing firm behind increasing funding for out-of-district placement. I am concerned that we are funding programs that we haven't had hearings for and that are new programs. We are not taking care of the children we already have. I would like a roll call on this please.

Representative WINN of Glenburn requested a roll call on the motion to indefinitely postpone House Amendment "E" (H-38) to Committee Amendment "A" (H-15).

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Colleagues of the House. Once again my good friend Representative Donnelly is coming forth trying to raise money for education. I do notice that Aroostook County is trying to develop a road system up there. We do have a lack of money in the Transportation Department. If there is \$2 million available, we would love to be able to add to the road assistance.

The SPEAKER: Would the Representative please defer. The Chair recognizes the Representative from Presque Isle, Representative Donnelly. For what purpose does the Representative rise?

Representative DONNELLY: Point of parliamentary inquiry.

The SPEAKER: The Representative may state his point of parliamentary inquiry.

Representative DONNELLY: Are we required to talk about the amendment in front of us.

The SPEAKER: The Representative's point is well taken. The Chair would advise the Representative from Calais, Representative Driscoll to please keep his points directed to the specific amendment before us. The Representative may proceed.

Representative DRISCOLL: Thank you. The amendment is to do away with the money that we are going to pay to Sears Island or am I mistaken Representative Donnelly?

The SPEAKER: The Representative from Calais, Representative Driscoll has posed a question through the Chair to the Representative from Presque Isle, Representative Donnelly. The Chair recognizes that Representative.

Representative DONNELLY: Thank you Madam Speaker. I am happy to answer this question. To address the question asked, this is House Amendment "E" and House Amendment "E," I will read the statement of fact to you. "This amendment also removes the authority for the Maine Economic Improvement Strategy to receive up to \$2 million from available balances at the close of fiscal year 1997-98 and substitutes the purpose of funding out-of-district placement costs." This does not concern Sears Island. It concerns a new program that has not had a public hearing, but a press conference. It is funded in this budget. I haven't heard any of the people who made the same argument on liquor stores make the same argument on this bill. I am waiting.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Ladies and Gentlemen of the House. I do have a House Amendment "E" here, which does say by striking out the following, transportation to be applied toward the purchase of Sears Island. I don't know where I got this amendment.

The SPEAKER: I believe that is House Amendment "F."

Representative DRISCOLL: Thank you. I am very sorry, but it does state E on my amendment. I would like to give my apologies to the good Representative Donnelly.

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

Representative RICHARD: Madam Speaker, Ladies and Gentlemen of the House. I would like to get back to the out-of-district placement issue. This is a very difficult issue. It is an issue that costs a lot of communities a lot of money. We have discussed this a number of times in the Education Committee. We have discussed ways that we might do better funding this. We have at least two bills that will be coming before us regarding

this and upon the recommendation of the Commissioner of Education, we have chosen to wait until we have heard these two bills. He feels very strongly that there are some policy issues that need to be addressed before we put more money into the system. We want to address all of the issues rather than just putting more money into the system. That is why we have not done anything more than we have done thus far on out-of-district placement, which is, I agree, a very big issue, but not one that we can just put money into without reviewing the entire issue.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, May I pose a question through the Chair to any member of the Appropriations Committee?

The SPEAKER: The Representative may pose her question.

Representative PLOWMAN: Thank you Madam Speaker. If this is a balanced budget where we take in and we spend and we have a balanced budget when we are looking at new initiatives and putting money into out-of-district placement, can somebody tell me where the money is coming from and how we are going to implement these?

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to any member of the Appropriations Committee who may care to respond. The Chair recognizes the Representative from Orono, Representative Stevens.

Representative STEVENS: Thank you Madam Speaker. As near as I can tell over the past 12 or 18 months, I have been tracking this research and development proposal that has been put forth largely by what has been known as the faculty five out of Orono representing the University of Maine System proper. The research and development money would be used mostly to acquire federal monies that are available, but inaccessible because the state won't kick in the 10 or 15 percent that it needs to acquire the grants to apply for the research grants. Usually in an academic setting, there is much more research and development that is done. This does work in tandem with the private sector in that, I believe, will serve the Maine economy in ways that will help, not only bring economic prosperity to Maine, but success to the University of Maine System through research development and publication. Thanks.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative PLOWMAN: Again, to any member of the Appropriations Committee, I will rephrase it because I think I did not ask clearly. With respect to the information provided by the Chair of the Education Committee as to bills regarding out-of-district placement and providing funds for those bills and those efforts, if this budget before us is a balanced budget and we are spending the money that we are projected to take in and we are balancing the budget, please tell me where the funds for out-of-district placement, when passed by the Education Committee and sent on, where will the money come from? Thank you.

