

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-First Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 4, 2002 – May 23, 2003

Pages 1-776

Representatives:

ASH of Belfast  
DUGAY of Cherryfield  
PERCY of Phippsburg  
KAELIN of Winterport  
BIERMAN of Sorrento

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:  
BULL of Freeport

**READ.**

On motion of Representative ASH of Belfast, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-33)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 27, 2003.

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

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The House recessed until 4:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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**SENATE PAPERS**

Bill "An Act To Provide Administrative Support to the Treasurer of State's Cash Pool"

(S.P. 480) (L.D. 1442)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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Bill "An Act To Establish New License Fee Caps"

(S.P. 479) (L.D. 1441)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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Bill "An Act To Require Disclosure of Benefit Offsets under Disability Insurance Policies"

(S.P. 476) (L.D. 1438)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

**REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

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Bill "An Act To Establish the Commercial Fishing Safety Council"

(S.P. 478) (L.D. 1440)

Came from the Senate, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

**REFERRED** to the Committee on **MARINE RESOURCES** in concurrence.

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Bill "An Act To Protect Young Drivers and Passengers"

(S.P. 477) (L.D. 1439)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

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

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-27)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

(H.P. 973) (L.D. 1319)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **ADOPTION** of **Committee Amendment "A" (H-27)**.

Representative COURTNEY of Sanford **PRESENTED House Amendment "B" (H-36)** to **Committee Amendment "A" (H-27)**, which was **READ** by the Clerk.

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

Representative COURTNEY: Mr. Speaker, Ladies and Gentlemen of the House. I rise to offer this amendment to reduce 300 positions within state government. This amendment is proposed because when the Chief Executive came to us and presented his plan for Maine, he stated that we need to make government much more efficient. The original proposal that he put forth reduced positions that directly impacted services provided to the people of Maine while at the same time leaving in place a much inflated administrative bureaucracy. In many cases the policy committees did their jobs and reinstated these positions that directly affected the people. We did a lot of these reinstatements through delay in revenue enhancements, feel increases, put off tax conformity and other gimmicks.

In my opinion, the Chief Executive knew that these positions would be restored because they are needed and thus avoiding the truly difficult decisions facing us as we need to reduce.

The SPEAKER: Would the Representative please defer? The Chair would remind Representative Courtney of Sanford that it was inappropriate to question the motives of the Chief Executive, the members of the other body and other members of the House. The Representative may proceed.

Representative COURTNEY: Mr. Speaker, Ladies and Gentlemen of the House. It is my opinion that we need to improve the deficiencies in state government and in this amendment it takes this money and sends it back to the local municipalities through local aid to education to be distributed through the GPA formula. We have been asked to increase taxes at home. We have been asked to lay off teachers. We

have been asked to do so much more with less at home. It is my opinion that we haven't put enough effort looking within the confines of this area near Augusta.

I don't want to minimize layoffs. I don't want it to come across like that. That is not my reason for doing this. My reason for doing this is we are laying people off at home. We are taking money from the elderly, although this amendment wouldn't address that, the kids and educating our children, our taxes are going up. We have done things to shift with the homestead and other things like that. I think that we need to look hard. I don't want to go home and face the people that sent me here and tell them that I didn't make an honest attempt to try to at least spread the pain on a more even basis.

I am asking that you would consider this amendment. I would appreciate your support. Thank you.

Representative ROSEN of Bucksport moved that **House Amendment "B" (H-36) to Committee Amendment "A" (H-27) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative ROSEN: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the efforts offered to us here by the good Representative from Sanford, Representative Courtney. I would, however, like to point out that the current proposal, the amended version, of the budget package that is in front of you does call for the elimination of 225 positions. I think it is fairly clear with the challenges that are ahead of us, with the supplemental and with the remaining plans that have to be developed to deal with the \$48 million situation in this budget, that we may very well have to look at further reductions. Having gone through this budget process, it is also quite clear that we have to do so in a methodical method that relates any position changes to changes of intent from previous legislation from objectives of departments and to do so in a fairly tailored plan and forthright manner. I also appreciate his effort to go ahead and try to generate further funding for GPA and hope that he simply understands that this proposal is one of many that should be considered as we get into the Part II process.

Representative COURTNEY of Sanford **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-36) to Committee Amendment "A" (H-27).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-36) to Committee Amendment "A" (H-27). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 10

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Browne W, Bruno, Bull, Bunker, Canavan, Carr, Churchill E, Clark, Cowger, Craven, Cummings, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Honey, Hutton, Jennings, Jodrey, Kane, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rosen, Sampson, Saviello, Shields, Smith N, Smith W, Stone, Sullivan, Suslovic, Sykes, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Berry, Bierman, Brown R, Bryant-Deschenes, Campbell, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Duprey B, Fletcher, Glynn, Heidrich, Hotham, Jacobsen, Joy, Kaelin, Ledwin, Lewin, Maietta, McKenney, Moore, Murphy, Muse, Nutting, Peavey-Haskell, Rogers, Sherman, Snowe-Mello, Sukeforth, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan.

ABSENT - Greeley, Jackson, Ketterer, Marraché, McGlocklin, McGowan, McKee, Paradis, Perry J, Simpson.

Yes, 101; No, 40; Absent, 10; Excused, 0.

101 having voted in the affirmative and 40 voted in the negative, with 10 being absent, and accordingly **House Amendment "B" (H-36) to Committee Amendment "A" (H-27) was INDEFINITELY POSTPONED.**

Representative WOODBURY of Yarmouth **PRESENTED House Amendment "C" (H-37) to Committee Amendment "A" (H-27), which was READ** by the Clerk.

