

MAINE STATE LEGISLATURE

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of the
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of the
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budget, 75 percent of this money is going into the Tax Relief Fund. If, in fact, it is in excess of \$50 million, there will be approximately \$37.5 or \$38 million in this Tax Relief Fund. There is more than enough money to fund the Tax Relief Fund of \$16.3 million, which was already voted on and more than enough to sustain this \$4.8 million.

I would urge your support for this piece of legislation. These bills have been passed by both chambers and at the time lacked funding. I would appreciate your support on this amendment.

Representative THOMPSON of Naples assumed the Chair.
The House was called to order by the Speaker Pro Tem.

On motion of Representative DONNELLY of Presque Isle, tabled pending adoption of House Amendment "D" (H-776) and later today assigned.

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

An Act to Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation (S.P. 678) (L.D. 1902) (Governor's Bill) (H. "B" H-774, H. "C" H-775) which was tabled by Representative DONNELLY of Presque Isle pending adoption of House Amendment "D" (H-776).

Representative CAMPBELL of Holden moved that House Amendment "D" (H-776) be indefinitely postponed.

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

Representative KERR: Mr. Speaker, Men and Women of the House. I would urge you to vote against the Indefinite Postponement of this amendment. The reason why is I think that the dialog and debate that we had on various bills and, as I said earlier when I made this amendment up, it is really what this chamber has voted on and passed and was sent to the Appropriations Committee and didn't get funded. When I looked at the previous bills that were passed and they were also predicated, similar to what is predicated in this bill on Part P. It is on page 9 of this amendment. It says, "Transfer of funds." The only way this bill gets funded is through, if in fact there is a surplus of revenues, that is how we fund this \$4.8 million.

The first area when you are dealing with debt service, that was LD 237, reimbursement for law enforcement. We all talk about property tax relief. Instead of paying \$10, we have upped it to \$30. That was LD 549. We predicated the budget on dealing with liquor, that there would be two stores that would be built in, I believe, Kennebunk. We know that those aren't going to happen. What this bill does is it authorizes Calais to have a discount liquor store and a study to be done on Fort Kent. We also talked about the elder abuse and dealing with fraud. This bill takes care of that. It wasn't my idea, it was another legislators'. It was LD 647. It passed in this chamber and passed in the other chamber. It sat in the Appropriations Committee and received a unanimous committee report.

Those are some of the bills that were passed in this chamber. Another bill was LD 1830. That bill was passed unanimously in this chamber, I believe, and unanimous in the

other chamber and unanimously by the Appropriations Committee that dealt with children with mental retardation, non-class members. In that bill it asks for funding of \$750,000 each year of the biennium. We didn't know how much money was going to be in surplus. We got down to which bills we could fund and which bills we couldn't. There was a little bit of money left over. Although the Appropriations Committee funded this particular bill a little more than what the Legislative Council chose to fund it. I believe it was funded at \$350,000 the first year and \$500,000 the second year of the biennium. What I have chosen to do is that we know the waiting list is over 700 people, children, that need some help and support. All the editorials were written about this particular LD. It wasn't my LD. None of these are my LDs. These are yours. This bill is choosing to fund in FY 98 an additional \$400,000. In FY 99, a million dollars. This wasn't funded in the Governor's original budget. It wasn't funded in the Part II budget. I think it is important that at least we are going to have a tax relief program and monies in that account that we had better start taking care of the most vulnerable people in this state. That is why this is in this bill.

There is some language dealing with the Home Fund. During the tough times in the early 90s, state government chose to take some monies from the Home Fund. As I stated earlier, this will return us to where we were supposed to be at 10 percent for the counties, 45 percent for the Home Fund and 45 percent to the General Fund. This is taking care of a gimmick that is in state government that we have yet to address, as I stated earlier, if we don't address it in this biennium. This is addressed in the next biennium, the year 2000 and 2001 at a cost of \$5 million. That will be a decision, at least when the next Legislature reviews the budget, they will know that the original funding, dealing with the Transfer Tax, as real estate brokers came up and supported years ago, that it has been returned. It will be up to that Legislature if they want to monkey with the percentages.

This is nothing new to this chamber, this document. I would urge you to vote against the pending motion and to support the amendment. Thank you.