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to any member of the Appropriations Committee who may care to respond. The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Madam Speaker, Men and Women of the House. This particular issue is one that is rather dear to me. I started my political career, if this is what it is, as a member of the school board for MSAD 17. I just remember time after time that we always had significant difficulties in our own

budget process with out-of-school placement and how to deal with them. I want to say that during my tenure as a local school board member, I always felt a great deal of resentment that the state would mandate that we spend money in a certain way, but wouldn't provide us any opportunity or any support in how to do that. I am not sure I see the Chair of the Appropriations. I believe the budget you have before you, the Majority Report, is in balance and has a surplus of \$380,000. That surplus would be available for the table, assuming that no other revenue changes would come in.

To the extent of the motion before us, the amendment before us, I certainly urge you to seriously consider this. We are talking about children with special needs, local school districts and local property taxes. This amendment that has been presented by the Republican leader, I think meets those tests and will help our local communities. I urge you to defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative PLOWMAN: All right, I am going to pose the question another way. I will start out with a balanced budget with the money we have projected and figure we can take in has been spent for the next two years. We are talking about new initiatives and I hear there is very little money on the table. Does this mean that we have to raise new revenues as in new taxes?

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. Is the majority budget balanced? The answer to your question is yes. Is there money for the table? The answer to your question is yes. Are there bills in this chamber that you have put in or others have put in that generate money? The answer to that question is yes. Will there be more money because of those bills that generate money? The answer to your question is yes. Where does the money come from that is being proposed in this amendment? I believe that Representative Donnelly is taking \$1 million for what was appropriated in this account and \$2 million would come from, if, in fact, there was lapsed balances in FY 98. I hope that I have answered your question.

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 Holden, Representative Campbell.

Representative CAMPBELL: Madam Speaker, Men and Women of the House. I think this brings us to a fundamental question. It is a question that I have asked to many of my leadership colleagues concerning forthcoming issues. The fine Representative Richards from Madison has just spoken to us about things of such importance as this amendment addresses to be coming before the joint standing committees in the future. I think the fundamental question here is, where will the money come from for these issues? It was actually asked with a suggested answer, will it come from new taxes? Madam Speaker, May I ask a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CAMPBELL: Thank you. Possibly, if Representative Kerr is so inclined, what is the amount left on the table and understanding that this amendment has a cost of \$2

million, will the amount of money left on the table cover this amendment? Thank you.

The SPEAKER: The Representative from Holden, Representative Campbell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. This amendment that is presented and I believe it is House Amendment "E" does not take any money from the table. What this amendment does is it takes \$1 million that has been appropriated in the budget that is before you. If, in fact, there are lapsed balances in FY 98 of \$2 million, those monies would be appropriated for out-of-district placement. This has nothing to do with the table. It has nothing to do with any bills that may generate money that gets passed by both chambers and set on the Appropriations Table or any bills that may cost money. Let's be very clear what Representative Donnelly has presented. It doesn't take any money from the table. It takes money from what was appropriated in this bill and \$2 million from lapsed balances, should there be lapsed balances in FY 98.

The SPEAKER: The Chair has been very lenient in the discussion thus far. The pending debate must confine itself to this amendment.

The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Madam Speaker, Men and Women of the House. If I am out of order, please let me know. The issue has been addressed by the good Representative that the amendment suggesting out-of-district placement was to be coming before the joint standing committee in the future. I guess my question of anyone who would like to answer is, not so much what this amendment addresses pluses or minuses, but after the budget is passed and this particular issue comes back from the joint standing committee, will we have the funds to fund it and if so, where would that come from? Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. I can't look into a crystal ball and tell you where the money would come from. I think there is an issue that did come up before the House tonight that may have some potential for passage. A bill was presented, if I may just speak to a bill that has been discussed, dealing with liquor. If, in fact, this body embraces and the other body embraces, for the state to get out of the retail and wholesale business, there would be potential for \$6.3 million for the table should one of these bills amongst the other bills that would be on the table rise to the top in the Appropriations Committee and they feel that it should be funded. It would be funded. For me to stand here tonight and tell you that there is going to be millions of dollars left for the table, that decision lies in this chamber and in the other chamber. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I stand with heart in hand and apologize to the good Representative from Calais. I thought I had a different amendment in front of me and he actually had the right one. This does deappropriate the \$2 million from the unallocated surplus for Sears Island. These are the things that can happen when you rush a budget. I do apologize to the good Representative from Calais and accept his point and apologize to the House. Thank you.

