

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

March 19, 1998 - March 31, 1998

**Second Special Session**

April 1, 1998 - April 8, 1998

**Appendix**  
**House Legislative Sentiments**  
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Townsend, Tripp, True, Tuttle, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Berry DP, Bodwell, Bragdon, Buck, Bumps, Carleton, Chick, Cianchette, Desmond, Fisk, Foster, Gerry, Gieringer, Honey, Joy, Joyce, Kasprzak, Kneeland, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, Meres, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, Vedral, Waterhouse, Winglass, Winsor.

ABSENT - Bigl, Clukey, Dutremble, Goodwin, Jones SL, Joyner, Kerr, Underwood, Usher, Wheeler EM.

Yes, 93; No, 48; Absent, 10; Excused, 0.

93 having voted in the affirmative and 48 voted in the negative, with 10 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

### UNFINISHED BUSINESS

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

Expression of Legislative Sentiment recognizing the anniversary of the Greater Portland-Archangel Sister City Project (HLS 1328)

TABLED - March 30, 1997 (Till Later Today) by Representative FARNSWORTH of Portland.

PENDING - **PASSAGE**.

On motion of Representative FARNSWORTH of Portland, **TABLED** pending **PASSAGE** and specially assigned for Wednesday, April 1, 1998.

Representative CAMPBELL of Holden **OBJECTED** to sending all matters **FORTHWITH**.

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

### ENACTORS

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and Changes to 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

(H.P. 1397) (L.D. 1950)

(H. "E" H-1109 and H. "G" H-1111 to C. "A" H-1098)

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Madam Speaker, Men and Women of the House. I am rising to speak to the budget that we are about to pass. We are on a fast track here. There is no question about that. I do not think that this budget reflects a time honored tradition that we have with respect to the passing of the way we are going to spend the people's money. I recognize the comments that were made this morning on a previous measure. I think it subverts the process that we have traditionally honored

in this body. I don't think there is any opportunity for consensus building. I don't think there has been any opportunity to achieve a balance between the competing interests that all of us represent with our various constituencies. I think in our obligation to the people of this state as a whole. In my opinion, this budget provides just food to feed an insatiable appetite that has got this state on a track of closing in on a \$4 billion budget. We spent \$200 million more in this budget in the first year of the biennium. We are spending another \$300 million now. It is making it a total of \$500 million. If you count to \$250 million that we increased the budget for the previous biennium, we are now closing in on an \$750 million, almost three-quarters of a billion, in new spending. As I have just suggested, by the time the 119<sup>th</sup> comes in, we will probably be voting on whether or not to consider funding a \$4 billion package.

To me, that is too much. I don't think it is responsible for the people of this state. I don't think the process that we have been engaged in in the last 48 hours has been reflective of that democratic process for which I think we have an obligation to provide for all of our citizens. I would urge that you defeat the passage of this measure. Thank you.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. I have not had an opportunity to read the whole budget, but just one section that concerns me and concerns what I consider to be the break down of the committee process and committee input into the budget. I am referring to page 109, Section D4, 20-A MRSA 15653 Subsection 3, number 3, Legislature's contribution. In our committee deliberations we unanimously moved a bill or a part of a bill that was introduced by the good Representative from Portland, Representative Brennan to eliminate the 5 percent cap on the amount of funding that the commissioner could recommend to the Legislature or to the Governor for inclusion in the budget. We felt that that recommendation or that limit should not be there because it may be a necessary to raise it above that. The commissioner was unable to do that. We moved unanimously to eliminate that. If you look at that paragraph 3 on page, that has been changed so that the commissioner can only recommend flat funding. People will say, in the supplemental budget, the commissioner can increase it 5 or 6 percent or whatever. To many people it wouldn't seem like much of a thing to talk about.

What it is is another gimmick. It is written this way, so it eliminates a possible \$90 million structural gap in the budget for the next biennium. I thought we were trying to get rid of gimmicks. It seems like there are some who are already planning, possibly, to look forward to the next recession, which is coming down the pike, which will, again, put us right back to 1991 when we looked at a billion dollar shortfall because all of the anticipated growth in the budget created that kind of a structural gap. I think that shows me, for one, what is wrong with this budget and the budget process that we have gone through. I would urge that you would defeat the pending motion. Thank you.

Representative LABRECQUE of Gorham moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended**.

Representative KONTOS of Windham **REQUESTED** a roll call on the motion to **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended**.

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

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

**ROLL CALL NO. 565**

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Joy, Joyce, 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, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, 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, Wright, Madam Speaker.

ABSENT - Bodwell, Dutremble, Jones SA, Joyner, Tobin.

Yes, 69; No, 77; Absent, 5; Excused, 0.

69 having voted in the affirmative and 77 voted in the negative, with 5 being absent, the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED as Amended FAILED**.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Madam Speaker, Ladies and Gentlemen of the House. One of the major differences between the Majority and Minority Reports of this budget is tax relief. I believe that the minority budget offers real tax relief. I have said it before and I will say it again. Any tax break that does not reduce the rates is not a tax break at all, but a government shell game. That is exactly what one component of the majority budget plan entails. On the surface, I think it has immense political appeal, but careful observers agree the exemption is poor tax policy. It fails to reduce the rate of taxation leaving the Legislature free to decide each year whether to fund the program or not. Need I remind you of the cuts to tree growth and GPA. This plan goes to many who need it the least. This plan fails to reduce the tax burden on towns and poor people. It raises burdens for renters, landlords and businesses. The majority has offered up \$76 million in tax relief while the minority plan proposes \$84 million in tax relief. Unfortunately the mechanisms the majority has chosen for tax relief includes the homestead exemption. To be clear, the homestead exemption will provide some residents with some amount of tax relief on their property tax bill. The problem, however, is that the homestead exemption still requires you to send your money to Augusta where every two years legislators decide how much they want to send back to you. I don't know how many of you have talked to your assessor lately, but they are not excited at all about the money coming in and going out and back and forth and them having to decide who has paid their taxes and hasn't paid their taxes and how we are going to decide on the mill rates and how we are going to decide who is entitled to what refund. What about those people who are in Florida part of the year. This is just fraught with problems.