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

Representative TRIPP: Mr. Speaker, Men and Women of the House. The reason this bill is here today is because it needed some technical changes in the dates. The Circuit Breaker Program, we failed the set a date for the sales and income tax exemptions for the bio-tech and for the high tech industry. That is what this bill was originally planned to be here today. For some reason, it is now being used as a Christmas tree. We just finished a meeting with the Taxation Committee discussing these issues. If you look through your bill, you will find there are many issues that don't have anything to do with tax relief. This is a \$4.8 million amendment taken out of the Tax Relief Fund. We just feel that we should go back to the reasoning for the bill in the first place. That was to have those technical changes. There is no reason for looking at this particular relief fund as a piggy bank for items that were not funded by Appropriations or other items. I would ask you to follow my light and vote against the amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House. We just met in Taxation and through a straw poll, we unanimously support the Indefinite Postponement of this. It is true, there are a lot of items here,

individually, that everybody would like. This is a good Christmas tree so everybody will try to get a candle, but these are things that we have had a chance to go over during the year and for this to come back to us now without us having time to review this, we think is a very poor time. Individually, yes, as I said, we would like to take one out at a time and maybe there is merit for it, but as a whole, we feel that taking money from the Tax Relief Fund for this whole package is a wrong thing to do. There will be time when we come back in the next session to look at these things and pick out what is the proper thing to do, but it would be bad policy for us, at this late hour, to adopt this amendment. I would strongly urge, along with the rest of the committee, to Indefinitely Postpone this amendment. Thank you.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. I don't know about the process here in Augusta, but I want you to know that when you have bills that are passed unanimously in both bodies, the time is right to enact them. The issue was, we didn't have any funding. Ladies and gentlemen, we fixed that problem. We have gone and Representative Kerr and many members have worked diligently in putting this package together. They have found a funding source that is above projected revenues. It is money that is there. It is for items that we voted unanimously. For somebody to say that we should pick them apart and deal with them issue by issue, we have already done that, ladies and gentlemen. We voted on these. Each one of them almost unanimously on each bill by saying that these are important items. We had some time between the last time we were here and now and by virtue of that veto day, we have had time to work this package out. Please don't kill these important projects because somebody wants to wait until next year. We found the money through creative financing and through the improved revenue projections. Could you please vote affirmatively? Vote against the Indefinite Postponement and let's do some good things that we didn't think we had the money to do a couple of weeks ago. Thank you.

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

Representative MCALEVEY: Mr. Speaker, Men and Women of the House. Most of what I was going to say, Representative Bunker has already said. Looking at this with information that I have been provided with and I have looked at myself, most, if not all, has come through committee with a unanimous report of "Ought to Pass." Somewhere along the line we did make a policy decision at the committee level that this is a good deal. It went through that process. Now we have found another way to fund it, whether you call it a Christmas tree or a shopping list or Monty Hall's Let's Make a Deal, the fact is these items have stood the test of the committee process, passed both bodies. When you decide to vote, you have to ask yourself three things. Is it good for the State of Maine? Is it good for your district, and can we afford it? I would ask you all to frame your decision making within those parameters, because that is what we are here to do. Is it good for your district? Is it good for the people of the State of Maine, and can we afford it? Those are individual questions and you have to come up with your own answers. My answer is yes, yes, yes.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. Yesterday at 3:00 the Judiciary Committee met to

do the errors bill. We call that changing provisions of law, making the technical changes. The technical changes are supposed to go before a committee. Even when they are substantive changes, we send them back before the committee of jurisdiction to make sure that the legislative intent is there. I object to errors legislation being done outside of the errors bill without a close examination of the outcome.

I also object to providing \$85,000 to the Attorney General's Office when we have just put together a private consortium of attorneys to handle the tobacco suit. To the best of my recollection, that did not come before the committee, so, therefore, there is no policy decision there.