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

Amendment "E" (H-38) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 16

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lindahl, Mailhot, Mayo, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Cianchette, Poulin, Underwood.

Yes, 81; No, 66; Absent, 4; Excused, 0.

81 having voted in the affirmative and 66 voted in the negative, with 4 being absent, House Amendment "E" (H-38) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative DONNELLY of Presque Isle presented House Amendment "G" (H-40) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. This amendment deappropriates \$500,000 in fiscal year 1997-98 and 99 from the Maine Economic Improvement and Strategy and appropriates those same amounts to increase funding in the Maine Technical College System and the University of Maine System. This amendment also removes the authority to the Maine Economic Improvement Strategy to receive up to \$2 million from balances at the close of FY 1997-98 and substitutes that for increased funding in the University of Maine System and Maine Technical College System.

I know personally I have received probably a couple of dozen letters from an alumnus of the University of Maine System asking us to do a bit more. I don't usually advocate the escalation race of spending, but I have always been an advocate for spending on education, especially when it comes to the University of Maine System and Technical College System. I serve on an advisory board for the Technical College System in Presque Isle. I am also an alumnus of the University of Maine System and proudly serve on the alumni board.

I put this amendment forth being familiar, intimately, with what current funding levels mean to each campus. The Technical College System is hurt by the current funding formula. It is better than what was originally presented, I grant you that, but additional funding will allow some of those 6,000 students that Representative Campbell talked about earlier to attend the college. It also allows for improvements in current programs. There are many campuses around the state right now that are making decisions on which programs they will do without next

year and maybe that is good thing and maybe they have too many programs. I don't think so. I would encourage you, if we are going to invest in education, to take the dollars from a program that has not had a public hearing yet and put it into the programs which we know are successful. Programs like the Technical College System, which has about a 90-percent job placement rate when folks graduate from there. The University System, which has given the State of Maine many, many distinguished alumni and many, many fine teachers and professional persons and many, many more in the future.

I hope you will join with me in supporting House Amendment "G." Thank you.

Representative LEMAIRE of Lewiston moved that House Amendment "G" (H-40) to Committee Amendment "A" (H-15) be indefinitely postponed.

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

Representative LEMAIRE: Madam Speaker, Men and Women of the House. I believe this budget has been most generous to the University of Maine and the Technical College System. We all know we would like to be more generous, not only in those two areas, but GPA. We don't have those funds. I would like to say it is interesting because some of these amendments are addressing economic development. I think it is rather sad and embarrassing that this state is 49th, almost dead last, in the country in research and development. Those states that have put money into the university systems on research and development have seen a large growth in that area. I, frankly, am embarrassed that we are in this position. I urge your support for an Indefinite Postponement of this House Amendment. Thank you.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "G" (H-40) to Committee Amendment "A" (H-15).

Representative BARTH of Bethel requested a roll call on the motion to indefinitely postpone House Amendment "G" (H-40) to Committee Amendment "A" (H-15).

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-40) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 17

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, Mayo, McElroy, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bruno, Cianchette, Lemke, Underwood.

Yes, 82; No, 65; Absent, 4; Excused, 0.

82 having voted in the affirmative and 65 voted in the negative, with 4 being absent, House Amendment "G" (H-40) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative DONNELLY of Presque Isle presented House Amendment "H" (H-41) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. In 1991, the state Appropriations Committee had to meet so frequently that they were afraid that they were going to make more money on mileage and meals than in salary. When they did that, they repealed the ability for them on their monthly meetings, while the rest of us are home, to be paid and reimbursed their expenses. As a former member of that committee, it always bugged me that I did it for free, but at the same token, I knew I was doing my small part to help balance the state budget. The Appropriations Committee is a great honor to serve on and I was absolutely thrilled to have been on that committee even though it is a tremendous amount of work. You make difficult decisions and you get in arguments with some of your best friends. I don't believe anyone asks for that committee so that they can get a paycheck in the summer.

This amendment repeals a law that has been in statute for six years. This amendment repeals that section of law, Part EE, so that they might be treated as all other committees. Thank you.

