

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Nineteenth Legislature**  
**State of Maine**

**Volume II**

**First Regular Session**

May 13, 1999 – June 19, 1999

**Second Regular Session**

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE  
FIRST REGULAR SESSION  
62nd Legislative Day  
Tuesday, June 1, 1999

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

Prayer by Honorable Mabel J. Desmond, Mapleton.

Pledge of Allegiance.

The Journal of Friday, May 28, 1999 was read and approved.

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

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

**CONSENT CALENDAR**  
**First Day**

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

(H.P. 454) (L.D. 617) Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-713)**

On motion of Representative TOWNSEND of Portland, was **REMOVED** from the First Day Consent Calendar.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. As you have just heard, LD 617 is the Part II Budget for fiscal years 2000 and 2001. We have just had a full briefing on the bill, but I did want to put on the record the fact that it is a remarkable achievement. I never thought two months ago that we would be presenting to you a unanimous Part II Budget. It reflects weeks of extraordinary work on both sides of the aisle by members. I have come to know those 13 members of that committee better than I ever thought I would and perhaps better than I had wanted. I have come to know that they are very hardworking dedicated people who represent priorities and bring a strong voice to them at the table.

Included in this budget is a generous increase to general purpose aide to education. It brings it to a level of \$624.5 million in the first year and \$639 million in the second. It reflects the good work of the Education Committee in coming to a formula. It includes hold harmless provision so that no community in Maine will lose money under this formula. It reflects some of the individual needs of communities, taking into account of out of district placements and the issue of English as a second language. This budget fully funds the base funding levels of all three higher education institutions in this state, the University, the Maine Technical College and the Maine Maritime Academy. It addresses issues of taxation. It repeals the half penny off the sales tax. It eliminates the trigger so that for once and now for good tax policy will be made deliberately through our decision and not through any sort of automatic mechanism. It increases the personal exemption in the income tax to a level of \$2,850

bringing it into conformity with federal law and it fully funds the Renter's Benefit Program, as well as the Business Equipment Tax Rebate.

This budget reflects a significant infusion of funds into the issue of research and development for the State of Maine. It makes a strong attempt to improve our status in that area and setting the stage for a new century in the field of economic development. It funds the collective bargaining salary plan so that we back up our words with our state workers with money. It funds additional positions, both judges and clerks in the area of the Judicial Branch so that we may better address the needs of Maine people, particularly in the family court. It appropriates a one-time appropriation to the Highway Fund for debt avoidance. It pays debts for the Maine Governmental Facilities Authority. It acquires land for the people of Maine, both lands owned by Plum Creek, located around Moosehead Lake and Flagstaff Lake as well as Scarborough Beach.

It is a fiscally prudent budget. It sets aside money by raising the cap on the Rainy Day Fund. It uses the tobacco funds to lay the groundwork for a much healthier state. It is a sensible budget in that it prepares us to hit the ground running as soon as the tobacco settlement money arrives next year to address Maine's citizens needs in the area of dental health, prescription drugs and perhaps most importantly getting young children off to a healthy start in life. It represents many months of hard work on the part of the committee, the administration and our extraordinary staff. I am very proud of the work of all of those people. I encourage your support. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. It was only a year ago that they were saying that Maine would never again see a two-thirds budget. They said that the trend forever and ever would be majority budgets. When we enacted the Part I Budget, the people backed off a little bit and said it is only \$4 billion. The moment of truth will be when we get to the Part II Budget and \$200 million to \$300 million. This budget process this year has re-established the very positive goal of working together to enact a two-thirds budget and to have all of the citizens of the State of Maine and all the Representatives and Senators involved in this process. We have an opportunity this evening and tomorrow to again show them wrong and enact a two-thirds budget. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I thank the good Representative from Kennebunk and the members of the other party as well as all the members of the Appropriations Committee for putting together what is truly a consensus document and a remarkable achievement. You have a budget before you, which doesn't please anybody for each and every detail, but which achieves a great deal of what we all came here to Augusta to do. It makes sure senior citizens in the State of Maine have access to prescription drugs, that our school children will have more funding than ever before in Maine history, that our property tax payers get a little bit of relief. It was wrote about in the best of all possible worlds and they never quite found it. Today I think we are going to take a step in that direction. I want to thank, for the record, the great leadership of our House Chair of the Appropriations Committee for her tenacity, her understanding and for her willingness and her patience to put this process in front of her own life and in front of

everything else. She made some remarkable steps this year to bring us back to two-thirds and without her dedication to this process and the dedication of the House leadership from the Republicans side, the Representative from Easton. I don't think this process would have never come here today. It is a remarkable achievement. My hat is off to you both on a unanimous budget.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-713)** was **READ** by the Clerk.