Another point I would like to make is that if we did the budget when we were supposed to do the budget in the last couple of weeks, we would have known about revenue projections. These bills wouldn't have died on the table and the process would have worked as it was supposed to. Welcome to spending Act II. The money that you are spending is supposed to go to tax relief. If you wanted it to not be surplus, then you shouldn't have done a budget so fast and so furious before you found out. Now it is allocated to tax relief and rainy day. That is what happens. Maybe you didn't see it coming, but that is where we are at. We promised to use it for tax relief. When you want to bastardize the system, you have to take the consequences. This is one of the consequences. Let's call this what it is. It is a supplemental budget in a very special session. I am voting no.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I will be very brief. As one member of the Taxation Committee, I will be supporting this amendment. As other members had mentioned, these issues, many had been unanimously supported in committees and I think there will be other monies available to deal with the taxation problems. Speaking as one member, I will support this amendment. Particularly, I think, in the area of veteran's property tax exemptions. We have been promising the veterans since 1978 that we were going to be doing something. This amendment does that. In the area of fire departments for non-profits, that was an important issue that I think is addressed by this amendment. Also, pertaining to the discount liquor store. We have been promising to help the people of Washington County for years. I think this amendment does that. I think it simply allows Calais to have that store that we promised them over the years. I, for one, will be supporting this amendment and would ask that you would do the same. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House. This whole amendment depends upon if there is a surplus. It won't take effect until there is a surplus declared after the fiscal year. Yes, there will be a surplus, but that surplus, as the law stands right now, goes into the Rainy Day Fund and the Tax Relief Fund. Ladies and gentlemen, we are creating new programs here and new money that we will have to support in the future with other money. The money that is left in the surplus and goes into that Tax Relief Fund is to be used for tax relief. To me, this amendment gets away from tax relief. Just remember, we are using tax relief money to support this amendment. Therefore, I would definitely urge you to support the Indefinite Postponement. Thank you.

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

Representative KERR: Mr. Speaker, Men and Women of the House. Just to clarify a couple of statements that have been made. I don't think anybody should leave here today thinking that had we waited until today to pass the budget, that these items would have been funded. I know the Representative from Hampden, Representative Plowman had indicated that we should have waited to pass the budget and there would be money left over and we would have been able to spend it. It is very clear in Section P of this document that this only gets funded if there is a surplus. It is the same way that we passed a piece of legislation dealing with tax relief at a cost of \$16.3 million. That only gets funded, which we voted on in this chamber, if, in fact, there is a surplus. I think that what we need to look at is in the budget that was passed.

Representative Spear is correct that 75 percent does go to tax relief. No money goes into the Rainy Day Fund. The other 25 percent goes toward the unfunded liability. I would only hope you would vote against the pending motion because if we sit back and wait and talk about this Tax Relief Fund and we have just passed legislation to create another fund, known as the Tobacco Relief Fund. Just to walk through a scenario with some numbers that I have jotted down while I have heard others debate and talk. If, in fact, and I feel based on the information that I have, you will have an excess of \$50 million that will be surplus. If you take 75 percent of that \$50 million, you will have about \$37 or \$38 million in the Tax Relief Fund. Upon the legislation that was passed earlier dealing with the increase for the Cigarette Tax, you have created a Tobacco Tax Fund that will probably have somewhere in the area of \$41 million. If you add those two together, you are going to end up with \$79 million in this relief fund. As you all know, when we passed the budget we appropriated about \$3 million each year to get us in parity or close to parity with the federal government with personal exemptions. You add that on and we are at \$85.5 million for tax relief. As I have said earlier, you would have to back out on what we already voted on, should there be a surplus of \$17 million and should this pass, another \$5 million. In the worse case scenario for this Tax Relief Fund, you are looking at somewhere around \$50 to \$60 million that will be in that account.

You know what is going to happen when we come back in here in January? We are all going to have different ideas where it is going to be spent. The Chief Executive is probably going to come out with a proposal, which I hope he does, on his plan for tax relief. In doing that, the most critical and most vulnerable people are going to be overlooked once again. Because of this chamber LD 1830 was funded. The bill that was put in by one of the Representatives in this chamber. It was the first time that we began to take care of children with mental retardation, non-class members. We took care of the original bill, it said let's address the 125 non-class members. We knew there were 700 on the waiting list. Every year that goes by, another 125 are added to it. I am asking you, isn't it time now that we begin to address children with mental retardation? Isn't it time that we begin to look at the jails and start helping communities instead of getting \$10 reimbursement? It was Representative Lemont's bill, not my bill. LD 549, he had fought hard for the past two years. Instead of giving them \$10, give them \$30 back to those communities.