Representative KERR of Old Orchard Beach moved that House Amendment "H" (H-41) to Committee Amendment "A" (H-15) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. This is somewhat of a touchy subject, as Representative Donnelly said he served on this committee. It is a committee that is not treated like any other committee in the Legislature. During those tough economic times that we were going through and hopefully we can see the light at the end of the tunnel, members of this committee for the past, almost six years have come in on monthly meetings and not gotten paid a per diem. As you know, the makeup of that committee, we come from a long ways away. Some have to come in the night before and spend the night to meet that obligation. I would urge you to support the Indefinite Postponement of House Amendment "H," simply because we need to have parody among these committees. Thank you.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "H" (H-41) to Committee Amendment "A" (H-15).

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

Representative JOYCE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative JOYCE: Thank you. Historically, how often does the Appropriations Committee meet during the summer and how much money is involved in this?

The SPEAKER: The Representative from Biddeford, Representative Joyce has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. We are obligated to at least come in once a month. Sometimes it may be more than that depending on revenues and financial orders that do come before us. It is just basically the

per diem and the cost where some people have to stay over night.

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

Representative CAMPBELL: Madam Speaker, May I pose a question through the Chair to the Representative from Old Orchard Beach, Representative Kerr.

The SPEAKER: The Representative may pose his question.

Representative CAMPBELL: Thank you. Representative Kerr, if you might just clarify just one point. I misunderstood. Is this not creating parity by offering the amendment? It appears to me that the other committees do get paid, but, in fact, the Appropriations Committee does not. The amendment creates parity, not Indefinite Postponement. I am unclear on that.

The SPEAKER: The Representative from Holden, Representative Campbell has posed a question through the Chair to the Representative from Old Orchard Beach, Representative Kerr. The Chair recognizes that Representative.

Representative KERR: Madam Speaker, Men and Women of the House. Currently other committees do get paid.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative DONNELLY: Thank you. How many other committees may call themselves into session and be paid?

The SPEAKER: The Representative from Presque Isle, Representative Donnelly has posed a question through the Chair to anyone who may care to respond.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to indefinitely postpone House Amendment "H" (H-41) to Committee Amendment "A" (H-15).

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-41) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 18

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bruno, Cianchette, Lemke, Underwood.

Yes, 79; No, 68; Absent, 4; Excused, 0.

79 having voted in the affirmative and 68 voted in the negative, with 4 being absent, House Amendment "H" (H-41) to Committee Amendment "A" (H-15) was indefinitely postponed.

Representative DONNELLY of Presque Isle presented House Amendment "I" (H-42) to Committee Amendment "A" (H-15) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. House Amendment "I" provides funding for the Department of Corrections to reimburse counties pursuant to the Community Corrections Laws. These are agreements we have already entered into with our county jails. To fund that, it deappropriates funds from the Legislature, which will be distributed by financial order upon recommendation of the Legislative Council. It takes \$521,000 approximately and puts it to fully fund obligations that our state entered into with our counties and municipalities on the housing of our criminal population. Some of whom who don't quite cut the mustard to go all the way to a state institution, yet need to be incarcerated for some period of time under laws that this or previous legislatures passed.

In years past, the Legislature, in order to spend money in other places or fill holes that were left by unexpected downturns to do a number of other priorities, did not fund the agreement to share the burden with our counties and municipalities. Committee Amendment "A" goes quite a ways toward helping fill that gap. Another place where it seems we have some common ground. This amendment fully funds that agreement. It fully funds that commitment and lives up to our obligations. It doesn't pass along a property tax increase to our counties, which are of course funded by our municipalities. Fully funding this helps to avoid that shift from the state's tax burden to the municipalities. I hope you will support House Amendment "I" because it is the right thing to do. Thank you.

Representative POVICH of Ellsworth moved that House Amendment "I" (H-42) to Committee Amendment "A" (H-15) be indefinitely postponed.