If this sounds like a shell game to you, it is. You see, the key to tax relief is reduction in the rates, not another government program to recycle your money back to you. The majority philosophy on tax relief is pretty simple. We think you should keep your money to begin with while the majority budget would

rather the money keeps coming to Augusta so they can decide what to do with it for you. That is why the minority tax plan includes a reduction in income tax rates. It puts more money in your pocket on day one and you never have to send it to Augusta, much less worry about whether you will be getting it back or not. If you have any doubt about the future of the homestead exemption, think back to the tree growth program, school funding or even municipal revenue sharing. All of which have been raided whenever it is convenient. It is not the way I think we should use the taxpayers of the State of Maine's money and I doubt if you are being honest if you think it is the responsible thing to do either. I urge you to vote against the pending motion.

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

Representative TRIPP: Madam Speaker, Men and Women of the House. I need to clarify something that the Representative from Cape Elizabeth said. Our majority homestead exemption does not include a rebate. It is direct tax relief. The taxpayer never has to take it out of his pocket. The towns are reimbursed for that loss in taxes directly.

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

Representative WINSOR: Madam Speaker, Men and Women of the House. The plan that we are about to vote on, as you heard from the Representative from Cape Elizabeth and the Representative from York, in our opinion, does not meet the needs of the people of the State of Maine. When we started these negotiations or started working on this budget, my caucus took the position that we wanted to present a budget that avoided borrowing, shrank government payroll, promoted education, invested in public infrastructure, reduced taxes and eliminated gimmicks. To the credit of the majority party, I think that you met many of these goals. However, the reality is, I do not believe that you met them enough. For example, as the Representative from York, I think, said, the 117<sup>th</sup> enacted a budget that increased spending approximately \$200 million over the previous biennium. In the first year of this biennium we enacted a budget that raised spending approximately \$300 million. This supplemental emergency budget raises spending by approximately \$250 million. It doesn't take much of an imagination of we continue on that road to think about what is going to happen during the 119<sup>th</sup>.

Certainly, I think it startles you to think that we may be looking at a \$4 billion plus budget. This is just a little teeny state with 1.2 million people in it. These are General Fund expenditures. Remember that we spend a good deal of money in other areas, dedicated revenues, federal revenues and so on. One of the areas where I think that this growth in government is most easily seen is in the expansion of new positions. It is an area that my caucus, I think, tried to present some responsible alternatives. To have you pause for a second and think about this, the Chief Executive proposed and with the acquisition of the majority party, approximately 200 new positions in this budget. Many of these positions are necessary and I think good ones. My caucus felt seriously that we should offset growth in one area with reductions in another. We tried to proposed areas in which that could be done. We were unsuccessful. We had hoped to offset approximately 100 positions with the closing of some liquor stores in areas that many of us feel that the state should not be in business in. That wasn't seriously considered.

We considered things such as eliminating all jobs that had been unfilled for approximately six months and then enacted a responsible procedure for the establishing of temporary positions when necessary. That would have eliminated about 87 positions that we have on the books today. This new budget, I don't have

the total number of jobs that we have added over this biennium, but I think it is significant. I think it just points out very clearly, to me anyway, why our government continues to grow and grow in a way which I think is not very controllable. For those reasons, I am not going to support this budget and I would urge you to join me. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. To address a comment from a previous speaker, I agree with him. This is not a rebate. It is a municipal reimbursement. It certainly looks like a tree growth bill to me. If it walks like a duck, talks like a duck and acts like duck, it is a duck. We all remember what happened when money ran low, we didn't fund that program. This is the same problem we are going to run into. One of the reasons a program like this is as popular to people who like bigger governments and is popular to politicians is because you can come up here when the revenues take a dip because of the economy and not fund a program, which this is, then it is to make a tax rate reduction. Then, when something happens, we have to do the thing called raising taxes.

Ladies and gentlemen, I would put to you that this program, this is what this is, it is not a tax cut, it is a way to hide behind those hard decisions instead of making a rate reduction, which really puts money back into the pockets of the people and not create a new program and face the reality that you might have to raise taxes. Thank you.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. Last night we adopted House Amendment "G," with a filing number (H-1111) to the budget. In the fine print on page 8, we appropriated almost \$1 million to enable the State of Maine to send \$48 million back to the people of the State of Maine on their property taxes. Here I have a handout courtesy of one of the Representatives. I would like you to know how it affects my district. In my district for the million dollars that we will be expending to make this program work, which means hiring three new people and the friction costs, as we call them of processing all of these applications will mean to the average taxpayer in the Town of Dixmont, \$65. I want you to know, they say thank you. In Hampden it will mean a whopping \$124 and I want you to know they say thank you too. In Newburgh it will mean a whopping \$106. I dare say that they don't feel like they got their million dollars worth. This is what your tax shift plan will do. It spends the first million telling people that they don't have to spend \$65 in Dixmont. When I talk about a bang for a buck, this is not it. I urge you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. As most of you know, this is going to be my last hurrah here. I would have liked to have offered a friendly amendment to the budget, but I guess I am not going to be able to. It is a bill, in the form of a LD, that I have been chasing around through committee reports and through various amendments trying to nail it down. The original legislative document was, "An Act to Authorize a General Fund Bond Issue in the Amount of \$10 Million to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife Habitat Protection and Farmland Preservation and to Access \$5 Million in Matching Contributions from Public and Private Resources." It is kind of amusing the way I have tried to chase that thing around hoping it would appear before us so that I can amend it. Finally,

late last night I went downstairs because we had adopted an amendment to the budget that appropriated \$3 million and gave it to Land's For Maine's Future. I don't know how many of you have followed the hearings or followed the recommendations of what we came to term LAPAC, Land Acquisition Priorities Advisory Committee. They held meetings all over the state and put together a final report and final recommendation for land acquisition. I attended at least one of those meetings and they were very informative and in northern Maine it wasn't very popular. Seeing as we are faced with setting aside 4.5 million acres of land for the national forest.

What my amendment would have done, and that is why I object to this portion of the budget, was to ensure to fully implement the recommendations of the Land Acquisition Priorities Advisory Committee. On Page 6 of the report it highlights the fact that the amount of public land ownership in southern and coastal Maine, where the majority Maine people live, is disproportionately low compared to the rest of the state. It is also the most vulnerable to development pressures that can preclude future conservation land acquisitions.

