

MAINE STATE LEGISLATURE

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House of Representatives
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State of Maine

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Second Regular Session

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Pages 890-1770

**CONSENT CALENDAR
First Day**

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

(S.P. 450) (L.D. 1504) Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$61,000,000 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports, Public Transit and Ferry Facilities; Development of Rail, Trail and Marine Infrastructure; and Improvements to Intermodal Facilities Statewide" Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-361)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

**REPORTS OF COMMITTEE
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Exclude Credit Balances Between Business Associations from Unclaimed Property"

(H.P. 1088) (L.D. 1457)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE**.

Signed:

Senators:

RAND of Cumberland
GOLDTHWAIT of Hancock
LaFOUNTAIN of York

Representatives:

LaVERDIERE of Wilton
MUSE of South Portland
MADORE of Augusta

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED**.

The Committee of Conference Report was **READ** and **ACCEPTED** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-724)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-725)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

(H.P. 655) (L.D. 855)

Which was **TABLED** by Representative COLWELL of Gardiner pending **ADOPTION** of **Committee Amendment "A" (H-724)**.

Representative MENDROS of Lewiston **PRESENTED House Amendment "B" (H-731)** to **Committee Amendment "A" (H-724)**, which was **READ** by the Clerk.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will join me in supporting this amendment. Our senior citizens, especially the ones in our nursing homes right now, they have done an awful lot to make this country great. They are the generation, primarily, that got us through World War II. Not just the ones that fought, risked their lives, but the ones that stayed home and worked and made our economy booming. We went into that war as a world power and came out of it a super power and have been ever since. The freedom that we have as legislators is because of that generation. Earlier this session, we voted a cost of living adjustment for all of the people that work in nursing homes. We spend about \$3,800 a month on nursing home residents and yet they only have \$40 a month to live on. Their care is important. It has value certainly. The whole reason people who are working in the nursing home industry isn't to have a job, it is to take care of these senior citizens. We are spending all this money to keep them alive, but barely 1 percent to let them live. They only get \$40 a month. Forty dollars a month hasn't been raised since 1978, which I will get back to. Forty dollars a month to buy a newspaper, get cable TV if they want to watch anything while they are sitting there. They can't do much else. They could get a haircut, unlike me, many of these people think haircuts are important. They could buy a candy bar, because the candy that they offer is diabetic because that is all they could offer if they want to buy a candy bar or if they want to buy a present for one of their grandchildren. It is very important if they have a computer, they might want to get on the Internet so they are more aware and all of that. It has to come out of this \$40.

All I am asking in this bill is a small increase, a cost of living adjustment for this. I mentioned earlier that it hadn't been raised in 23 years. I find it ironic when I look at the average age of the Legislature is 56 years old and I am 33, so say another 23 years go by without a cost of living adjustment before someone thinks they are doing something about this, I will be 56. I will be the average age of the Legislature and anyone who is average age or above will probably be in a nursing home wishing they had voted for this right now.

This is important. We are all going to get there someday. This is not about some powerful special interest group. I have been accused out in the halls of grandstanding, but to who? Most senior citizens don't vote. The ones in nursing homes, very few of them actually vote. They certainly don't have money. With their \$40 a month, they are certainly are not going to contribute it to my campaign. They don't even have the money to contribute if you are running clean elections. It is about their quality of life. What is \$1 or \$2 a month going to do? One of them who spoke before committee when I sponsored this bill, a different version of it, said it would be a magazine subscription so he would have something to read.

I heard other people say that these people are irresponsible because they are in nursing homes and they shouldn't let themselves get in that kind of financial position where they can't pay for their own bills. Most of the people in nursing home bought a house that costs \$5,000 for their house. What kind of pension would you have, if you were working in the '40s and '50s would you have had to create to have \$50,000 a year to be able to pay for your own nursing home bills. No one is in that position, very few people. I don't think people that are in that position are irresponsible. This is very important and it will make

a significant impact on our senior citizens, our most vulnerable senior citizens, to improve the quality of their life.

If you look at the amendment, I thought it did and I had suggested some options for funds, but it says that based on the estimated year ending balances, this amendment maintains a balanced general fund. It didn't need some source to be funded.