The Elder Abuse and Fraud Unit, we have had that debate. We know what is going on with our elderly. Can't we do something about it? School construction, it is something that I know is clear to everyone here. In 1990, the debt service limit was \$48 million. In 1991, it moved to \$57 million. In 1992, it

went to \$65 million. In 1993 up until 1998, it stayed at \$67 million. Your communities and mine, there is not enough money to take care of the need for school construction. This begins in a small way to increase the debt service and begin to dwindle down those lists of communities that need help. If it is a Christmas tree, that is fine because that means we are giving something. There is gifts. That is important. For those that are wondering, is there any bill in there for myself, Representative George Kerr? Not a one.

When I went through the agonizing effort on the Appropriations Committee to pick and choose what bills would be funded, it was difficult. These are bills that I felt that Democrats and Republicans on the committee wanted to see funded. Legislators came and talked about and said, help us get the money. If this isn't done now, it doesn't get done. As you all know, it is going to be an election year next year and there will be an anxious rush to come out and provide tax relief. In doing that, we are going to first lose the first commitment that we have, to take care of existing problems. That will be overlooked. I am asking you to support me in voting against the Indefinite Postponement and let's stop looking through a straw, take the blinders off and look at what we can do for the entire state. I would urge you to vote against the Indefinite Postponement so we can pass this amendment. Thank you.

Representative TUTTLE of Sanford requested a roll call on the motion to indefinitely postpone House Amendment "D" (H-776).

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

Representative DONNELLY of Presque Isle asked the Chair if House Amendment "D" (H-776) was germane to the bill.

The SPEAKER PRO TEM: The Chair has reviewed the bill and the pending amendment and will rule that the amendment is germane to the bill based upon the broad title of the bill.

The Chair ruled that House Amendment "D" (H-776) was germane.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. There has been a couple of things that have been said on the floor that has disturbed me a little bit. I would like to ask maybe two questions, if I may Mr. Speaker.

The SPEAKER PRO TEM: The Representative may proceed.

Representative TRUE: It has been said that we are taking money away from tax relief. It has been already explained that there is a percentage perhaps taken. I noticed that people from both sides of the aisle in voting for LD 1904, certainly supported it. I would like to have someone tell me if it is not true that \$6.2 million, that would not have gone, at least 75 percent of it, which would be \$4.6 million, for tax relief. Therefore, if this is true, then I don't know what all the problem is with spending money, doing it for the first time and spending tax relief money.

The SPEAKER PRO TEM: The Representative from Fryeburg, Representative True 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: Mr. Speaker, Men and Women of the House. The Representative from Fryeburg has posed a question in reference to \$6.2 million. Would that have gone into the Tax Relief Fund? The answer to that is yes.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, May I pose an additional question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative TRUE: Mr. Speaker, Men and Women of the House. I believe a previous speaker also said that we should wait until the Taxation Committee promised to give an idea on what to do with this for tax relief. I would like to ask someone on the Taxation Committee, if it is not true that earlier in the meeting of this session, that this tax reform bill was promised by the time that we ended. We are soon to end and I haven't heard it, so I was wondering if we are going to have some ideas on tax relief?

The SPEAKER PRO TEM: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Mr. Speaker, Men and Women of the House. We didn't end up with the comprehensive tax reform bill that we had hoped to have. Most people know what some of the reasons were. We carried over that and most of those details. I was interested in the calendar for the day. The reports from the various chairs of the committees and on page 11, there is a report from the Chairs of the Taxation Committee. Our committee processed 180 bills this session. More than any other committee here. The average was 112. We processed 6 percent more than the average. Of those bills, 121 were killed unanimously by the committee. The purpose of that and some of those were very good bills, was because it was going to be saved for what we referred to as comprehensive tax reform, which we have agreed to carry over. The \$6.2 million that was referred to was a tax relief bill that came before this body that is actually here today. It includes a variety of tax relief issues, including the circuit breaker and a few credits that was reviewed by the committee. There was bipartisan support for that coming out. The Taxation Committee is going to be meeting, I believe, four times between now and January to be reviewing and we have kept these files and all these killed bills.