On further motion of Representative TOWNSEND of Portland, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-713)** and later today assigned.

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

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

(H.P. 454) (L.D. 617)

Which was **TABLED** by Representative TOWNSEND of Portland pending **ADOPTION** of **Committee Amendment "A" (H-713)**.

Representative WHEELER of Eliot **PRESENTED** House Amendment "A" (H-715) to Committee Amendment "A" (H-713), which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. With all due respect to the committee's hard work, I am not trying to change anything they did do. It is just a slight problem I have with another LD that will be coming up. This will hopefully address it. This amendment amends Public Law 1999, Chapter 152, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" by replacing the de-allocations for the Local Road Assistance Program with de-allocations of the same amount from the Highway Maintenance Program. Being very brief, what this does is it is just a wording change with the local road assistance better known in the Part II of the gas tax bill, LD 957, as the urban rural initiative, which is in the amount of \$45. something million and this fear that if this gas tax does get voted down that we will lose our old local road assistance program. With this in mind and with thinking about the municipalities throughout the state, the fear of losing direct money to your communities, I am just trying to change the wording and have highway maintenance as part of the Part II in putting local road assistance back to Part I highway, which has already been voted on and enacted. I would appreciate you supporting me on this. I am sure there is going to be others that will get up and try to change different things in this, but if you could just follow my light through this, I would really appreciate it and your municipalities would too. Thank you.

Representative JABAR of Waterville moved that **House Amendment "A" (H-715)** to **Committee Amendment "A" (H-713)** be **INDEFINITELY POSTPONED**.

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

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment does significantly more than just change the name of the program that you have in front of you. It changes significantly the approach that was taken by the Transportation Committee by unanimous vote in how they set up and structured the budget. The budget was structured in such a way that Part I was to include the Department of Transportation's basic operating budget. The Department of Transportation takes care of the state highways and 80 percent of the roads in the state are state highway roads. What this does it take that portion of their budget, which is \$19 million out of the Part I. Again, this is a basic operating budget. It puts it into Part II, so that it would now be at risk when we vote on the gas tax. It takes the local road assistance and puts it back in the Part I, so that it is guaranteed it is going to be funded. The problem with this and what it does is it puts at risk on the gas tax the very foundation of DOT's whole entire budget of \$20 million and its basic function of plowing, maintaining and repairing the basic roads all across the state. It raises havoc with your consideration of the budget that is going to be presented to you probably tomorrow when dealing with the gas tax. At this late stage it is really not a good thing to do. It will change what you will be considering and what you have been listening to for the last two months with regards to the gas tax and with regards to the transportation budget. This is much more than just a simple change. I encourage you to vote in favor of this Indefinite Postponement, so we can consider the gas tax tomorrow on the very same issues that you know have been coming before you for the last two months. This would change the decision made by the Transportation Committee by unanimous vote well over a month ago. I urge you not to go back and undo, at this late stage, what was done following a great deal of discussion and consideration. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Again, this amendment has no net fiscal impact on the Highway Fund. You will still be voting on the same amount of money that was on the table back when we voted on the Part I of the Highway Fund Budget. There is no change in any money. It is just what you will be voting on. What is at risk if we don't change this is local road assistance, better known as the Urban Rural Initiative to your local municipalities. I feel that this is a very, very important issue in my communities and it should be in yours. It is to all the municipalities throughout the state. Thank you and I urge you to vote against the Indefinite Postponement of this amendment.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** House Amendment "A" (H-715) to Committee Amendment "A" (H-713).

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-715) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 333**

YEA - Ahearne, Baker, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Campbell, Chick, Cianchette, Colwell, Cote,