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

Representative WOODBURY: Mr. Speaker, Men and Women of the House. House Amendment "C" requires the administration over the next several months to place this two-year budget in the context of a longer range six year budget plan. As you know, the biennial budget reported from the Appropriations Committee relies on hundreds of millions of dollars of one-time revenues extending the structural deficit of our government for the next two years. That makes me very uncomfortable. If we are going to enact a budget that relies so heavily on one-time revenues, we should do so with the confidence that it is a necessary short-term sacrifice in a long-range plan to restore a structurally balanced budget for our state. We, or at least I, have not seen any long-term plan to eliminate the structural deficit. I want to see that long-term plan.

I ask, how can we embrace a budget with a significant structural deficit if there is no accompanying plan to eliminate it. No matter what you may think of this budget or how you think it should be modified, what harm can be done by putting it in the context of a long-range plan?

Mr. Speaker, my amendment does not change one penny of the biennial budget. There is no fiscal note whatsoever. It is simply a one-sentence amendment that places this painful structurally unbalanced budget in the context of a long-range plan. I think it is very important. I ask the support of my colleagues in passing this amendment. Thank you.

Representative BRANNIGAN of Portland moved that **House Amendment "C" (H-37) to Committee Amendment "A" (H-27) be INDEFINITELY POSTPONED.**

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. I think that the Representative from Yarmouth, Representative Woodbury, has a desire that is a desire of many people to come up with long-range plans. Certainly I don't believe in this budget is the place. This budget has been put together with a great deal of assistance, a great deal of work. I don't believe this is the place for this amendment.

I hope that he will continue to work in areas. We have some revenue forecasting and economic forecasting that takes us out at least four years. We hope that tax reform will give us more base. I hope he will work on that great effort that is going to come, we believe, in the next few weeks and months that will give us more base for long-range planning. We also hope that performance based budgeting will give us some of the tools we need for long-term planning. For this budget, for this time, I believe that this should not be included. Thank you Mr. Speaker.

Representative WOODBURY of Yarmouth **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-37) to Committee Amendment "A" (H-27)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-37) to Committee Amendment "A" (H-27). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 11

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Canavan, Churchill E, Churchill J, Clark, Cowger, Craven, Cressey, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Greeley, Grose, Hatch, Honey, Hutton, Jacobsen, Jennings, Kane, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McKee, McLaughlin, Millett, Mills J, Mills S, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rosen, Sampson, Shields, Smith N, Smith W, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Trahan, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Andrews, Berry, Bryant-Deschenes, Campbell, Carr, Clough, Collins, Courtney, Crosthwaite, Duprey B, Eder, Fletcher, Glynn, Heidrich, Hotham, Jodrey, Joy, Kaelin, Lewin, Maietta, McKenney, McNeil, Moody, Moore, Murphy, Peavey-Haskell, Rogers, Saviello, Sherman, Snowe-Mello, Stone, Sukeforth, Tobin J, Treadwell, Twomey, Vaughan, Woodbury, Young.

ABSENT - Jackson, Ketterer, Marraché, McGlocklin, McGowan, Paradis, Rines, Simpson.

Yes, 105; No, 38; Absent, 8; Excused, 0.

105 having voted in the affirmative and 38 voted in the negative, with 8 being absent, and accordingly **House Amendment "C" (H-37) to Committee Amendment "A" (H-27) was INDEFINITELY POSTPONED**.

Representative TRAHAN of Waldoboro **PRESENTED House Amendment "G" (H-42) to Committee Amendment "A" (H-27)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. Two years ago, in my first meeting with the State and Local Government Committee to consider legislation creating the Office of Program Evaluation and Government Accountability, I told the 13 members of the committee, that they had an opportunity with this legislation to improve the institution of government. Legislators from both parties, who are usually on guard and suspicious of each other, joined forces in uncommon trust and cooperation, for several months to do what was right for the people of Maine and the future of this state.

Often, under tremendous political pressure to kill this legislation, they resisted. During the months of deliberation, many rank and file legislators, from both parties offered their support. I believe they were genuine. The result of our deliberations and months of hard work that included guidance from the National Conference of State Legislatures, John Turcotte, the nation's leading authority on program evaluation and the State of Kansas and the State of Idaho. They created

the Office of Program Evaluation and Government Accountability. That entity brought true accountability to this state.

For those of you who do not understand what the Office of Program Evaluation and Government Accountability is, let me describe it briefly. This independent, legislative office, is a team of professional program evaluators, whose charge it is to evaluate state programs with the goal of eliminating waste and inefficiency and offering recommendations on ways to improve state programs.

If the last few weeks of committee chaos and policy making by the seat of your pants has not convinced you that this office is sorely needed, then let this statement by a courageous Maine state employee, who came forward recently in an e-mail to support this initiative. "I can tell you that in my unit alone, hundreds of man hours and thousands of tax dollars are wasted every day in the redundant duplications of efforts regarding incredibly inane rituals that no sane business person in the private sector would tolerate."

You are probably asking the question, with all the bipartisan support, and the need so great, why am I here today? I am here today because in this current budget all funding has been eliminated for this important new office.

I do not believe that action is the will of the majority of either caucus, but leadership. That is why I refuse to blame Democrats for killing OPEGA. I will honor all those individuals who worked on this initiative regardless of party. I ask to refrain from playing that partisan game. Instead, I ask you to join me in demanding that this important program be funded in the next budget. With that demand, I also ask you to join me in asking for enough resources to see that this program is effective.