Also, only 13 percent of Maine' public land acreage is located in the southern third of the state where most of the state's population resides. Also, you have to add to that that there is an increased posting of private lands in southern and central Maine limiting recreation opportunities for Maine's outdoor enthusiasts in these areas. Opportunities to acquire affordable shore front lands suitable for public access are diminishing. What I would have liked to have done was just simply ensure that 80 percent of that money acquired would go to purchasing lands for public recreation in southern and coastal Maine whereby ensuring that the people, and you southern Mainers should love this, would have access to your coastal areas and when I come down to visit my mom in Cape Elizabeth, I can go to all sorts of public land. Unfortunately, I can't even offer that friendly amendment.

I just want to tell you and I know everyone is tired, you just think everyone is jumping up and stalling and maybe we are, but I have to say my peace. I want to assure you that sitting in my caucus, I didn't hear any talk about shutting down government, not once. Instead what I heard was we are still trying to negotiate. What I heard was, we are hopeful. We are working on something. I think we are going to have a two-thirds budget. I can't tell you how I would have loved to have gone home with a feeling of peace knowing that we had worked out a budget that we could all be proud of and all vote on and it would have been a two-thirds budget. It is beginning to feel a little bit like Russia where you can run for office, but there is only one party.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. The other thing I forgot to mention when I got up to speak, somebody else had mentioned, but I will put my word in. This budget spends too much money. The Homestead Exemption Act, like I said before, is not a tax rate reduction. When we do come back here and we fall short of revenues, it is a very easy thing not to fund the program as opposed to cutting spending. Nobody wants to raise taxes. The citizens in this state are overburdened now with taxes, but what it will prevent us from doing, I am afraid, when the 119<sup>th</sup> comes back, if we have a shortfall in revenue, rather than doing the thing we should be doing all along for the last four years, as far as I am concerned since I have been up here, is cutting our spending. We are spending way too much. The spending keeps growing and with this homestead exemption it is going to be way, way too easy for us to come here and not fund it as opposed to doing the thing we should be doing all along and cutting spending. Thank you.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **BARTH**: Madam Speaker, Ladies and Gentlemen of the House. You will forgive me. I won't guarantee you that this will be my last time I speak before this body. I can thank term limits for that because term limits at least will, if I am foolish enough to want to run again, term limits has decided for me. I am glad of that.

On page 113 of the budget, in Section D14, another gimmick. The Education Committee unanimously made our recommendation to Appropriations, which they dismissed. We recommended a 6 percent increase in GPA, plus an additional \$6 million for a hardship cushion. They gave us the 6 percent, but rolled into that was the additional \$3 million for the hardship cushion. What concerns me, the tragedy in that section, D14, the reduction by \$16, 660,478 of the base for GPA. That means the following year when, let's say another 6 percent is proposed, it will not be as much money as it should be if that \$16 million were left in the base. Then you would be taking 6 percent of the base, plus the \$16 million and that would give a larger increase. That just shows me that all these people who said education is the number one priority, when it comes time to fund it, they just won't do it. I urge that you defeat the pending motion.

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

Representative **MURPHY**: Madam Speaker, Men and Women of the House. As a teacher, I guess I like analogies. Even though I am going to talk about a ship, the bottom line is not the Titanic. Some of us are still optimistic that we will complete our mission here. There has been a tremendous amount of heavy lifting in the committees. I liken that to a crew aboard a ship. We have done the heavy lifting. We have established our priorities as committee members. We have moved that to the budget. Just at about the point that we are ready to enter the court, together 46 percent of us are sent down to third class storage and we are not going to take the ship into port. I really feel that all that is left on working a two-thirds budget is the tying of the ribbon. I really was optimistic yesterday, last evening, Friday, last week, last month and January that this session was going to be much different than the first session. We heard in the first session some fleeting reference to someone's going to act possibly at some point of being an obstructionist. My question now is, that is behind us. Where is the obstruction? Where is the conspiracy? Where are the statements in public or private that a two-thirds was going to be denied? Some of us really want to come up out of the hole, out of third class, through the gates and be aboard this ship as it comes into port and to give it that two-thirds.

I think from the first week when we did a supplemental budget, I clearly laid out what I hoped were going to be the goals of this Maine Legislature. We addressed getting rid of the gimmicks, paying the bills and the destruction that has been doing because of the underfunding of education on the local levels. The lack of opportunity of young people being able to go to college. A passion that the Speaker and I have always shared and shared to this date. We found out later that there is more than \$650 million building crisis within this state. I visited the Education Committee, the Appropriations Committee and people worked to make sure that that funding was in there. We see it with the GPA. We see it, not enough money, but we see \$20 million toward that new renovation account. I hope a

commitment to those that return that part of that reform or that report talks about a major bond proposal next year, not this year.

As I go through that and I see the money for Alzheimers, I see the low income drugs, the drugs for the elderly, I see a budget that there are many things within that that I like. We would gladly work together to create a two-thirds budget. I see something that I don't like and I think party pride can be very dangerous. It is traditional and I think if we went back 20 or 30 years ago, we would see that in the opening days of the session both parties spar, they try to posture, they try to lay out what is going to be their position. We laid out a reduction from 6 percent to 5 percent sales tax. We lost. It wasn't admitted. You laid out a party posture on the homestead. I think Senator Mills, even though I don't usually agree with him, did a real service to this Maine Legislature of laying out the flaws in what is wrong with this homestead act. Many people stepped back, very thoughtfully. I was going to support the homestead act. He laid out the flaws and since then we have seen additional flaws develop. Party pride can be very destructive. We are talking about \$47 million connected with that homestead that no one in this body, no matter the rhetoric they may pronounce can guarantee that one individual property taxpayer in this state is going to get relief. You cannot guarantee that. We are throwing \$47 million based upon saying we have done something for property tax relief.