If I may continue Mr. Speaker. I think the issue before us here is these are all very good issues in this amendment. Things that deserve to be funded. I think the value judgment that we have to do is whether or not those issues are more important than what some of these things that were in these bills, tax exemptions, tax credits and what some of these issues are that we will be facing in the Taxation Committee. They are very expensive options when it comes to tax relief. A 1 percent decrease in sales tax is \$115 million annually is the price tag on that. A homestead exemption of \$20,000 covers around \$120 million annually. It is a very expensive proposition, but very significant tax relief that we are going to be reviewing. I would encourage you to Indefinitely Postpone this amendment so the Taxation Committee can continue its work that you have entrusted us to do. Thank you.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. The Representative from Fryeburg, Representative True, asked the question about what was the difference between the proposals? The difference is that what we have before us represents new state spending as opposed to the existing budget, which, on the surface at least, places the money in a fund for tax relief. Several weeks ago we all received, over the weekend, a report from Josephine LaPlant,

the State Economist in the Planning Office about the effect that the balanced budget amendment that the national level will have on the State of Maine. If anyone has just given this a cursory examination, I think it gives us all cause for thought in terms of state spending. What she is suggesting, in terms of the effect that the balanced budget amendment, which we all know is eventually going to come, what affect that is going to have on state spending and particularly on Maine, is going to be dramatic.

Now is not the time for us to be, in fact, funding new programs or increasing funding for existing programs. I won't bore you with all of the details, but the effect that balanced budget amendment is going to have on state spending is going to be significant. For example, since 1990, the state has become extraordinarily dependent on federal aide for Medicare and assistance for children and families. That is an area that we already fund. If we are going to expand those areas today, what is going to happen in the years 2000 and 2002 when we see a dramatic reduction in the revenues from federal sources? It is estimated that in 1998, already, we are going to lose \$15 million in federal revenue sharing and by the year 2002 that number jumps to \$303 million a year. My point is that we are going to have a difficult enough time two years from now funding the existing state budget, we should not be in a position of expanding new programs today. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House. I think it is important for us to remind ourselves that we have already made decisions on these programs. We were not able to make the decisions on funding. It seems to me that this amendment challenges this body to put our money where our mouth is. We spoke favorably. It passed muster in the committees. What the amendment does, basically, is identifies the resources through which we can fund the programs we already decided were important to fund. The Representative from Waterboro identified very clearly the parameters and the questions that we should be asking ourselves. Do our communities need it? Does our state need it? Can we afford it? It is the right thing to do. Thank you Mr. Speaker.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. I have served two terms on the Appropriations Committee and perhaps I have been influenced by the good House Chair, but in that time we have repeatedly chanted about paying our bills and eliminating budget gimmicks. It may be true that this isn't a Christmas tree amendment. There are some small new initiatives. One is the Elder and Abuse Fraud Unit, which was never a high priority of mine. I think I said that on this floor. Another is the positions for recovery from the tobacco industry. Obviously, I am an enthusiastic supporter of that idea. I put the bill forward two years when only one other state or so was doing it. However, I think that those are far outweighed in the amendment by two issues, which I view as falling into the category of paying our bills. One is the return of the Real Estate Transfer Tax to its original formula. We have been raiding that fund for at least three terms, perhaps longer. We have been raiding a tax, which people created with the intent for it to fund a specific purpose and instead, just like the Highway Fund, we went in and took it to balance the state budget. I think it is high time we returned it to its original formula. That is one of the reasons I will be supporting this.

The other is, of course, the more than \$1.4 million funding for people who have mental retardation, but do not fall into the Pineland consent decree class members. I think everyone in this body hasn't at one time or another supported the idea of doing the right thing by that population. We just couldn't seem to find the money. We found a small amount, not as much as I wanted. It was a unanimous committee report out of our committee and, in my mind, assumed that that full \$1.5 million was off the table. I was wrong. That is one reason why I will be enthusiastically supporting this amendment.