Imagine how difficult our situation might be if we had OPEGA in place. We could begin using the resources of OPLA, OFPR and OPEGA to begin comprehensive program reviews that would bring us recommendations on responsible cuts, instead of our current proposal.

I want all of you to know why I have fought so hard for this legislation and why I refuse to give up. It is not because I am a troublemaker. It is because I feel in my heart that this office will improve Maine government and I feel a sense of duty to those legislators who will follow in our footsteps. For them, OPEGA could do what the General Accounting Office has done for the Congress. In times of fiscal crisis, it would give them better information to make good decisions and thus build better government programs for our constituents.

Ladies and gentlemen, I felt the need to give that speech today. Just before a scheduled press conference today, I met with the Speaker and the Chief Executive Officer. I was very much encouraged by that meeting. I basically was invited to the table on the next budget to discuss this with the Governor, but more than that, Mr. Speaker, I got a commitment from you. That is why, in good faith, I have agreed to withdraw this amendment. In the future, Mr. Speaker, I look forward to working with you, I think it is vitally important for this institution that we move forward in a cooperative way. Thank you.

Subsequently, the same Representative **WITHDREW House Amendment "G" (H-42) to Committee Amendment "A" (H-27)**.

Representative MOORE of Standish **PRESENTED House Amendment "D" (H-38) to Committee Amendment "A" (H-27)**, which was **READ** by the Clerk.

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

Representative **MOORE**: Mr. Speaker, Men and Women of the House. It is unlikely that we would be considering the matter of leasing the liquor business in such a break neck speed were it not for the extreme emergency presented by the \$1 billion budget

hole that we have to fill. In this accelerated process, I believe that we have a flawed bill and my amendment attempts to rectify some of these issues. It seeks to assure that Maine consumers get a real fair shake and that taxpayers get a good return.

Currently this bill extends to the Commissioner of Finance and Administration wide and unbridled authority to develop requests and proposals and award a lease agreement worth more than one quarter of a billion dollars to a single entity. My amendment would preclude any entity from having a statewide monopolistic control of the wholesale liquor business. Requiring that the liquor business be divided between two or more unaffiliated firms on a regional basis would ensure that the state regulators would be able to monitor and compare expenses and the quality of services with an eye on protecting the interests of all Maine consumers.

This amendment would require that the advisory committee include a geographical consideration when determining which bidder would win the rights to distribute this massive commodity. Maine owned businesses would be given a preference in this bid award process if this amendment is adopted. Thank you very much.

Representative ROSEN of Bucksport moved that **House Amendment "D" (H-38) to Committee Amendment "A" (H-27) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative ROSEN: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative raises many important issues that were raised by this caucus in the budget negotiation process. They are valid issues and they are issues that concern many of us in regards to this massive proposal. I would like to point out that the caucus did have success in including some language in the negotiations that took place during the budget process. One of them was the inclusion in the bill of a date certain for the determination of this arrangement so that all rights and responsibilities would revert back to the state. The other was a provision that was included in this bill that was recommended from the Legal and Veterans Affairs Committee that allows a member of that committee to participate in an advisory level.

The SPEAKER: The Chair recognizes the Representative from Cornville, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House. This is the portion of the budget that I think most troubled me when I first began reviewing the Governor's submission several weeks ago. I have come to learn a great deal more about the wholesale liquor business or the state's liquor business in the last several weeks. We are in this budget closing down the remaining 13 retail state liquor stores and laying off the personnel who manage those stores. I have asked, what is there left of state involvement or state ownership? As I understand the process, when a case of distilled spirits or fortified wine comes into the state, it goes to a bonded warehouse that is managed by a single private entity under contract. That entity collects its fees from the manufacturers. The state leases out the trucking process that brings the liquor from the warehouse to the retailers. The only remaining involvement of the state in owning a portion of the liquor business is in the form of nine administrative employees who process the paperwork for buying and selling the liquor and collecting a substantial profit, which is, in reality, the tax which Maine imposes on distilled spirits. Years ago it was in the form of a 65 percent mark up across the board. In more recent years, that mark up has varied from one product to another, but it still produces approximately \$26 million a year in excise revenue that the state needs in order to run its ongoing

operations. It is roughly equivalent, for example, to the estate tax in its magnitude. This is separate from whatever we charge for taxes on beer and wine. It is a big portion of the state budget.

There will be only nine people left in the state's employ who are actually doing anything that needs to be privatized. The proposal that lies before you in this budget is to sell off not only the duties that are performed by those nine administrative employees, but also to sell off the state's right to collect that substantial revenue stream or some portion of it, up to \$26 million a year. As the bill was originally crafted, it could have been interpreted to say that the government, the state, would have the power to sell off that right in perpetuity to a monopoly. I was deeply disturbed by that proposal. I thought it was not in the best interests of the state. I have worked closely with the administration in order to craft some constraints that I thought were necessary before we gave this unprecedented authority to state government.

The major constraint that is contained in the budget unamended is one that says that the state will have power to sell of this stream of revenue, in essence securitizing it or bonding it, for a term of years that shall not go beyond July 1, 2014. That means that this opportunity of a private enterprise to collect revenue, will be more in the nature of a franchise of a lease, something analogous to a cable franchise that always come back to the community after a term of years so that we, as a Legislature, will have a string on this. This revenue will someday again return to state coffers and this authority that we have granted will be self-limiting.