If you are looking for an out, I will give you the out. In the 1980s I was a cosponsor with a then Republican Representative from Yarmouth, Representative Pat Jackson, for the first homestead bill that was ever put into this Legislature. It was killed on a party line vote. If you are looking for an opportunity to walk away from the homestead, put into your mind it is a Republican proposal and then walk away from it and then we can do something meaningful. We have heard very clearly the burden that you are going to create on the local assessors. Almost \$1 million of overcollection money is going to go for administrative costs. As we have looked at the spending priorities that we have tried to do and what the Appropriations Committee has done to good proposals and to make them fit and they have reduced them, aren't there better places that that million dollars can go, rather than putting them jumping through the hoops on the local level and then through because it is a mandate, then we are going to reimburse them.

We lost on the sales tax. We didn't have an opportunity to bring the snack tax to you. I know there are people on the other side of the aisle that want to vote for that snack tax. It will have a positive impact, but it is also a symbol. It is one of the gimmicks that we haven't addressed. I think it is one of those symbols that we could take a very positive act on. We have looked at a super charged circuit breaker. Filling out the form qualifies you. You get the property tax relief, not money going to a municipal board or a city council, it is going to do a flim flam game with the valuations and those people are never going to see the money even though there will be maybe a stamp on the bill saying their bill was reduced by a certain percentage. You are never going to get to vote on a super charged circuit breaker. That was always the bill identified with your party. One of the criticisms was that it didn't help middle class, lower middle class. We have gone and redesigned that proposal so it will reach farther with property tax relief. Lower middle income people are having the same problems paying their property tax bill. I really think the rank and file, within this Legislature, has done the heavy lifting. I really wish that leadership, all leadership, could have profited by our examples and also done the heavy lifting to achieve a two-thirds budget.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I know it has been the preface to his remarks that the good Representative from Kennebunkport mentioned the Titanic. Well, ladies and gentlemen, this isn't the Titanic voyage or anything close to it. I remember that the first words I spoke on the House were in March 1991 addressing a budget, one of many at that time, that cruise was very much like the Titanic for those of you who can remember it. I think we voted something like six budgets counting supplemental during that period. We took on a lot of water and we had to do a lot of secure the bulk heads including raising taxes, which was very unpalatable and certainly was not enjoyable to this particular Representative or the others involved. Here we are in 1998 and it is something so real about the situation. We are no longer debating where we have to inflict pain and where we have to make cuts, but where we will do tax relief. I think one of the things we have to keep in mind is the debate is all around the periphery of one central fact looming just as big as the Titanic, but in a different way. That is that we are voting tax relief for the first time in a significant way in the State of Maine in many years. As the good Representative from Yarmouth quoted earlier, we should consider this quote a delightful situation. This is not a cause for commiseration, whether or not we got this or that form of tax relief, but ultimately it is a source of celebration that we are beginning tax relief for the State of Maine. I am one of those who believe that this is the beginning and in future Legislatures we will continue to cut taxes, but this is the beginning. We are beginning to put money into the pockets of the people of the State of Maine instead of the reverse.

I think I would be derelict if I did not address the issue of process. I think I voted on something like 14 budgets since I have been in here. I have voted for practically all of them, but as you know, I voted against one. My concern there was with process. Ladies and gentlemen, the situation is not the same at all today. We are only a few days away from statutory adjournment. The committees have voted out all of their bills. We only have a few more bills to work on. To me, the process is working. This ship is moving and this ship is moving in the right direction.

I guess the final thing I would like to say is this does not have to be a majority budget. I think all of us, Republicans and Democrats, can vote with a good conscience and go out to the public in supporting this budget as a beginning for tax relief for the State of Maine. I urge all of you because this is really not a partisan issue when you get to tax relief to vote for it. The people of the State of Maine will be happy and I think you will be happy and happy days may not be here again, but they soon will be. Thank you very much.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. I believe the good Representative from Westbrook is correct. I kind of liked his analogy about the Titanic. I think this budget is a Titanic and there is an iceberg out there somewhere. It is called a recession. There is going to be a down turn in the economy and what are we going to do then about funding these budgets. This homestead property tax exemption is going to be another line item on future budgets that competes with general purpose aid for education. If you itemize deductions, a portion of this that you get back is going to go to the federal government, as I see it. One million dollars of the money that should be going back to the taxpayers of the State of Maine will be going to fund new positions to administer this program. I would really like to see the snack tax gone and further reduction in income tax rates as true tax reduction for the residents of the state. I would like to see the Cops in Court

Program funded. If you would like to see the snack tax gone, the Cops in Court funded, why don't you vote against this budget and get working on a real two-thirds meaningful tax relief budget. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: Madam Speaker, Men and Women of the House. Could anyone please itemize for me the bonding issues that are in the majority budget?

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

Representative KERR: Madam Speaker, Men and Women of the House. In this budget, we are appropriating \$3 million for Lands for Maine's Future and \$2 million for Maine Public Broadcasting.

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

Representative KERR: Madam Speaker, Men and Women of the House. I would first like to thank everybody that participated in putting together this budget. When I say everyone, I mean both members of the aisles. I also want to thank the Majority and Minority Leaders and also the Speaker of the House. From what I have heard here, there is plenty of time to negotiate. That time has come and gone. I think, if nothing else, we have learned from this experience. I think that we should address what is in this budget. There is a lot of good in this budget. I think it truly reflects the members of this House.

I would like to begin by starting with the tax package. I think, collectively, we can all be proud that there is tax relief. The perimeters that the administration put out to us was very clear to all of us. There is \$76.2 million in tax relief. Develop a plan. The Taxation Committee worked very hard. They came out with a budget. The homestead was part of that plan, along with the income tax exemption increase. It wasn't a plan that I was over enthusiastic about, but that vote was taken in this chamber and in the other chamber. It was an overwhelming vote. That plan was then amended on the floor of this House last night to be put into the budget. That is what happened.

We talked about education. Every single one of us puts in our campaign literature about education. We addressed education in this budget. As we all know, we collectively agreed to fund general purpose aid to education an additional 3 percent. At that 3 percent, which in turn is a 6 percent back to the municipalities, was a good thing. What we also had to do was not to exacerbate the structural gap. That is why the language was upped so that the additional 3 percent increase, we wanted to prepare municipalities that that may only be one time money based on past experiences. Because there was a surplus, we could do more now in today. We didn't want to give municipalities false hope. So often when we talk about the structural gap, because of a language that has always been in the budget, that said up to 5 percent would be for GPA, that is how they determined the structural gap. It was an artificial determination. We discussed this issue in the Appropriations Committee room and we said we haven't funded up to 5 percent. What it does is it exacerbates the structural gap for no reason. Let's take it out. Nothing will prevent the commissioner or any member of this Legislature, given existing resources, to fund more than 5 percent.