I understand process is important and I understand we have different systems, but every one of us have senior citizens in their district that are in nursing homes. I am sure many of you, because to be in the Legislature, you are concerned about people and you volunteer. I know I volunteer and I am sure many of you do. I am sure you have spent time in nursing homes. I ask you to please adopt this amendment and let's do something that will really make a difference with the quality of people's lives. Thank you.

Representative BERRY of Livermore moved that **House Amendment "B" (H-731) to Committee Amendment "A" (H-724) be INDEFINITELY POSTPONED.**

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

Representative BERRY: Mr. Speaker, Men and Women of the House. Again, it is not easy for me to stand up and move Indefinite Postponement of a very good bill. However, I do so in an effort to end up with a budget that will pass in both bodies of this Legislature. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Laverriere-Boucher.

Representative LAVERRIERE-BOUCHER: Mr. Speaker, Men and Women of the House. This amendment was heard as a bill in my committee at one time this year. The long-term ombudsmen women told us, the Committee on Health and Human Services, that she hardly ever, if ever, had an elderly person complain about the lack of funds in their petty cash allowance. Most of their living materials were furnished and family and friends bought a lot of things for them so they really didn't see a need for that. That is what I want to share with the group here. Thank you.

Representative MICHAEL of Auburn REQUESTED a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-731) to Committee Amendment "A" (H-724).**

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

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

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

The SPEAKER: The Representative may pose his question.

Representative BERRY: Mr. Speaker, Men and Women of the House. My first question is, is this considered new spending? What revenues are funding this? I know it says year ending balances, but I don't believe there are year ending balancing without accepting the Majority Report.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. The bill that the good Representative from Biddeford referred to, was one that I submitted this session. I didn't intend to speak about this, but I didn't hear the testimony, but I have, in the past couple of years, had an occasion to visit several people in facilities that would qualify, the people there have no family members, no one to bring them anything. Of course, I heard through some of the committee members that it

didn't gain favor in the standing committee, but I can assure you inflation doesn't spare anyone. I felt compelled to stand here this evening and speak for those people that have no one to speak for them and have some money to spend in their last days in care facility. This is a real need. I understand there are many, but this one, I thought that I should say there are those that need your support. Thank you.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. I thank the good Representative from Lebanon. I have to respond to the ombudsmen. The ombudsmen, the real ombudsmen, for senior citizens in nursing homes told me she was sending a letter supporting an increase and has in the past supported it. In previous sessions when I supported some of these bills, another person, a hit person from the Executive's Office came and spoke against it. It wasn't at that time the long-term care ombudsmen, but I think that really cuts to the point of what this is all about, as I said to that lady when she spoke against the bill then. It really sickens me that we are paying people in the Executive's Office \$80,000 a year to be spokespeople for our senior citizens so that we can come and speak against an increase that is going to go to the very people that they have a job to represent. I wanted to make that point. It is very clear that our Executive, that if he doesn't think positive of something, his people will come out and say it is a bad idea. This is not a bad idea. Some do have family members, but many don't and many that are in nursing homes, I know a lot of people who make sacrifices and keep them home because they don't want to go into nursing homes. If you are in a nursing home, you already have a strike against you. The likelihood of your family members wanting to come visit you and help take care of your needs is lower, because if they really did, they would find a way to keep you home, especially with all of the new programs that the Health and Human Services Committee did pass. It helps make it possible to do exactly that. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-731) to Committee Amendment "A" (H-724). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 413

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

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Chick, Clough, Collins, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Haskell, Heidrich, Honey, Jodrey, Kasprzak, MacDougall, Madore, McKenney, Mendros, Michael, Morrison, Murphy T, Muse K, Nass, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Andrews, Buck, Goodwin, Gooley, Labrecque, Lovett, Murphy E, O'Neil, Perry, Simpson, Tobin D, Treadwell, Watson.

Yes, 90; No, 48; Absent, 13; Excused, 0.

90 having voted in the affirmative and 48 voted in the negative, with 13 being absent, and accordingly **House Amendment "B" (H-731)** to **Committee Amendment "A" (H-724)** was **INDEFINITELY POSTPONED**.