I think with the constraints that we presently have in the budget, I can be content with the arrangement that we have in the budget without the amendments suggested by my seatmate. I have some sympathy for his concern. I deeply appreciate his capacity to understand what is at stake in the measure that is contained in the budget. I appreciate his thoughtfulness and his concerns. I just feel at this juncture that those of us who are concerned about this rather radical, rather odd move, our concerns have been satisfied by putting time constraints on the franchise lease. I believe in the RFP process that the state will administer, we will see some additional constraints put on it administratively.

It needs also to be said that the state will continue to control the price of alcohol, distilled spirits. The price at the retail level will be set by the state. The mark up that a retailer will make is also something that will be strictly set by the state and regulated and indeed the whole sale price or the pricing policies will be set by the state so that the entity that purchases that right will be buying a fairly fixed set of pricing policies and those prices will be administered or set or reset and revised by the state controller. We will remain a controlled state for the sale of alcohol and that in itself is an important consideration.

For that reason, I will join in my leads motion to Indefinitely Postpone the suggested amendment, only because I think we have taken care of those concerns adequately in the bill that lies before you. Thank you.

Representative MOORE of Standish **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-38) to Committee Amendment "A" (H-27).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-38) to Committee Amendment "A" (H-27). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 12**

YEA - Adams, Annis, Ash, Barstow, Bennett, Berube, Blanchette, Bliss, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Canavan, Churchill E, Churchill J, Clark, Clough, Cowger, Craven, Cummings, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Greeley, Grose, Hatch, Heidrich, Honey, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Smith N, Smith W, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Austin, Berry, Bierman, Bowen, Bryant-Deschenes, Campbell, Carr, Collins, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Fletcher, Glynn, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McNeil, Moore, Murphy, Peavey-Haskell, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin J, Trahan, Treadwell, Twomey, Vaughan.

ABSENT - Marraché, McCormick, McGlocklin, O'Neil, Paradis, Perry J, Simpson.

Yes, 105; No, 39; Absent, 7; Excused, 0.

105 having voted in the affirmative and 39 voted in the negative, with 7 being absent, and accordingly **House Amendment "D" (H-38) to Committee Amendment "A" (H-27) was INDEFINITELY POSTPONED.**

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

Representative **MURPHY**: Mr. Speaker, May I pose a series of questions through the Chair?

The SPEAKER: The Representative may pose his questions.

Representative **MURPHY**: Mr. Speaker, in this budget that is before us, this Committee Amendment, how many layoffs are included in this budget? To make sure you don't have to go to a calculator, there are 70 employees from the State Liquor Stores, 17 liquor enforcement persons, how many additional layoffs are there beyond those 87? The second question would be, what is the projected upper end of the structural gap in this budget? The third would be, is this projected two-year budget balanced and fully funded? The fourth question would be, is this year's current year budget, which runs through June 30th, balanced?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative **ROSEN**: Mr. Speaker, Men and Women of the House. I appreciate the questions offered by the good Representative from Kennebunk, Representative Murphy. I am happy to make my very best attempt to answer them. His first question in terms of the number of layoffs, this budget proposes the elimination of 225 positions. Currently, according to the most recent analysis that we have available, approximately half of those of vacant positions and approximately the other half are filled positions.

The most recent information that we have from the Fiscal Office for the '06-'07 structural gap analysis indicate a lower end of \$330 million and an upper end of approximately \$1.1 billion. Is this budget balanced? We feel that with the language that was negotiated in this budget around the amendment, which you will

find under XX, requiring that \$48 million, which I think the Representative is referring to, be settled by July 1 and that a plan be in place to deal with the \$48 million that is still ahead of us in the '04-'05 budget.

As far as June '03, the fourth question, as a result of revenue reprojections in April, we know that the state has a revenue shortfall in the current fiscal year of approximately \$18 million. We expect anywhere from \$3 to \$4 million in additional spending issues, bringing the potential shortfall for '03 in at somewhere around a \$20, \$21 or \$22 million range.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. First, I would like to thank the very good Representative from Bucksport for right to the point answers to the questions. I think as we look at this budget and I understand very clearly the Chief Executive and the very difficult position that he was put into. Usually when there is a new Governor, you prepare a supplemental budget and that is usually what you want to spend on top of what already has been approved by a previous Legislature. This Chief Executive had a very difficult situation that he came into where literally because of the Special Session and the curtailments, there wasn't a lot of loose cash floating around in Augusta.

I listened very clearly to the address and I remember words that came from that address that dealt with efficiency, restructuring, thinking and acting out side of the box. I waited for that to happen and as I have looked at this budget and I have agonized over it and hadn't made a decision until last night, I came to the conclusion that it is the same old, same old. It does not recognize that the size of state government and the spending of state government have put us into this mess.

Those from previous legislatures when we voted on earlier budgets, those had structural gaps of \$500 million. A lot of members in this body raised the caution flag that you just couldn't assume the economy was going to take us out of that. I think on the last supplemental budget that it had risen to \$600 million. We have looked at structural gaps and they have come back and they have bitten us.