In this document we also addressed scholarship programs. As we all know, it is very difficult for families out there to get their



children onto higher education. This budget helps assist in doing that. School construction, I know the Representative from Kennebunk was adamant that we must begin to address school construction and renovations. It is not as much as I know he and I wanted, but it is a beginning. It is \$20 million. I think we collectively agree to that.

We talked about paying our bills. During those tough times in 1990 and 1991 we did some things that we really didn't want to do, but we did them because we could not make the tough choices. They were all tough. Back in 1991 we pushed off the June payment to general purpose aid to education to July. Many times we booked that as a receivable. Because of the surplus, many of us on both sides of the aisle felt that we should address this issue. We have in this budget to the tune of about \$39 million. Also in 1991, state employee wages, during that shutdown, there were two days that state employees were not paid. We addressed that issue in this budget. Also during those tough times, those of us who were there, we learned something. We cannot continue to operate out of a checking account. We must begin to put money aside. We started that process four years ago when there was less than \$5 million in the Rainy Day Fund. There was less than \$5 million in the Rainy Day Fund just four years ago. Today, there is in excess of \$65 million in the Rainy Day Fund. In case of those downturns, which we know are inevitable, we are going to be prepared for those, at least better prepared than what we have been in the past. I think that we all have learned from that.

We did make some substantial capital investments with these so-called one time money. I know that I have heard numbers thrown around here today. Most of them are pretty accurate. We began this session with about \$283 million. As we began, we developed the tax plan. I am going to use for round numbers about \$77 million. The difference then became about \$205 million and what we were going to do with it. One time revenues have taken up about \$175 million worth. The remaining is what we refer to as the supplemental budget. Some of those capital investments that we have made are items that every single one of us knows needed to be made. I mentioned one dealing with education, school renovations at \$20 million, the Maine Youth Center, the Criminal Justice Academy and highway improvements. Those are just some of those items that we all felt were important.

There is a piece of the puzzle that has been left out that I think that we must begin to address and we have. That is dealing with the most vulnerable people in this state. In this budget we authorize a 5 percent increase for the temporary assistance for the most needy families in this state. I think that is a good thing to go home and feel good about. We implemented the recommendations of the inner agency task force for the homeless to create housing opportunities. One that I think was unanimous in the Appropriations Committee and the Human Services Committee. Dealing with our elderly, they have worked very hard all their lives and paid taxes and now can barely afford their medication. We began in a small way, and I say a small way because I feel it is, but I think it is just the beginning of something good to happen. In this budget we appropriated \$2 million to expand the Elderly Low Cost Drug Program. Hopefully, for our elderly, they will begin now to take their medication instead of making those tough choices, to pay their rent or eat their food. We all know those tough choices have been made out there. They are your and my constituents.

We also provide a supplemental appropriation for adult day care for Alzheimer and respite care. It also is for the consumers. The direct home based care program where we look at 35 disabled individuals. We did that because if these individuals are institutionalized, it is going to cost us more. For the purpose

of these "new programs" was to keep people from becoming institutionalized we know from past experience it is much more expensive to institutionalize people. We began this process.

We also in this document addressed the probation and parole. New positions aren't all bad. From the debate, it sounds like any new position is a bad position. With the problems that we have out there, we had no choice but to begin putting back probation officers and hiring assistant district attorneys. Those are good things. I am glad that we did collectively address these issues. There are some LDs that are in this document dealing with retired teachers. We talked about creating jobs in this state. We are addressing the R & D, research and development, so that we can create jobs in this state. Often too much time is taken in creating those jobs, but not having the manpower to fill those jobs. In this budget, we began to address the filling of those jobs by funding Jobs for Maine's Graduates, Career Advantage and the Apprenticeship Program.

For this legislator from the Town of Old Orchard Beach, I think this is a good document. It truly reflects most of the needs, but not all of the needs of Maine people. Instead of walking out of here criticizing our document, we should all be supporting our document because it reflects us as individuals, not of party. Thank you.

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 used repeatedly the word process. It is a mean political tradition in this state that includes consensus. It was a hallmark of Joe Brennan and I served here when he was here, of George Mitchell, Bill Cohen and Olympia Snowe. I think deep in his heart when he leaves the State House I think the Representative from Old Orchard knows deep down that a two-thirds budget was achievable. Being a commuter, you have plenty of opportunities to mull things over on the way home. Last night our Minority Leader had said that sometimes things come all the way around. When you unleash the genie out of the box, you are never quite sure who it is going to bite next. Consensus means you go to the middle. You go to the center of two political parties and that is where the main people are. Our good leader last night had said that when you go to a majority budget, as yours is, that you have an element within your party that sometimes is shutout of that center of compromise, the left or the more liberal wing. If we establish now that in the future that all budgets will be majority budgets and there is a Republican majority in the Legislature, then one would subscribe to the philosophy that a majority budget will probably come more from the right than the center. I have some very good conservative friends over here that are smiling now. When you unleash the genie and you add your special programs and you have your increased staff counts, future majority budgets could put that at risk because last year and this year your proposal rejected consensus and went with the majority budget. It may come around and bite you in the future.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Madam Speaker, Men and Women of the House. Representative Lemke speaks of the process and how we should be embracing this process this afternoon. We should be joyously celebrating the opportunity to experience a first in most of the tenure of the Representatives in this body. That is voting on a package that includes tax relief. Representative Kerr speaks of the gimmicks that we have corrected or the programs that have been addressed, the retired teachers, the jobs, the elderly and so on. He also speaks of the fact that we are cheating through tax relief for our citizens. This