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

Representative POVICH: Madam Speaker, Men and Women of the House. The Criminal Justice Committee worked long and hard and hand in hand with the Appropriations Committee to address the full range of corrections' needs, including a commitment to pay our bills owed to our counties for boarding the state's prisoners. The Criminal Justice Committee came to a unanimous agreement on what our requests for the Appropriations Committee would be. The Criminal Justice Committee requests were virtually fully met by the Appropriations Committee. I cannot with a straight face ask for more money. Madam Speaker, men and women of the House, we don't need the money.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. This is one of those times when I really decide what priorities are. It is not a question of whether we need the money. It is a question of whether the counties and the local taxpayers need the money. I would much rather see having a choice of sending out the money, which would help lower the property taxes and pay our bills and take it out of the legislative budget. I hope you will join with me in supporting this amendment and providing some more relief or some relief to the property taxes. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. I think that it is important that, again, this is where there is common ground. The majority budget takes care of many of the issues that have been discussed here today where you want to put money and where you don't want to put money. Community based corrections, I want you to know that the language in the majority budget does, there was some offensive language before where the state never met its obligation, that language has been pulled out and the state has to meet its full obligation. The language that is in the budget is that the Department of Corrections will absorb whatever those resources are needed to fully fund the community-based corrections. If they cannot fully fund community-based corrections, then they can come back to the Legislature. We have all discussed and we all know that this document is not a perfect document. They can come back through a financial order or a supplemental appropriation in January. Thank you. I would urge your support for Indefinite Postponement of House Amendment "I."

The Chair ordered a division on the motion to indefinitely postpone House Amendment "I" (H-42) to Committee Amendment "A" (H-15).

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I agree with the previous speaker, however, I think that we need to get our house in order and pay our bills now and not wait for a session that may not happen. I would ask your support of this amendment. Thank you.

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

Representative McALEVEY: Madam Speaker, Men and Women of the House. I try very carefully to husband my remarks when I speak on the floor of the House. I try to keep them to issues that are very important to me. A number of years ago, we made our counties build new jails because we found through DOC that they were out of compliance with the state standards. We said to our counties not to worry about it. We will make you build a jail, but we will come up with something called community corrections moves. We will help you defer the cost of that jail. We met our obligation in making them build new jails, but we never met our obligation in helping them pay for those. I would strongly urge that you defeat the motion to Indefinitely Postpone and reach down and pull up your boots and do something right tonight. Thank you.

Representative CARLETON of Wells requested a roll call on the motion to indefinitely postpone House Amendment "I" (H-42) to Committee Amendment "A" (H-15).

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

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

Representative BERRY: Madam Speaker, Men and Women of the House. One item on this amendment that we haven't discussed is the legislative budget. There is a proposal to cut the legislative budget. From what I have seen, in my experience, especially with our committee, I have seen staff in this Legislature as extremely efficient. We do not get 66 amendments headed this way. They don't just appear. There is somebody downstairs working and I would say they are working very hard. We take a lot for granted around here from our staff. I have seen some excellent staff in the last session and this session. Not just my committee, I am very impressed that we do have this quality staff here. I think it is important to keep them here. I think with the issue of term limits, we are going to need some nonpartisan, knowledgeable staff with a history of how our government runs.

I don't think this will cut from the capital account, but we experienced a little trouble with the lights a short time ago and we experienced trouble with the microphones. It takes money to run this place and to run it efficiently with common sense. We may say that we will cut from trips and travel, but I think it is beneficial. I attended a council meeting in New Jersey last summer, in July. That was a junket to go to New Jersey in the summertime. It was wonderful, but I could have been swimming in the pond at home or I could have been in New Jersey. It was a good conference. I learned a lot. We did manage to have a little fun on my own time. I think I am entitled to my own time here as well. I would ask you to support the pending motion of Indefinite Postponement of Committee Amendment "I."

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Madam Speaker, Men and Women of the House. I fully share the previous speakers comments concerning our nonpartisan staff. They work extremely hard and I don't think that anything that we do should cut off our appreciation from them. However, the legislative budget in the 117th Legislature ended up with a surplus of almost \$1 million after we had gone through a process of trying to examine every expenditure line by line and at that point we were assured that it was a tight budget. We ended up with a \$1 million dollar surplus. That is about a \$14 or \$15 million dollar a year budget \$26 or \$28 million dollars over the biennium and we ended up with a surplus. In this budget, the legislative budget is proposed to be increased by a figure of 15, 16 or 17 percent from a budget which had a \$1 million dollar surplus last time. There was enough money in the budget to take care of everything we need to do in this Legislature.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. As many of you know, this is my first opportunity to serve on the Legislative Council and that at our very first meeting we were presented a budget, which had, what I saw in my calculations, a 17-percent increase. That included \$2 million in capital improvements and significant increases to some positions. One of which was increased from \$64,000 to \$68,000 and another of which was increased from \$68,000 to \$74,000. Immediately following those 6-4 votes and you could probably count the 6 for and 4 against, there was a motion, which came from the person's lap, not necessarily passed out, but read to the body, which said we were not to revisit the previous increases in compensation for the life of the council, which meant we weren't to retreat when we were to review that 17-percent increase, any of the compensation offered for two years until the next council.