We just heard a response that the upper end of this budget that is before us has an upper end structural gap of \$1.1 billion. We went from \$500 million to \$600 million as we tried to deal with this problems and now we are hearing up front that the shortfall that we have right now, there is a real potential with your vote that you are going to push \$1.1 billion out as a structural gap. We also heard that when we look at those two roads that we could have acted, trying to make sure that what we did was fair and balanced and that everyone shared the pain, we took a road that at least in terms of the basic structure of state government, excluding the University, excluding the non-profits and the agencies that are out there trying to work with children, the elderly and seniors, when we removed them from the equation and we pull out the cuts on the public safety side and the state liquor stores and liquor enforcement, we get down pretty much to zero in terms of the shared pain and in terms of employee count. You are looking at a potential for the next Legislature of a huge structural gap. You are voting on a budget that even before you vote for it is unbalanced. Although there is language to say that by July 1st we have to hear about how that is going to be addressed, what you think you might be doing for your municipalities, what you think you might be doing in this budget for your schools, may get undone during the month of June.

Your schools since the last time we voted on a two-year budget, actually during the last 12 months and almost the school year itself, have had two curtailments. What the superintendents



have told us, it is not just a southern Maine phenomenon, we have heard it from the north, south, east and the west, that with those curtailments, they have cut their small capitol projects. They have cut their equipment purchased. They have cut all other, which is travel, utilities, everything they can and they are now at the point where they are going to begin to have to reduce staff. The real irony is you can count on one hand small school units in the State of Maine because of this budget that are going to lay off, five small units, will lay off more than the State of Maine has laid off, when you separate public safety, state liquor stores and liquor enforcement. There is not a shared pain here. I think the schools that you visit, your children or your grandchildren or even at those schools, take a walk through those schools if you pass this budget, because two years from now, those schools are not going to be the same schools.

Back home, I got elected to be a Representative to the State Legislature. I didn't get elected to be a representative of Maine State Government. What is happening throughout Maine, the changes on the revenue sharing here, means that all throughout York County and Cumberland County before a school board meets, before a municipal budget is set, with the changes that occur in the homestead in this, using Kennebunk's tax rate, means there is already an automatic \$140 property tax increase before anything happens on the local level. If your community is looking at a revaluation, I think you would be shocked before the revaluation on how this three-tier restructuring is going to raise property taxes in your community. I think after that revaluation in many parts of the state, the homestead exemption may only be available to 5 or 10 percent of the household units in those communities. That is a property tax increase.

What you are saying in this proposal is that Maine residents who have a homestead, that stay in Maine and pay their taxes here, are going to be treated now in the same way that non-resident property taxpayers are paid. The homestead used to say at least \$7,000. You are going to be treated differently on the assessment. Now our people paying the taxes are going to be treated the same as out-of-state property owners. That is the homestead.

Talk to your local police officers. They are asking me because of the cutback in wardens, do we now have to buy an ATV to fill the void? Are we going to have to buy a sled because of the void created? Who is going to train us to do the liquor enforcement? Who is going to pick up the cost of the extra officer to do that liquor enforcement?

For what we heard back and the answer to my questions, for the unbalanced budget that exists right now, for the unbalanced budget that you are voting on, who can give you a promise here this evening that your school units are not going to see another two curtailments? In the next school year, starting next fall, shortly after that fiscal year starts, that they, like we did to them already with previous votes, that another one or two curtailments aren't going to come in. At that point, all they are going to be able to curtail is teachers and staff.

Where is the promise in here? Where is the promise that the municipalities aren't going to bear additional hits? This budget proposal is out of balance. It targets hospitals and we have rural hospitals in this state that are reeling and trying to survive and they are targeted and they are not treated in a fair way. Health care providers throughout this state are targeted as they have been targeted for the last four years in terms of reimbursement. The schools are right in the bull's eye. They have been for this last year and they are in the bull's eye if you support this budget. Our municipalities as well are in the bull's eye. This is not a balanced and fair budget. It is an effort to push it off over the horizon, except what we are pushing off over the horizon, instead

of being \$500 million, which came back and bit us, we are now pushing out of sight, \$1.1 billion. The record has been, it tends to double, 500,000 or 600,000 became \$1.2 billion and climbing. What will \$1.1 billion climb to? Will it double? What we have is a spending problem. This budget does not address that spending problem because it does not spread it out. It ignores state government and it passes it off to everybody, off to everyone, else outside of the Augusta city limits.

Representative GLYNN of South Portland **PRESENTED House Amendment "J" (H-45) to Committee Amendment "A" (H-27)**, which was **READ** by the Clerk.

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

Representative GLYNN: Mr. Speaker, Distinguished Members of the House. I present to you an amendment to the budget. It is House Amendment "J." This amendment has zero fiscal impact. This will not put the budget out of balance. It is not going to raise the amount of money. It is not going to lower the amount of money. It is targeted at a specific line item in the budget, that being the homestead exemption. As many of you are probably aware, in the budget there has been a major policy change of the State of Maine. It is the taking away of an even-handed homestead exemption given to all the homeowners in the State of Maine to help out with local property taxes. What has instead happened is through the budget document a new tiered system is being implemented that says based on how high your property tax valuation goes on your assessment on your home, indicates how much or how little of a homestead exemption you are going to get. The homestead exemption was put into place because of the simple fact that property valuations do not reflect a homeowner's ability to pay their property taxes. I am telling you that as a State Representative of this chamber in my third term. I am telling you that as a former local city council member for nine years. Property taxes are not a reflection of someone's ability to pay. It is not uncommon in many areas of my town and in many areas in the State of Maine that you will find homeowners when they first got married and they are in retirement age now, they may have paid \$2,500 or \$3,000 for their home around World War II time. Now they are faced with property tax bills of around \$2,000 or 3,000 for that very same house. They had no ability to plan for this. They had no ability to budget and instead they relied on a lot of us, on the locals, and on the state to help out with property taxes. We were told from the onset of the debate here in Augusta that this budget was not going to get into the tax conformity issue. Tax conformity was going to come later. Well, later came in the budget. The tax conformity issue was decided in the budget. The decision was made to go after high valuation homes and no longer give homestead exemptions in a fair and even amount. In my municipality, a local home will run probably in my community at about \$125,000 for an average house. I don't believe for a moment that those people should be receiving less of a homestead exemption than other homes in the State of Maine. Having that taken away just isn't fair.