is an honorable process that is taking place. I think the majority budget does the same. It addresses the needs, the essential needs and the necessary programs that I think is a basic function of government and should be addressed in a responsible manner in such a fashion as not burdening the future generations and the future legislators that will sit in these seats. It is a process, however, that it is flawed. With the presentation of the majority budget and the manner it has been done in these last couple of days has set the precedent for short term advantages at the sacrifice of long-term objectives. If we were really committed, if we were really willing to work together to plan together for the future, we would have allowed each party to have a stake in the negotiations for sound, long-term and lasting solutions. The majority budget, the way it is tracked in this body does not do so. It does not allow for this to happen. I think we set a dangerous precedent by passing this budget today. Thank you.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I have been listening for a long time to the talk about process. The Representative from Kennebec highlighted the fact that good process means coming to the middle. It means finding consensus. I would like to say that our committee, the Health and Human Services Committee did that on numerous occasions. We had one of the highest percentages of unanimous reports. We compromised. We worked together and I will say that the Minority Party was very well represented by the members on that committee. I am wondering if we are talking about honoring the process and honoring consensus and honoring the middle, why it is that the Minority Report ignored all of our unanimous reports. The Majority Report funded social security for immigrants, low-cost drugs for the elderly, homeless shelters, subsidies and those were all unanimous requests from my committee and they were all unanimously ignored by the minority.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

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

The SPEAKER: The Representative may pose her question.

Representative SAVAGE: Madam Speaker, Men and Women of the House. I didn't see anything in the Majority Budget for what I call the Cops in Court. Is this correct that it is not in the budget? If it is not, I assume it is on the table and how much is there left after the majority budget is passed on the table to cover all of those items.

The SPEAKER: The Representative from Union, Representative Savage 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. In the majority budget about \$1.5 million or there about left for the table. As you know on the other body's calendar there is probably 85 or so bills to be sent to the Appropriations Table. Some of those items generate revenue and some of them cost revenue. I know of one item that is down there that generates almost \$1 million. I guess the final conclusion, the LD that you are making reference to is on the Appropriations Table. I think that that issue, as I said earlier, the other 85 dealing on the General Fund side need to be addressed. Also, there is four bills dealing with the Highway Fund. For your particular bill, if we only did that bill, I am sure there would be ample resources available.

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

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

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: Madam Speaker, Men and Women of the House. Could someone explain to me the process whereby the University of Maine Fort Kent Forestry and Environmental Facility got in the budget?

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

Representative KERR: Madam Speaker, Men and Women of the House. The University of Fort Kent, the page camp as you probably already know, prior to being finished, the day before it was finished, it was burnt down. That was an intricate part of that university for environmental purposes. The facility was not insured. In talking with the president of the university, Charlie Lyons, we are taking money out of the Risk Management Pool and also out of the budget to erect this facility in a different location. The Department of Public Parks met with the University of Fort Kent, the administration, and felt that it was important that they build this facility, not 500 feet as of current law outside that corridor, but 2,000 feet. It is also about a mile from a dislocated road. That process began and was voted on on the Appropriations Committee to deal with this issue. Some of us felt that we should address it. The majority of us felt it and that is why it is in the budget. It means a lot to the University of Fort Kent because it is only one of two schools that serves to address some of the environmental issues in the state.

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

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

The SPEAKER: The Representative may pose his question.

Representative BARTH: Madam Speaker, Men and Women of the House. I have gone through the budget and I come up with close to 200 new positions. I could be wrong. Could anyone tell me exactly how many new positions are in this budget that is proposed?

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. A summary that I have indicates that there are in the Majority Report of the budget 191.5 new positions. However, it is important to realize that some of those positions are new to the General Fund only. These are not new hires to the State of Maine. They are people who were previously paid through dedicated funds in the Department of Environmental Protection. Other positions that come to mind are the probation and parole, the assistant district attorneys, there is a deputy commissioner to the Department of Marine Resources. A position of which we felt was a very important position. I was heavily lobbied on it from a home very important to our fisheries resource. Those are the ones that spring to mind off the top of my head. As you know, we also have an outlandish situation at the Maine Youth Center. Some of the positions deal with corrections as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative BUMPS: Madam Speaker, Men and Women of the House. We have heard a lot about process and I don't want to spend any more time this afternoon talking about process. What I do want to do is talk to you about the people that I was sent here to represent. I am going to describe briefly

three of them to you. These are three people that I have come to know since I came here to Augusta. The first is a gentleman who had a good paying job for a local contracting firm here in Augusta. He left his job because he wanted to be sure that there was someone at home to take care of his very, very young children. One of whom needed to get to head start and back every single day. Head start wouldn't provide the transportation so this gentleman made the decision to leave his job, his spouse has employment and he was going to care for his children and take his child back and forth to school.

The second is an elderly couple. This elderly couple moved here to Maine from Massachusetts. These folks were trying to escape the burden of taxation in the State of Massachusetts, one of the highest taxed states in New England. They called me up about two months ago and then they followed it up with a letter. In that letter they wrote that they were going to leave Maine because they couldn't suffer under the burden of taxation any longer. They were going to go back to Massachusetts and they threatened me by saying that they weren't even going to come back in the summer to visit.

Finally, I have a 27 year old female constituent who needs a serious medical operation or surgery. Her health insurance won't cover the operation. She is forced to decide now between food for her children and the medical surgery which she needs so desperately.

You know, these are examples of folks back home who don't understand, know about or I submit to you even care about the complexities of this budget process. They do read the newspaper and they do watch the evening news and they know that they are faced with a \$300 million revenue surplus. They expect to receive relief of the burdens of heavy state taxation. Before me, here on my desk, I have a 176 page document that details new spending. Some of which I agree with and support wholeheartedly. What my three friends who I described earlier and the other 8,000 folks I was sent here to represent expect is real tax relief.