Representative MENDROS of Lewiston **PRESENTED House Amendment "C" (H-732)** to **Committee Amendment "A" (H-724)**, which was **READ** by the Clerk.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment is very similar to the previous one, so I won't go over all my points. However, in answer to a question that was made in the previous debate, where is this funded? Well, I found the funding for it. As you can see if you read the fiscal note, this amendment will have no net affect on general fund appropriations and revenues and a balanced budget is maintained for fiscal year 2001 and 2002-2003. What we did in the 119th Legislature is we thought it was wrong that we hadn't received a pay raise in a long period of time, so we passed a bill to give ourselves an automatic pay raise every year, a cost of living adjustment. That way no one would ever have to deal with that again. It was a good idea because it hadn't been raised since the late '80s. However, as I mentioned earlier, our senior citizens in nursing homes, that hasn't been raised since the late '70s. Unlike us who want to be here, run to be here, defeat somebody else to be here, choose to be here, our nursing home residents don't run for that position of being in a nursing home. They don't want to be in that nursing home, but they are.

I found the funding. I think that since we couldn't find the money to take care of our senior citizens, then we should bite the bullet and fund it with our automatic pay raise. Therefore they get their increase and no one in the state really suffers. I would urge you to vote with me in adopting House Amendment "C."

Representative **BERRY** of Livermore moved that **House Amendment "C" (H-732)** to **Committee Amendment "A" (H-724)** be **INDEFINITELY POSTPONED**.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. The two most important points that I learned about being a legislator, I learned on Sesame Street. Number one, to get along with your neighbors. Number two, was to learn how to count. I hope before we see anymore amendments and we waste our time here tonight that we use those two points.

Representative **SNOWE-MELLO** of Poland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-732)** to **Committee Amendment "A" (H-724)**.

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

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. Very briefly, I do know how to count, but I also have to believe that the majority of this body believes this is the right thing to do.

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

Representative **MICHAEL**: Mr. Speaker, Men and Women of the House. I hope you will vote against the prevailing motion and pass this bill. This Legislature has put ourselves in this situation where we have generously given ourselves perhaps a well deserved automatic pay raise every year, but for whatever reason, we have neglected the most needy of the needy, the

most helpless of the helpless of the helpless since in 1978. This doesn't catch them up. This just makes a token gesture for these people in nursing homes who are virtually helpless. If we can't fund it by other means, then it is appropriate to be here today deciding whether we get our automatic pay raises or they get a small token gesture. Based on that, I recommend you vote against the prevailing motion.

The **SPEAKER**: The Chair recognizes the Representative from Patten, Representative Landry.

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. I don't know about the nursing home in Lewiston, but I know that the nursing home in Patten, of which I am very proud, doesn't go without anything because if the old folks there don't have something, the churches get together and they take care of these people. We do appreciate what they did for us in their youth. They were our past and we are their future. If I am missing the point here, I stray sometimes from what you are saying because as a freshman, I am allowed to do that. I just wanted to clarify that people in the rest home in Patten, I don't travel very far out of Patten, but they don't go without anything. Organizations come all the time and they know who has family and who doesn't. Those who don't have families have people like me who take time to go visit old teachers and so forth. I hate to think that all nursing homes are placed in that category.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I do have to beg to differ in what was just said. There are our constituents that are nursing homes all over this state that do not get that cost of living allowance and do not get help and do not have families that will help them out. They are out there on their own. I think this is something that we should do. I am willing to do it. I think it is a great idea and I thank the good Representative from Lewiston, Representative Mendros, for putting forth this amendment. Let's have the courage to do this. Thank you.

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

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

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

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, is there any state law that prohibits the legislators from giving their money back?

The **SPEAKER**: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. In reference to the good Representative from Arundel's question, I think it should be answered that for any of us who feel that we get too much pay for doing this type of work, we can always write a check out to the Treasurer of State.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-732) to Committee Amendment "A" (H-724). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 414

YEA - Ash, Bagley, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chizmar, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane,

Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Michaud, Mitchell, Muse C, Norbert, Norton, Nutting, O'Brien LL, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Bruno, Carr, Chase, Chick, Clough, Collins, Cressey, Davis, Duprey, Foster, Glynn, Haskell, Heidrich, Honey, Jodrey, Kasprzak, MacDougall, Madore, McKenney, Mendros, Michael, Morrison, Murphy T, Muse K, Nass, O'Brien JA, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Waterhouse, Wheeler EM, Winsor.

ABSENT - Andrews, Buck, Clark, Goodwin, Gooley, Labrecque, Lovett, McGowan, Murphy E, O'Neil, Perry, Simpson, Tobin D, Treadwell, Watson.