What I have proposed in the bill was so that it would be zero impact because some of the money that should be going to the homestead exemption has been taken away. I say whatever that total is, find out what the number is, divide it up amongst all of the qualifying people that should be receiving an exemption and restore the same policy that we are currently operating in the State of Maine, which is everybody can apply for the homestead exemption and receive in on their primary residence and that amount comes to \$6,125. That will be the amount of the exemption. That exemption will be fair and it will be for everybody with the passage of this amendment. If this amendment, in fact, fails, then we will have a not fair system of



implementation. We will have a tiered system and many of the homeowners in all of our districts will suffer. Mr. Speaker, when the vote is taken, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "J" (H-45) to Committee Amendment "A" (H-27)**.

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

Representative ROSEN of Bucksport moved that **House Amendment "J" (H-45) to Committee Amendment "A" (H-27)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "J" (H-45) to Committee Amendment "A" (H-27)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "J" (H-45) to Committee Amendment "A" (H-27). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 13

YEA - Adams, Annis, Ash, Barstow, Bennett, Blanchette, Bowles, Brannigan, Breault, Browne W, Bruno, Bull, Bunker, Canavan, Carr, Clark, Cowger, Craven, Cummings, Daigle, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Honey, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McGowan, McKee, McLaughlin, Millett, Mills J, Mills S, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rines, Rosen, Sampson, Saviello, Smith N, Smith W, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Treadwell, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Austin, Berry, Berube, Bierman, Bliss, Bowen, Brown R, Bryant-Deschenes, Campbell, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McKenney, McNeil, Moody, Moore, Murphy, Muse, Nutting, Peavey-Haskell, Rector, Richardson M, Rogers, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tobin D, Tobin J, Trahan, Twomey, Vaughan.

ABSENT - Dugay, Goodwin, Marley, Marraché, McCormick, McGlocklin, Paradis, Simpson.

Yes, 91; No, 52; Absent, 8; Excused, 0.

91 having voted in the affirmative and 52 voted in the negative, with 8 being absent, and accordingly **House Amendment "J" (H-45) to Committee Amendment "A" (H-27)** was **INDEFINITELY POSTPONED**.

Representative TWOMEY of Biddeford **PRESENTED House Amendment "L" (H-47) to Committee Amendment "A" (H-27)**, which was **READ** by the Clerk.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. In light of the cutbacks in our school programs, I feel that this money could be better used going back to the local schools. When I had this done this morning, it is supposed to be going back to the GPA, but I don't think this is going to get this far. I need to be able to do this anyway.

I stand here before you to remind the new members of this House that this bill on laptops was never debated by the full membership of this House. The Learning Technology

Endowment Program was never reported out of the Education Committee. It was put into the budget so that the Executive would sign the budget. I do think in light of what is going on in our communities, that the money could be used differently. Thank you. Mr. Speaker, I ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "L" (H-47) to Committee Amendment "A" (H-27)**.

Representative BRANNIGAN of Portland moved that **House Amendment "L" (H-47) to Committee Amendment "A" (H-27)** be **INDEFINITELY POSTPONED**.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. Even though this issue was not debated originally, I was not here, but I understand that is the case, Representative Twomey has made that case. It has been debated in other venues here, relative to its longevity. If this were to be debated now, it should have been debated when we were putting the budget together. It is a change that does need debating at another time. I am sure it will be debated at another time. Therefore, I hope that you will join me in Indefinite Postponement. Mr. Speaker, I would ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "L" (H-47) to Committee Amendment "A" (H-27)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "L" to Committee Amendment "A" (H-27). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 14

YEA - Ash, Austin, Barstow, Bennett, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Cowger, Craven, Crosthwaite, Cummings, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Heidrich, Honey, Jacobsen, Jennings, Jodrey, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McGowan, McKee, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rosen, Sampson, Shields, Smith N, Smith W, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Trahan, Usher, Walcott, Watson, Wheeler, Woodbury, Young, Mr. Speaker.

NAY - Adams, Andrews, Annis, Berry, Bierman, Clough, Collins, Cressey, Finch, Fletcher, Hatch, Hotham, Hutton, Jackson, Joy, Kaelin, Lewin, Maietta, McKenney, Murphy, Muse, Nutting, Peavey-Haskell, Rogers, Saviello, Sherman, Snowe-Mello, Stone, Sukeforth, Tobin J, Treadwell, Twomey, Vaughan, Wotton.

ABSENT - Davis, Goodwin, Marraché, McGlocklin, Paradis, Simpson.

Yes, 111; No, 34; Absent, 6; Excused, 0.

111 having voted in the affirmative and 34 voted in the negative, with 6 being absent, and accordingly **House Amendment "L" (H-47) to Committee Amendment "A" (H-27)** was **INDEFINITELY POSTPONED**.

Representative COLLINS of Wells **PRESENTED House Amendment "I" (H-44) to Committee Amendment "A" (H-27)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Collins.