I am going to support the amendment and oppose the Indefinite Postponement. Thanks.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Mr. Speaker, Men and Women of the House. I rise today in support of the Indefinite Postponement of this amendment. I think it is time that we, as legislators, stand for what we enact. We enacted a law to create a Tax Relief Fund. Maybe we should hold firm and use that money directly for what it is for. Many times in the last two terms I have been up here, we have raided other accounts. We have told the public that this account or that account is set up for one purpose and one purpose only. The next thing we know, we get into it and raid it. For instance, we collect money when we buy car tires. That money is supposed to relieve the tire stockpile. When we dispose of a tire, we have to pay a fee. We are not supposed to get rid of the tire stockpile, yet, we are going to the voters with a bond issue, which I know is not relevant, at this point, but to do the same thing. I urge you to support the Indefinite Postponement. When the time comes to support this bill, I will not.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. There is one part of this bill that I will definitely speak to. That is the reimbursement of \$30 to municipalities. This needs to be done now. We can't wait. We are going to lose revenues if we do not fund this right now. There are towns out there that are going to start writing warnings. They are going to stop writing tickets, which brings in fines, which brings in money to the general revenue. I urge your support against the Indefinite Postponement.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-776). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 391

YEA - Barth, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Brennan, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Cross, Donnelly, Dunlap, Etnier, Fisher, Fisk, Foster, Gagnon, Gerry, Gieringer, Gooley, Green, Hatch, Honey, Jones SA, Joy, Joyce, Joyner, Kneeland, Kontos, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McElroy, Meres, Morgan, Nass, Nickerson, O'Brien, Ott, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Tripp, Usher, Vedral, Waterhouse, Winglass, Winsor.

NAY - Ahearne, Bagley, Baker CL, Belanger DJ, Berry RL, Bolduc, Bouffard, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Clukey, Colwell, Cowger, Desmond, Driscoll, Farnsworth, Frechette, Fuller, Gagne, Gamache, Goodwin, Jabar, Jones KW, Kane, Kerr, LaVerdiere, Lemaire, Mailhot, McAlevey, McKee, Mitchell JE, Murphy, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson,

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

ABSENT - Davidson, Dexter, Dutremble, Jones SL, Kasprzak, Lane, Layton, Lemke, Muse, Peavey, Perkins, Poulin, Treadwell, Underwood, Madam Speaker.

Yes, 67; No, 68; Absent, 15; Excused, 0.

67 having voted in the affirmative and 68 voted in the negative, with 15 being absent, the motion to indefinitely postpone House Amendment "D" (H-776) did not prevail.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Vedral.

Representative VEDRAL: Mr. Speaker, Men and Women of the House. In regards to the current question, I have point of order on the germaneness of this question.

The SPEAKER PRO TEM: The Speaker has already ruled that the amendment is germane.

Representative VEDRAL: I believe this is a new question and I believe that the point of order of the last question.

The SPEAKER PRO TEM: The Chair will repeat, the Speaker has already ruled that the amendment is germane.

Representative VEDRAL: I appeal the decision.

The SPEAKER PRO TEM: The decision of the Chair has been appealed. If you are in favor of upholding the decision of the Chair, you will be voting yes. If you are opposed, you will be voting no.

Representative THOMPSON of Naples requested a roll call on the motion to uphold the decision of the Chair.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Vedral.

Representative VEDRAL: Mr. Speaker, Men and Women of the House. I appeal your decision based upon Mason's Rules Section 721, it deals with titles to legislation. The main object of the title is to prevent the legislative body from being entrapped into misleading titles, whereby legislation relating to one subject might be obtained under the title of another and in the accomplishment of this object, the provision is not to receive narrow or technical construction. I also refer to our Joint Rules, Rule 209. It instructs the Revisor of Statutes to ensure that a title accurately and concisely reflects the content and scope of the bill or resolve. I don't believe that either of these situations exist, thereby, bringing into question the relevance of this amendment as the title does not accurately reflect the bill itself. I also might point out that the title itself is only considered in Mason's Rules to be of form, rather than a substantive matter. That is in Section 408. I finally refer to Section 402 and the question to be asked on the germaneness of a question is, whether the question is relevant, appropriate and in a natural and logical sequence to the subject matter of the original proposal.

The SPEAKER PRO TEM: The Chair would inquire of the Representative, are you appealing my decision that I have already ruled on that issue or are you appealing the germaneness?

Representative VEDRAL: I am appealing your decision.

The SPEAKER PRO TEM: The decision that the amendment is not germane?

Representative VEDRAL: I am appealing your decision that the question before us is not germane.

Representative VEDRAL of Buxton appealed the decision of the Chair.

The SPEAKER PRO TEM: The Chair would rule that your appeal is out of order since the House has taken subsequent action after the Chair's ruling. The question is not properly before the House.