This budget doesn't ensure that tax relief. I have expressed my objections over the last several weeks to many of you in this chamber. I have expressed them loud and clear to my friends at Maine Municipal who have worked so hard on this proposal. I would submit to you that with \$300 million we can do better. There is still time. Please vote against the Enactment. Let's take the opportunity to help the constituents that I have described to you and who I know replicate themselves all across this state in your own districts. Let's take the time to create something that is meaningful and will provide the relief and provide for the spending which is in the Majority and Minority Reports. Thank you.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I have listened to a lot of debate and a lot of very sound wisdom that has come over this debate this afternoon, but nowhere have I heard addressed the fact that there is no mandate and there is no right for this Legislature to spend the \$305 million. It was not a surplus, but an over collection of taxes. We hear rhetoric about giving tax relief. It is interesting that we have to over collect \$305 million in order to give back \$76 million of tax "relief." Will this proposal that is before the body right now change our position from being the eighth highest taxed state in the nation. Is it going to do anything to take us away from our seventh position of the nation as far as being rated for property tax. I don't think it is going to. Ladies and gentlemen, I have heard lots of people express good feelings about the projects and the programs that they are spending money for. Ladies and gentlemen, we are spending

money that belongs to the people of the State of Maine. What makes it right for us to tell them how they are going to spend their money? I would be willing to wager that if they had the decision to spend that money themselves or to send it down here so a group of 151 people in this body and 35 in the other could decide how it is going to be spent. I am sure that they would want that decision for themselves. Just think of the \$305 million that is not there to be put into businesses. It is not there to be put into repairing a car so that a person can make sure that they can get to work. All of those things that really are about living. Ladies and gentlemen, I take no pride in this document. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I, too, have sat here and listened for quite a long period of time. I haven't heard a thing here today that I haven't heard during the last budget, the budget before that and the budget before that. I heard the same things. When you put a majority budget together, there are some people that are for it and there are some people against it for whatever reason. That happens whether it happens in the open process that we went through today or the process that has been done in the late nights at the other end of hall downstairs. You can either go with an open process like we have here where the committees of jurisdiction have an input and we have the majority of that in all of these documents and we are here complaining. The people in Maine are going to be rewarded by the budget that we put out here today. Instead, we hear the same old stuff. We spent \$200 million in this and \$300 million and \$500 million in the last biennium. Ladies and gentlemen, look at the documents on your table. The difference between the Majority and Minority Report is peanuts, but somebody has the nerve to stand up here and say we are spending and spending. We don't have the right to do this. The difference between these two reports is negligible. What are we sitting here posturing about? We are frustrated because I have a tax plan and you have tax plan and we don't agree. Let's move on and let's vote for this budget and let's just accept it. We are going to do good things. We are going to send taxes back to the people and one of the plans has to be adopted. Thank you.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. The analogies that started earlier on the Titanic were interesting to me, not only because it was apropos, but also because it was a darn good movie. My wife forced me to go see it this weekend. I never thought I would be able to sit still for three hours and watch a movie. The appropriate part to saying why it was interesting and how it does reflect the direction that this Legislature is going in is not because the building is roughly the same size as that boat, not because there is some flourishing romance between unlikely lovers, that I know of, but more because, to the point, when I arrived here with Representative Kerr of Old Orchard Beach and several other people in 1991. We were coming after a boom economy. We were coming after the '80s where money came in buckets after buckets and we found a lot of very worthy things to fund. It is hard to knock that any of the great spending projects that were in this budget or previous budgets or previous ones don't really have a need. There is a need there. In some cases I would say more of a need than others.

The appropriate part of the analogy is here we are doing what they did probably before they launched the Titanic. If you remember in the boat in that movie and if you haven't seen it, I am going to ruin it for you, as they were designing the boat they

came up with these big lifeboats that were brand new and they were light weight and they could house 70 Irishmen off the coast of Belfast. They only put half as many as they needed because they were afraid it would crowd the decks and people wouldn't be as comfortable. Their needs of needing to walk in the daylight and receive the fresh sun in their face and the smell of salt air in their nose would be inhibited. It would take away from the good feeling that they would have of walking on the deck of the most majestic and largest luxurious ship that ever sailed. One little problem with the feel good part of it was when they did eventually hit that iceberg, it was the poorest people in the ship that were the hardest hit. All those in first class or a lot of them were boarded to the music of the band playing, triumphant sounding music while the people in storage were locked under until everyone else had an opportunity to go away.

That is appropriate, not that we are locking poor people in the basement here, but when the ship of state runs aground because we hit that iceberg that may be a downturn in the economy, we will have done what they did in the '80s of continually spending every dollar that comes in or nearly every dollar. What happens then is the pliability or flexibility of the state to make course corrections, like the Titanic, our rudder will be too small. We will see that iceberg and we are heading toward it and not be able to change course quick enough to avoid a devastating blow.

When I got here in 1991 we had a billion dollar shortfall. That is enormous when you had a budget that was just under \$3 billion. We are talking already, for the next Legislature, taking the GPA portion out, which I will let you know a little Appropriations secret when we talk about the structural gap in the next Legislature, most of it is usually general purpose aid for education and that is pliable. If we think it ought to be at 5 percent or 6 percent or 1 percent, that is something the Legislature has great discretion on. The number we are talking about here that the 119<sup>th</sup> Legislature will have to deal with is already over \$250 million before the final accounting is done on the Appropriations Table. When you take that easy \$100 million out of that picture, you are talking about some serious hurt that needs to occur. I will admit right here that that is only if the economy slows down. If our economy continues to generate, you may have a surplus next time. If it doesn't, it may be a lot bigger than \$250 million.

The lifesaver that we are leaving ourselves for the next Legislature, out of the \$500 to \$750 million, give or take on how you count them, out of that big pool of money, which was nearly one-third of our overall state budget previous, the lifesaver or the lifeboat that will be left here for you to deal with will be somewhere in the vicinity of \$65 million. Fifty million of that was done in the previous Legislature. You can wrap your arms around it and claim victory for \$65 million being in there, but only \$15 million more is being contributed to that fund. My fear and my hope wrapped in one is that my hope is that my fear won't be realized and you won't have to deal with this in the next Legislature or whomever is sitting in our seats. My fear is that if there is a blip in the economy, if there is a change, not only will the tax relief in here not come to fruition, part of it may, but you will be looking at where you should increase taxes, because you spent the cover dry. I hope the binoculars are ready and you see the iceberg far in a distance, but it seems to me that the rudder on this ship is too small to turn. I hope you will vote against this budget and avoid the iceberg.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. As I go through the budget again, looking at the position factor of what was just explained to us, I note that

while there is an increase of 191 positions, there is a decrease of 44.5 positions from the Bangor Mental Health Institution, while there is an increase in the positions at the Augusta Mental Health Institution. As a member of the Bangor area delegation who objected greatly to the administration's plan to shutting down the mental health facility, I see that public policy has been set for the closing of the Bangor Mental Health Institute. Forty-four or forty-five positions tells me that in this budget we have determined which mental hospital will provide the mental health services for the people of the State of Maine and which won't. This is not something that I, as a member of the Bangor area delegation, would have supported. I am very concerned to see that it is done here. This 45 position count includes doctors, nurses and staff. I wasn't aware that this is how we do policy making decisions on these kinds of issues. I am very disappointed that the people of the Bangor area will find out when the budget passes that this is indeed how things are going to shake out. I did, for the purpose, which is why we do these debates, is to put it on the record and not merely complain. If we just wanted to stand and complain, the stenographers would not take these comments and put them on the record. For the record, I object to this policy decision regarding Bangor Mental Health Institute. Thank you.