Yes, 96; No, 40; Absent, 15; Excused, 0.

96 having voted in the affirmative and 40 voted in the negative, with 15 being absent, and accordingly **House Amendment "C" (H-732) to Committee Amendment "A" (H-724) was INDEFINITELY POSTPONED.**

Representative McKEE of Wayne **PRESENTED House Amendment "D" (H-733) to Committee Amendment "A" (H-724)**, which was **READ** by the Clerk.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. This amendment gives those of us who feel that we did not have an opportunity to vote against the Maine Learning Technology Endowment Fund that opportunity to do so tonight. If you recall, right after the Part I Budget had been passed that that bill did come before this body and a yes vote affirmed what we had done in the budget and a no vote meant nothing. I understood that the only way to restore that money was to actually repeal the law, which I did not know at the time and I do apologize for that.

That is what this amendment does. It does repeal the Maine Learning Technology Endowment Fund and it restores what is remaining, \$30 million to the unappropriated surplus of the general fund. Why do this? First of all I wanted to say that just last night I talked to one of my town managers. We were talking about the budget. She said, "What do you mean laptops?" I told her only \$30 million. She said, "It didn't go away?" I told her that it did not go away and it is there. Folks, the public, in my opinion, does not really know that we are still on this fast track towards laptops, one on one access for seventh and eighth graders in the State of Maine. I just want to restate what I said earlier, privately, with many of you in caucus and throughout this entire term. This \$30 million would do a great deal for some of the conversations that we have been having throughout this day. It would solve some of the problems in the budget. My heart yearns to do more for education and we can't do it. You can't honor your long-term commitments by spending your money on frills. I don't own a laptop. I wish I did, but I simply have other commitments. My school would not buy laptops because we already have other commitments to become the first state in the country to have this sort of one on one access for middle schoolers when we have the abysmal statistics that the good Representative from Scarborough recited earlier in the day. I think it is appalling to put it mildly, but it is top down educational policy and to me, that is folly. It is an inappropriate intrusion into the time honored process of setting policy through involving

teachers, parents, communities and citizens. One on one access is the goal of that Technology Endowment Fund, but we are thirteenth in the United States for access and that is despite those abysmal statistics reported by Representative Clough.

Teachers report that it is not access that is a problem, it is time. There has been no pilot project in a public school to determine what the unanticipated cost will be for this. Little do schools realize that in the next budget we will be asked for general fund appropriations for this. It will expand and it will change and new technologies will follow. We have an expensive road ahead for us. It is fiscally irresponsible with the shortfall and I am appalled that we have continued. There will be viruses. There will be theft. There will be booting up problems and personnel problems.

It also has denied us local control over our own technology budgets. All of us have had plans all along. We have been doing a very good job. Now we are being redirected and the only way we can access this \$30 million is to first provide one on one access and the cheapest way to do that is to buy a main learning device for every seventh and eighth grader. That may not be what you want at all, but that is what you are going to have to do to access any of this money. To me, that is not equity.

There is growing resentment of such a mandate. We do not have the pedagogy to back this up at this point. There is a lack of a feeling of ownership of this. There is great concern that this alternative equivalent option won't be flexible enough to support a district's already established technology plan.

Finally, the plan itself is weak. The advisory board is inadequate. There is not one K-12 teacher on the advisory board. There are legislators. There is a representative from the PUC. There is a representative from telecommunications and there is a representative from higher ed. There is no K-12 teacher and, yet, that board is going to set standards for students, standards of achievement, for students, teachers, parents and communities. If you don't believe that, get out the enabling language that was in the budget. To me, given the fiscal irresponsibility, the top down educational policy, the denial of local control and involvement and finally the weakness of the plan, clearly shows that we have chosen to accept, without debate in this body, a very, very expensive proposal that has denied us the opportunity to provide to our communities what they need most and what they look to us most for, which is help with the schools in the way that they want to direct educational learning in their own communities.