The Chair ruled that the appeal is out of order since the House has taken subsequent action after the Chair's ruling.

Representative TUTTLE of Sanford requested a roll call on the motion to adopt House Amendment "D" (H-776).

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is adoption of House Amendment "D" (H-776). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 392

YEA - Ahearne, Bagley, Baker CL, Barth, Belanger DJ, Berry RL, Bolduc, Bouffard, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Clukey, Colwell, Cowger, Desmond, Driscoll, Farnsworth, Frechette, Fuller, Gagne, Gamache, Goodwin, Jabar, Kerr, LaVerdiere, Lemaire, Mailhot, McAlevey, McKee, Mitchell JE, Morgan, Murphy, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, True, Tuttle, Vigue, Volenik, Wheeler EM, Wheeler GJ, Winn, Wright.

NAY - Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Brennan, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Cross, Donnelly, Dunlap, Etnier, Fisher, Fisk, Foster, Gagnon, Gerry, Gieringer, Gooley, Green, Hatch, Honey, Jones KW, Jones SA, Joy, Joyce, Joyner, Kneeland, Kontos, Labrecque, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McElroy, Meres, Nass, Nickerson, O'Brien, Ott, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Tripp, Usher, Vedral, Waterhouse, Watson, Winglass, Winsor.

ABSENT - Davidson, Dexter, Dutremble, Jones SL, Kane, Kasprzak, Lane, Layton, Muse, Peavey, Perkins, Poulin, Treadwell, Underwood, Madam Speaker.

Yes, 67; No, 68; Absent, 15; Excused, 0.

67 having voted in the affirmative and 68 voted in the negative, with 15 being absent, House Amendment "D" (H-776) was not adopted.

Representative DONNELLY of Presque Isle moved that the House reconsidered its action whereby House Amendment "D" (H-776) was not adopted.

Representative JOY of Crystal requested a roll call on the motion to reconsider.

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

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. When you vote, please keep in mind those 700 children who are going without mental retardation services. Thank you.

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

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

The SPEAKER PRO TEM: The Representative may pose her question.

Representative LEMAIRE: Mr. Speaker, Men and Women of the House. A reconsideration vote in essence kills this bill? It cannot come back in any form?

The SPEAKER PRO TEM: The Chair will answer in the negative.

The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Men and Women of the House. When you vote this time please keep in mind the municipalities that are out there. There are benefits to them in this package. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Ladies and Gentlemen of the House. In keeping with what Representative Townsend from Portland said, I would like to speak very carefully to the issue of mental retardation services. One of the critical issues that we deal with in this field, this is my field, is the fact that many of these individuals leave the public schools after having a full range of support. Their parents then find out that the Department of Mental Health and Mental Retardation, essentially the state, has done no planning whatsoever to deal with those individuals that are coming out of the public schools. As a result, many of these individuals come into the home. They have no program. It forces, in some cases, parents to leave their jobs in order to provide support for that individual in the home or to hire somebody to come into the home to take care of them. It also represents a loss in potential for productivity for that individual who has come out of the public schools and needs to either experience supportive employment or some other kind of vocational oriented program.

Finally, the result usually winds up in somebody or this individual being placed in front of the television or being in the home and regressing requiring an enormous amount of additional work in order to bring them back up to speed if they are able to finally get off the waiting list and into a program. We did a little bit with the supplemental budget. There is no question about that. There is an enormous amount that must be done. When you get the calls from anguished parents that are saying, what are we going to do, we didn't know this was going to be the case, nobody told us this was going to happen. Then you begin to realize how important this additional support is for them. I can't plead with you enough to say that this is one very important piece that must be put into place in order to help to resolve the terrible anguish that goes on in many of these homes. Thank you.

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

Representative DRISCOLL: Mr. Speaker, Men and Women of the House. I am going to be very short and brief here, but I would like to put before you that the state store in Calais presently is doing \$1.4 million a year. They anticipate that if this goes to a discount store, in a little over a year, it is going to double their net profit to over \$3 million, which is going to increase considerably the money coming into the General Fund. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bremen, Representative Pieh.

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

The SPEAKER PRO TEM: The Representative may pose her question.

Representative PIEH: Mr. Speaker, Men and Women of the House. Just a point of order, when I vote am I voting on the amendment or the bill because the board says bill and I am confused.