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

Representative SAXL: Madam Speaker, Men and Women of the House. Very briefly, just as a point of information for the Representative from Hampden, the minority budget cuts an additional 20 positions from the Bangor Mental Health Institute and I hope that you know that nobody is more committed in this chamber than I to seeing the future of that institution protected, in order to provide valuable services to the mentally ill of the State of Maine, just so you know that.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. Just for the record, I made my comments known on the Minority Report as well in the forum that I was given. Thank you.

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

#### ROLL CALL NO. 566

YEA - Ahearne, Bagley, Baker, Belanger DJ, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McAlevey, 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 EM, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Berry DP, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins,

Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Bodwell, Dutremble, Honey, Joyner, Tobin.

Yes, 82; No, 64; Absent, 5; Excused, 0.

82 having voted in the affirmative and 64 voted in the negative, with 5 being absent, the Bill was **PASSED TO BE ENACTED** and signed by the Speaker.

Representative KONTOS of Windham moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENACTED**.

The Chair ordered a division on the motion to **RECONSIDER PASSAGE TO BE ENACTED**.

A vote of the House was taken. 60 voted in favor of the same and 79 against, the motion to **RECONSIDER PASSAGE TO BE ENACTED FAILED**.

Subsequently, the Bill was sent to the Senate.

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

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-632)** - Minority (1) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Authorize the Operation of Video Gaming Terminals by Certain Nonprofit Organizations" (S.P. 624) (L.D. 1827)

Which was **TABLED** by Representative TUTTLE of Sanford pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Men and Women of the House. I hope you will vote not to accept the Ought to Pass report. We had a similar bill yesterday. We debated it a long time and I don't intend to do that again, but just simply to say that every bad thing that was said about that bill yesterday, applies to this one also. Maybe it is even a little bit worse because the State Police estimate that this will put around 600 slot machines into non-profits for the first year and then within three years it will go up to around 2,000. I would just like to say that yesterday I mentioned the fact that the biggest problem with these bills, this one and the other one, lies with the fact that the distributors are the ones that collect the money. This wasn't my own observation, this was an observation that the State Police had made to me in 1996 when we had these bills. They have made that observation to me again that this is the worst part of both of these bills. Yesterday when I talked about that, the good Representative from Old Orchard Beach felt that I cast a aspersion on his friends and neighbors and I apologize for that. It was not my intention. I didn't realize that he had a lot of friends and neighbors that owned and distributed slot machines. I know in my adult life I have never known anybody that owned and distributed slot machines. What I should have said and what I will say today is that there is nothing in the bill that says that your friends and neighbors are going to be distributing these slot machines. It can be somebody from New York, Providence, Rhode Island, Boston, Massachusetts, Miami, Florida and it doesn't have to be a single person, it would be many people up here distributing these slot machines and you can see these machines in this bill are going to be all over the state. They are going to be five in each non-profit organization and I can see that this just could be a nightmare. I hope that you will vote Ought Not to Pass and not accept the Majority Ought to Pass Report. Thank you.

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

Representative MCALEVEY: Madam Speaker, Men and Women of the House. I, too, would ask you to join Representative Clukey to oppose this bill. The history of slot machines outside of the State of Maine is a colored history involving some parties of nefarious history. If we don't have organized crime in Maine now, we will once these are established and sold and distributed. It is a cash cow. It is a wonderful laundry factory. Thank you.

Representative STEDMAN of Hartland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

Representative CHIZMAR: Madam Speaker, Men and Women of the House. As you can see, my name is on the Majority Ought to Pass Report and three and a half weeks ago when I signed onto that report, my non-profits wanted me to support the legislation. Since then something has happened in my town and a number of them have changed their minds and they have asked me to vote no and that is how I am going to vote.

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

Representative MAYO: Madam Speaker, Men and Women of the House. I find myself in a slightly awkward position to have to disagree this afternoon with my seatmate, the good Representative from Waterboro. I have been a member of a non-profit group in my community for 29 1/2 years. I stopped attending that particular facility a number of years ago because of the gray machines that were in that facility. I, and a number of other people, finally were able to prevail and they were removed. I am, again, attending that facility. That is not the only facility in my community or in my area that has gray machines. There are parts of this bill and the companion bill that we saw previously that I do not like. I feel that the best part of this is the licensing, the registration and the watching and the looking after the gray machines which we currently have in the State of Maine. I will be supporting the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative TESSIER: Madam Speaker, Men and Women of the House. I am speaking in favor of LD 1827. I served on the subcommittee that spent many, many hours researching this subject. I want you to know that a full participant in this subcommittee was a representative of the State Police. This representative attended every single meeting that we had. The video gaming machines that previous speakers have expressed concern about being placed in non-profits are already there. They are gray machines, as they are called. They are there legally, however, many are used illegally for gambling. The State Police are very concerned about this, but they have difficulty shutting down these legal machines due to the lack of staffing and their ability to monitor their use. One of the things that they like about this bill is the fact that it provides them with an ability to monitor the operators of video gaming machines because all of them will be connected on line and monitored electronically. Therefore, it gives them a feeling of knowing what is happening in all of the non-profits here in the states that are using the machines. Any non-licensed machine, at that point in time, would then be considered illegal. The placement of licensed gaming machines in non-profits will not only provide additional money to the General Fund that we are currently not