Representative **COLLINS**: Mr. Speaker, Ladies and Gentlemen of the House. As all of you know, we are at war. It has always bothered me to think we have to pay a sales tax on expressions of our patriotism, buying a US Flag. I have also added buying a State of Maine Flag. In neighboring states they don't charge sales tax on the purchase of an American Flag. I don't think we should do it here in Maine either, particularly now. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "I" (H-44) to Committee Amendment "A" (H-27)**.

Representative ROSEN of Bucksport moved that **House Amendment "I" (H-44) to Committee Amendment "A" (H-27)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative **ROSEN**: Mr. Speaker, Ladies and Gentlemen of the House. Once again, I think we see an amendment being proposed that brings attention to a very valuable and important issue. However, it is my feeling that this is not the appropriate vehicle to advance this particular initiative. We have a variety of bills that have been submitted and I know the Committee on Taxation is looking at a whole range of different exemption bills and exemption issues that are presented before them. It is my understanding that many of those will be grouped in certain categories and that their attempt is to try to look at the entire issue of sales tax and sales tax exemptions in a more holistic manner. I would respectfully suggest that that may be a more appropriate way to deal with this particular proposal. Thank you.

Representative COLLINS of Wells **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "I" (H-44) to Committee Amendment "A" (H-27)**.

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 Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. It just needs to be mentioned that we need to look at the fiscal note on this bill. It is a wonderful fiscal note. It indicates that the people of Maine are buying enough flags to generate \$1,122,645 in sales tax for the biennium. That is a wonderful expression of patriotism all by itself. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "I" (H-44) to Committee Amendment "A" (H-27). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 15

YEA - Adams, Barstow, Bennett, Blanchette, Bliss, Bowles, Brannigan, Breault, Browne W, Bruno, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Hatch, Honey, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McCormick, McGowan, McKee, McLaughlin, Millett, Mills J, Mills S, Moody, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Richardson M,

Rosen, Sampson, Saviello, Smith N, Smith W, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Twomey, Usher, Walcott, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Annis, Ash, Austin, Berry, Berube, Bierman, Bowen, Brown R, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Fletcher, Glynn, Grose, Heidrich, Hotham, Hutton, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McKenney, McNeil, Moore, Murphy, Muse, Peavey-Haskell, Rector, Rines, Rogers, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Watson.

ABSENT - Goodwin, Marraché, McGlocklin, Paradis, Simpson.

Yes, 91; No, 55; Absent, 5; Excused, 0.

91 having voted in the affirmative and 55 voted in the negative, with 5 being absent, and accordingly **House Amendment "I" (H-44) to Committee Amendment "A" (H-27)** was **INDEFINITELY POSTPONED**.

Representative TWOMEY of Biddeford **PRESENTED House Amendment "N" (H-49) to Committee Amendment "A" (H-27)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. What this amendment does is it delays the learning results until July 1, 2005 in order that our school systems have a couple of years because of the cutbacks so that they won't get hit all at once. This is an unfunded mandate. I really think this amendment will help a lot of communities that don't have the money to implement it. Thank you.

Representative BRANNIGAN of Portland moved that **House Amendment "N" (H-49) to Committee Amendment "A" (H-27)** be **INDEFINITELY POSTPONED**.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. Learning results is a very complex issue. Any changes should not be made here, but should be debated by the Education Committee. Therefore, I am asking you to support this Indefinite Postponement. I would request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "N" (H-49) to Committee Amendment "A" (H-27)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "N" (H-49) to Committee Amendment "A" (H-27). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 16

YEA - Adams, Andrews, Ash, Austin, Barstow, Berry, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Crosthwaite, Cummings, Curley, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Fischer, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Mailhot, Makas, Marley, McCormick, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A,

Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Shields, Smith N, Smith W, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Trahan, Usher, Walcott, Watson, Wheeler, Woodbury, Young, Mr. Speaker.

NAY - Annis, Bennett, Bierman, Brown R, Cressey, Daigle, Finch, Fletcher, Hotham, Joy, Maietta, Peavey-Haskell, Rector, Sherman, Snowe-Mello, Stone, Sukeforth, Tobin J, Treadwell, Twomey, Vaughan, Wotton.

ABSENT - Churchill E, Davis, Goodwin, Marraché, McGlocklin, Paradis, Simpson.

Yes, 122; No, 22; Absent, 7; Excused, 0.

122 having voted in the affirmative and 22 voted in the negative, with 7 being absent, and accordingly **House Amendment "N" (H-49) to Committee Amendment "A" (H-27) was INDEFINITELY POSTPONED.**

Representative BRANNIGAN of Portland **PRESENTED House Amendment "K" (H-46) to Committee Amendment "A" (H-27), which was READ** by the Clerk.

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

Representative **BRANNIGAN:** Mr. Speaker, Men and Women of the House. I want to take this opportunity to thank everyone that has been involved in this process. We have a great committee at the appropriations level. Working together here, we have people who really have commendable ideas. We will be working on many of those ideas as we go along.

House Amendment "K" is a technical amendment. I want to use this as a way of commending our staff, the Governor's staff. You saw the thickness of this document and other documents we have had and we have two corrections. These were put together throughout the night on Saturday morning and Sunday and Monday. It is a great staff and only two corrections. We have changed, as you know, the Medicaid designation to Maine Care and in one place that did not get in the document. This changes that Medicaid to Maine Care. The other is dates relative to the Maine Science and Technology Foundation that were a year off. That is the corrections in this technical amendment. Thank you Mr. Speaker.