I say this with all respect. I do not mean to discredit the Appropriations Committee. They have done a wonderful job. As you saw, I did vote for the budget. Many, many things are in that budget that I think, even though they are not my bills, they are things that we have all worked collectively for. There are things in the budgets of both sides and it really tears me apart to see us pull apart like this at this time, but mostly because, for me, that inability to provide for our communities, many, many of our communities who are going to receive a lot less and in my own district as well. As I say, I do respect what we have done thus far, but I want to give us an opportunity to vote up or down on this. This is our only opportunity, in my opinion, as a body to do that. I would urge you to vote for the repeal, the remaining \$30 million endowment fund and to turn that money over to the unappropriated surplus in the general fund. Thank you.

Representative BERRY of Livermore moved that **House Amendment "D" (H-733) to Committee Amendment "A" (H-724) be INDEFINITELY POSTPONED.**

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I find it somewhat ironic to have this amendment

here tonight. The Learning Technology Endowment Fund kind of originated because a two-thirds budget deal fell through in the last Legislature, which provided the funds for this endowment. In the Part I Budget of this year, it became part of the negotiations again, some looking to wipe out the fund and some looking to keep the fund intact and some looking for a reduced level. Some felt that a reduced level was closer to what the original committee reported, that being the Education Committee. Personally, I think it is one-time money now if we take it. It sits there as it is, in a trust and draws interest and hopefully draws matching money to put computers in the schools. Being from a somewhat rural area, being a critic of the program when it first came out, Representative Bruno and myself made a couple comments back when we heard about it, but I have reconsidered that in learning what might be available to people in rural Maine. We talked about the digital divide. I think it is an opportunity. I think we ought to let it happen and see how it works. You have people that will be involved in that process and certainly you will have people tell you how this works. There are schools, reading in the *NEA Magazine*, there are schools that bought the laptops and everybody expected the damage and the lost computers, sold for drugs or whatever and it wasn't happening. They had had one that had been slightly damaged. They had an excellent report from the school. It was very interesting. I guess I am interested in seeing this happen. I feel it has survived two budgets. I will be supporting the Indefinite Postponement. Thank you.

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

Representative **MORRISON**: Mr. Speaker, Men and Women of the House. I guess I get a little agitated when I hear about these funds that are hanging around out there. Just a little while ago we heard about the Fund for a Healthy Maine being tapped. We have another fund hanging around out there. If a dollar bill comes near Augusta, it is just like a big vacuum cleaner and we are beginning to become a mini Washington, DC. We can't find enough money to spend. Now we have to dip in. We have already dipped in and taken \$20 million away from that fund. I was opposed to it way back when it first started. I had my reservations about the thing sitting out there in the back 40 like most people objected to it. We did have a committee study it last summer and come up with a pretty good plan that would utilize this and it would be a benefit. The \$50 million, as it was, was going to be set aside, used for laptops four or five years or so down the road or whatever. Just the interest is going to be used. If, for example, the money would still be there and we could spend it on our shopping list, whatever we want to do. We wouldn't dare send it back to the taxpayers. Last spring, about a year ago, I am sitting back there like most people and we have \$250 or \$300 million and it was like a feeding frenzy here in Augusta. This is the way we were getting it back home. You couldn't find enough places to spend it. I came down here last fall and all of a sudden the \$250 or \$300 million deficit. I asked what happened? There is almost a complete reversal. I guess nobody thought that maybe the economy might take a little swing the other way or whatever. I don't know, but everybody had their grabbing for that basket and grabbing their handful of cash and spending it on this and spending it on that. You can't spend enough. It gets a little bit agitating when you have to go back and explain to people. Now we are talking about taking \$30 million and putting it into our shopping lists and spending it. If we don't think that is any good, let's take the \$30 million and give it back to the taxpayers. It is their money. It is not our money. It belongs to the people of Maine. We are supposed to only take what we need and use what we need to provide essential, necessary services and we shouldn't be going way beyond that.

I guess it gets a little bit disturbing. We get talking term limits and I think maybe term limits are nice or something. You have to get back out there and rub elbow to elbow for a period of time with the people and stay in touch. Somehow we are losing touch of what people are saying out there and how they are living and their reaction to what is happening here in Augusta. It is not a pleasant experience. This just didn't come across well with me at all. I definitely say at least we got the \$30 million there. They have asked the Chief Executive to go out and try to get private donations to put it back up to the \$50 million and he said he is going to try to attempt that and then use that interest and try to go through with the plan. I think that is a worthwhile goal. I think we ought to be doing that. I am convinced the plan that is in place that the technology committee did last summer is a good one and is a workable one. I suggest that we go along with the recommendation to Indefinitely Postpone. Thank you.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. That was a hard act to follow, I will tell you. Thirty million is a whole lot of money to me. Guess what? I think that this is an excellent, excellent amendment. Back home, this laptop proposal was number one on a list of bills that my constituents back home wanted gone, completely gone. They got to me through letters, calls, e-mails, by saying, please don't support the funding of laptops. Please don't. With all the other needs of our school districts back home, at this time when money is so dear and we have the lack of it, \$30 million is a bit much to spend on laptops. Please support House Amendment "D." Thank you.