When we began to review the Legislative Council budget we talked about two very narrow portions of the budget, the Legislative Law Library and another small component of the budget. We really didn't address the major component, which obviously all the positions before us in the purview of the Legislative Council. In fact, we moved out the \$2 million in capital improvements and we discussed the very small portion, but really didn't get to the biggest component of the budget. With some movement we were then down to, which became debatable, somewhere between a 6-and a 14-percent increase in the budget. As it has been mentioned before, everyone on the council and I think everyone in this body, realized how difficult it is to work for us legislators. I do believe that we, as leaders, need to address the very basic issue of who begins to tighten the belt first. I believe that the Legislative Council and the legislative budget is a great place for us to lead. Therefore, I think if we could take a portion of our increase and pay our current obligations to reduce the property tax burden on Maine citizens, I

believe it would be a great gesture for us as leaders. I thoroughly encourage you to support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Men and Women of the House. I am delighted to be able to clear the record on this issue. The current legislative staff is 20 percent fewer employees than we had in 1993 and for a coequal branch of government. We have taken cuts routinely since the shutdown budget of 1991, when I first came to this body. The legislative budget as a whole, in case it is ever misrepresented to you only represents 1 percent of the total state budget, the coequal branch of government. We represent all the citizens of the state. We do it on a modest budget, a prudent budget. The majority of that money goes to support the nonpartisan staff, many of whom are working in this building tonight and who have worked here all weekend trying to comply with the kinds of requests that we make. To suggest that we continue to cut further than the modest amount that this Legislature operates on is unjustified, in my judgment. For a change, I wish we as members of this body could stand up for the hard work that we do and the hard work that our staffs do and feel equal as a Representative body of government in order to pay the people well who serve us year round.

The travel budget for the Legislature today, the budget that so many of you of both parties want to take advantage of is one-quarter of the amount that it was in 1989. This is not an extravagant legislative budget. It covers the Legislative Law Library, the Revisor's Office, the Fiscal Office, the Legislative Executive's Office, as well as the partisan staff offices for both the House and the Senate. We are modestly reimbursed for our work as legislators and the modest increases in this budget have nothing to do with our salaries or our benefits. It has everything to do with how we help reimburse the people who do the work for us in this body and in the other body.

Much of that budget also goes to repairs and I dare say that if you look around this chamber at the microphones, lights and the seats you are sitting on, you can see that we have trimmed the budget so desperately that even routine repairs have not been made. The budget suggested by members in the other corner represented what most of us thought was a prudent approach to maintaining this branch of government. The total increase in an eight-year period is only slightly over 5 percent. I dare say there may not be a department in government that has done that well. So, instead of berating us, we should take pride in the kind of work that the council did in this session and those that preceded us to make sure this body was able to function as it was intended. If it were not for these nonpartisan staff, you would have what we had in the old days. All of us have heard the stories. The lobbyists write the bills. Special interests hand you the legislation. It is the nonpartisan staff that has allowed us to do the work of the people as objectively as we do. It has allowed us to handle our printing costs. It has allowed us to provide for a budget to fund computers, which so many of you have desperately wanted.

I urge you to support the pending motion. Do it comfortably and confidently. Know that the people representing you on the Legislative Council did a very good job of looking at all of our expenses and presented a budget to the Appropriations Committee that was accepted. Thank you.

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

Representative WATERHOUSE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Thank you Madam Speaker. To anybody on the Appropriations Committee regarding the budget. Could somebody tell me what the increase is for the reimbursement to the counties for incarcerating inmates? Is it a 17 percent increase?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to any member of the Appropriations Committee. The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Thank you Madam Speaker. The answer to that question is no.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "I" (H-42) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 19

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe,

Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Cianchette, Muse, Underwood.

Yes, 80; No, 67; Absent, 4; Excused, 0.

80 having voted in the affirmative and 67 voted in the negative, with 4 being absent, House Amendment "I" (H-42) to Committee Amendment "A" (H-15) was indefinitely postponed.

On motion of Representative O'NEIL of Saco, the House adjourned at 8:55 p.m., until 9:00 a.m., Wednesday, March 19, 1997.