The SPEAKER PRO TEM: The pending question is reconsideration of the vote to defeat adoption of House Amendment "D." We are reconsidering that action.

Representative PIEH: Mr. Speaker, Men and Women of the House. While I am up, I am supporting this amendment. Thank you.

The SPEAKER PRO TEM: 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. 393

YEA - Ahearne, Bagley, Baker CL, Belanger DJ, Berry RL, Bolduc, Bouffard, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Desmond, Driscoll, Farnsworth, Frechette, Fuller, Gagne, Gamache, Hatch, Jabar, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, True, Tuttle, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winn, Wright.

NAY - Barth, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Brennan, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Donnelly, Dunlap, Etnier, Fisher, Fisk, Foster, Gagnon, Gerry, Gieringer, Goodwin, Gooley, Green, Honey, Jones KW, Jones SA, Joy, Joyce, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McElroy, Nass, Nickerson, O'Brien, Ott, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Tripp, Usher, Vedral, Waterhouse, Winglass, Winsor.

ABSENT - Davidson, Dexter, Dutremble, Jones SL, Joyner, Kane, Kasprzak, Lane, Layton, Muse, Peavey, Perkins, Poulin, Treadwell, Underwood, Madam Speaker.

Yes, 69; No, 65; Absent, 16; Excused, 0.

69 having voted in the affirmative and 65 voted in the negative, with 16 being absent, the House reconsidered its action whereby House Amendment "D" (H-776) was not adopted.

Representative WINSOR of Norway requested a roll call on the motion to adopt House Amendment "D" (H-776).

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is adoption of House Amendment "D" (H-776). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 394

YEA - Ahearne, Bagley, Baker CL, Belanger DJ, Berry RL, Bolduc, Bouffard, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Clukey, Colwell, Cowger, Desmond, Driscoll, Dunlap, Farnsworth, Frechette, Fuller, Gagne, Gamache, Goodwin, Hatch, Jabar, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Tobin, Townsend, True, Tuttle, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Wright.

NAY - Barth, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Brennan, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Cross, Donnelly, Etnier, Fisher, Fisk, Foster, Gagnon, Gerry, Gieringer, Gooley, Green, Honey, Jones KW, Jones SA, Joy, Joyce, Kneeland, Labrecque, Lemke, Lemont,

Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McElroy, Nass, Nickerson, O'Brien, Ott, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tripp, Usher, Vedral, Waterhouse, Winglass, Winn, Winsor.

ABSENT - Davidson, Dexter, Dutremble, Jones SL, Joyner, Kane, Kasprzak, Lane, Layton, Muse, Peavey, Perkins, Poulin, Treadwell, Underwood, Madam Speaker.

Yes, 71; No, 63; Absent, 16; Excused, 0.

71 having voted in the affirmative and 63 voted in the negative, with 16 being absent, House Amendment "D" (H-776) was adopted.

On motion of Representative CIANCHETTE of South Portland, the House reconsidered its action whereby House Amendment "C" (H-775) was adopted.

On motion of Representative SPEAR of Nobleboro, House Amendment "C" (H-775) was indefinitely postponed.

The Bill was passed to be engrossed as amended by House Amendment "B" (H-774) and House Amendment "D" (H-776) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Sunday, June 1, 1997, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Discourage Smoking by Maine's Youth" (H.P. 1352) (L.D. 1898) (Governor's Bill)

(Committee on **Health and Human Services** suggested)

TABLED - June 1, 1997 (Till Later Today) by Representative BOUFFARD of Lewiston.

PENDING - Reference.

The House voted to indefinitely postpone the Bill and all accompanying papers. Sent up for concurrence. Ordered sent forthwith.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Authorize 2 General Fund Bond Issues in the Amount of \$13,000,000 to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Clean Up Tire Stockpiles, to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program and to Make Drinking Water Improvements (BOND ISSUE) (S.P. 88) (L.D. 268) (S. "A" S-421 to C. "A" S-213)

- In House, House adhered to passage to be enacted on June 1, 1997.

- In Senate, Senate failed to recede and concur on June 1, 1997.

- Recalled from the Legislative Files pursuant to Joint Order S.P. 680.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-213) as amended by Senate Amendment "C" (S-446) thereto, in non-concurrence.