The SPEAKER: The Chair recognizes the Representative from Patten, Representative Landry.

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. If there is any doubt how to spend that money, I think it is time the young people in school learn to read and write again. I have 20 grandchildren and one day I said to one of them, "What time is it?" He said, "Grandma, I don't know." He had to punch his little watch to tell me what time it was and he is 16 years old. That is a dysfunctional family at best, but that is the way we are. He punched his little watch and told me what time it was. There is something lacking here. We cannot all be brain surgeons, but somebody has to go up to Patten and drive my trucks. If you got any doubt where to put your money, ask me.

Representative **TRAHAN** of Waldoboro **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-733) to Committee Amendment "A" (H-724)**.

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 Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Members of the House. I would like to thank the Representative from Wayne for having brought this amendment forward. I just want to tell you a quick little story and then I will sit down. We had a junkyard in our town and nobody liked how it looked. Everybody complained about it so they put up a fence. Guess what, the junkyard was still there. This bill smelled bad from day one. I spoke out against it. I appreciate the Representative's real fortitude in bringing this forward and I will support this wholeheartedly. Thank you.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. Once again as we look at the Part II Budget, there isn't a community in the State of Maine that takes a bigger hit than mine. In Part II Budget, I believe the numbers that we are hearing, we stand to lose probably a million or so in educational funding. Would I like to see \$30 million added to that? You bet I would. Do I think it is far more important that we put these laptops in the schools? I certainly do. I was lukewarm to the idea of laptops in its original form. I didn't walk away from it. I was lukewarm to it. A committee worked on this. A committee brought back a proposal. We are not giving laptops to kids to let them run back and forth to and from their home. We are putting them in the schools. We are giving one of the greatest educational opportunities to our seventh and eighth graders that we could possibly give them. Somebody made a comment a year or so ago that if we give the kids laptops, it is just going to be confusing for them. I thought about that and I think that is the equivalent of saying that by giving them more than one color crayon in the box, they are going to be confused. I would love to have more money to bring back home to South Portland for education. By the same token, we have a responsibility to do whatever we can to create educational opportunities for the children of the State of Maine. This is a bill that has been worked and reworked. It has been tooled by a committee and we need to move forward. Let's get this program on the road. Let's move forward with it. Thank you Mr. Speaker.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I would certainly like to thank the good Representative from Wayne, Representative McKee for bringing this forward. I can think of a few good places that we can spend this. Personally, I would have a very difficult time going home and telling people in my district that if you are going to take your kids to McDonalds, you are going to have to pay more for a Happy Meal, but we saved laptops. It is funny how those figures are almost the same. Of course, I can explain that when I talk about one-time money and structural gaps, but that doesn't make a lot of sense to the average person. Do you know why? Because it doesn't make sense to anyone who thinks about it unless they have been sitting in here for four months. What is one-time money? If we are \$30 million short next year or the year after, we can raise the taxes then. We didn't lose the opportunity forever to raise the taxes. That is what one-time money is. All our money is one-time money, because the 121st Legislature could cut the tax that we just increased, thereby making it a one-time event. They understand that. The reason why we have difficulty explaining that to them is because we get spun around here in Augusta and forget that is what that all means.

I also have to point out what was mentioned by the good Representative from South Portland, Representative Glynn, in an earlier debate how he was trying to get the figures of how much money would come to GPA to each school district. Nobody in the Department of Education could do it. Why? Because they were spending all their time lobbying for laptops. That is their priority, not educating our children. That is why we are not putting money into GPA, but we are putting it into this harebrained scheme that sells well and allows our Executive to get some trips around the country talking about it, but as was mentioned, is a top down idea for the bunch of people who think they knew everything and if this had been in place 20 years ago, would have had any Mainer having BETA instead of VHS and we

would have knowledge of worthless technology, which is what this is going to do if it stays in effect.

Finally, I would like to pose a question through the chair. If a legislator supports this program, is there anything in state law that would prevent them from donating money to this fund?

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Yes.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I remember the moment that my caucus took a vote last year and I don't believe there was a single supporter for the laptop plan. I have to ask myself over and over, how did laptops become the sacred cow of this Legislature? I do not understand it. It absolutely makes no sense. I would like to just remind you that there is no reliable study to date that suggests that laptops improve student learning. They do not improve learning in history, writing, reading and in math. They do not raise achievement scores. It is foolish to adopt a plan with no data available to us as to its effectiveness other than Microsoft's own study. Think about that.

As to the suggestion that this bill has been worked and reworked, we have not, as a group, had a chance to vote up or down on this issue. In fact, it came out of the Education Committee with a 7 to 6 vote. It went to the Appropriations Committee with a 7 vote against and 6 for. How, I ask you, did this \$30 million cow become sacred? I ask you to support the pending amendment. Thank you.

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

Representative **RICHARD**: Mr. Speaker, May I pose a question to the Chair?

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

Representative **RICHARD**: Thank you Mr. Speaker. If we were to vote Indefinite Postponement of this, this is part of the budget that we are voting now, right?

The **SPEAKER**: The Chair would answer that according to his reading of House Amendment "D," it repeals existing law from Section AAAAA, 3, PL 2001, see 358, Part 2, Section 7 and 8 and that it repeals the same section of Section 2 of that law and the same section of Section 1 of that law. It does not impact the existing Part II Budget, but it repeals things, which we passed earlier in this session or which are current law. The Representative may proceed.

Representative **RICHARD**: Thank you Mr. Speaker. Then it would repeal part of the Part I Budget.

The **SPEAKER**: The Chair would answer in the affirmative.

Representative **RICHARD**: Thank you Mr. Speaker. The point I am trying to get at is if the Chief Executive were to veto if we voted Indefinite Postponement, then does that mean he has to veto the whole budget or just the section of the budget?

The **SPEAKER**: It is the Chair's understanding that there are two forms the Chief Executive may take involving a budget item. One is the line-item veto and the other is the veto of the entire document. My understanding of the line-item veto is that it is restricted to appropriations. This is not an appropriation. The Chair is in error. The Chief Executive can line-item veto a de-appropriation as well. He has one day in which to do so following the enactment of the piece of legislation, at which time it requires a 50 percent plus one vote of the Legislature to overturn that.

A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-733) to Committee Amendment "A" (H-724). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 415

YEA - Ash, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Clough, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dudley, Dugay, Duncan, Dunlap, Duprey, Estes, Etnier, Fisher, Fuller, Gerzofsky, Hall, Haskell, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Mitchell, Morrison, Muse C, Muse K, Nass, Norbert, Norton, O'Brien LL, O'Neil, Patrick, Peavey, Perkins, Pineau, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Stanley, Tarazewich, Tessier, Thomas, Tobin J, Tuttle, Usher, Weston, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Baker, Berry DP, Bowles, Brooks, Chizmar, Clark, Collins, Cressey, Davis, Dorr, Duplessie, Foster, Gagne, Glynn, Green, Hawes, Kasprzak, MacDougall, Madore, McKee, McKenney, Mendros, Michael, Michaud, Murphy T, Nutting, O'Brien JA, Paradis, Pinkham, Smith, Snowe-Mello, Stedman, Sullivan, Tracy, Trahan, Twomey, Volenik, Waterhouse, Winsor.

ABSENT - Andrews, Bagley, Buck, Goodwin, Gooley, Labrecque, Lovett, Murphy E, Perry, Povich, Tobin D, Treadwell, Watson, Wheeler EM.

Yes, 97; No, 40; Absent, 14; Excused, 0.

97 having voted in the affirmative and 40 voted in the negative, with 14 being absent, and accordingly **House Amendment "D" (H-733) to Committee Amendment "A" (H-724) was INDEFINITELY POSTPONED.**

On motion of Representative COLWELL of Gardiner, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-724)** and later today assigned.

On motion of Representative MUSE of South Portland, the House adjourned at 11:04 p.m., until 10:00 a.m., Tuesday, June 19, 2001.