**House Amendment "K" (H-46) to Committee Amendment "A" (H-27) was ADOPTED.**

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

Representative **CAMPBELL:** Mr. Speaker, Ladies and Gentlemen of the House. Last year I got elected to come up here and speak for senior citizens. I found out at 1:00 today all I did was speak for them. I have been told right along that people from Health and Human Services and committee members that \$95,000 in '04 and \$150,000 in '05 for homemaker programs would be restored into the budget. The home-based care program funded services for people on waiting lists would be funded at \$655,000 in '04 and \$655,00 in '05. When we went to Appropriations, Mr. Speaker, our chairman made it plain that these two bills were very dear to my heart. He announced that to everybody. As of last Monday when we were at the Civic Center, I was told that I was a big winner. I got blind sided today at 1:00. I was told that neither one of these things are in the budget and I was a loser. The bottom line is, Mr. Speaker, I am not a loser. It is the elderly people of the State of Maine who once again are getting left behind. I want to tell you that I cannot vote for this budget on account of that. Thank you.

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

Representative **TWOMEY:** Mr. Speaker, Men and Women of the House. History shows that Democrats believe in counter

cyclical spending. When the economy is at its worst, government should be at its best. At least that was the lesson of the New Deal. As a Democrat, I believe in Roosevelt's New Deal. In the '70s even Richard Nixon said that we are all Keynesians now. Cutting back in bad times is not democratic. The last time I checked, we were the wealthiest country on earth. For the last 30 years the wealthiest in our society have profited greatly with the tax givebacks and corporate welfare while everyone else was falling behind. We are in a situation where the rich are succeeding from the rest of us. They have had 30 years of good and plenty. It is time they pay their fair share. We can't subsidize them anymore, not at the expense of our children, our elderly, our sick, our jobless and our uneducated. This budget could be pages out of Coolidge and Hoover's books, trickle down economics, which fueled the stock market crash and caused a depression. I cannot support a budget that cuts social services while it keeps in tact millions for the BETR Program with no inclusion of subsidies to our dairy and potato farmers. Progressive taxation where taxes are based on fairness and ability to pay is long overdue. The last time I heard the slogan, "Read my lips, no new taxes" was from George Bush. I did not agree with him and I do not agree with the Executive on this budget.

Two weeks ago when I came out of my committee upstairs, from Natural Resources, I heard singing. I came downstairs to the Hall of Flags where the stands were filled with children from the mentally ill department or whatever school they were from. They were all joined and singing, "We Shall Overcome". I thought I was in a flashback of the sixties. I thought this can't be happening, not now. This is uncomfortable. There will be spin-doctors. I have heard from my own caucus. I almost wanted to put a disclaimer. What you are about to hear does not represent my leadership or my caucus. I have to speak for myself. I think to say that we have no new taxes and to go back home and find out that education is now being shifted to the property tax is not being truthful. I came here to speak truth to power. It isn't comfortable. It isn't easy and I didn't sleep all night last night thinking of the words that I would say. I know that every one of us is well meaning. I know the Appropriations Committee has done a great job. Representative Brannigan in respect to you when you said this is what I have to do, this is my job, this is my job and this is what I have to do. This budget hurts. I have heard for five years that we need to deal with tax reform. We don't have tax reform, but we have a budget that is going to cut nursing homes, the elderly, education and it is going to shift the tax burden to the property taxpayer. I cannot support this budget. I cannot support pretending and holding my nose. I don't like it. There are lots of things that we don't like in this budget, but I can't do that. Thank you.

Subsequently, **Committee Amendment "A" (H-27) as Amended by House Amendment "K" (H-46) thereto was ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

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

Representative **JOY:** Mr. Speaker, Ladies and Gentlemen of the House. I have lived quite a long time and I have seen lots of shell games played. I don't think I have seen one that would take second place to this. I appreciate the hard work that everybody has put into reaching this particular point. I have a practice that I have followed all my life. It is when there is a problem that is bothering me, I think it all over before I go to bed at night. When I wake up in the morning, I lie there and try to put things into

perspective. This morning, in thinking of the budget, the first thought that came to my mind was a Charlie Brown kite hanging out of a tree with holes shot through it and the wording across the front of it, the Chief Executive's Budget. When I was young, we used to spend a lot of cold winter nights making patchwork quilts at home. This budget reminds me of that patchwork business when the patches were not sewed together. You didn't have a complete blanket and today we don't have a complete budget.

We kept hearing lots of things about there would be no tax increase. I asked a reporter today how he would define the word fee. He came right back with tax. Ladies and gentlemen, this budget is rife with tax increases under the title of fee increases. These have been put into place to buttress alleged losses in various departments. I think that earlier speakers have addressed this probably much better than I can, but I think we have to take a real hard look at what we have to go home and explain to our constituents.

I come from a very small town. There are 285 residents in that town. That is a drop from the last census when there were over 300. We have about 350 to 360 taxpayers in that town. We are looking at a 3.5 mil increase in our taxes. That is before they start whittling away at the homestead exemption. We have 44 students that we are trying to educate in that little Town of Crystal. Our contribution this past year to the school district budget was well over \$200,000. That may not seem like a lot of money to most of you who live in larger areas, but it is a lot of money to the people of Crystal. Their increase this year is going to be somewhere in the neighborhood of \$36,000. I am the one who has to go home and explain that to those people.

I think that it is tragic that we have reached this particular point in this body. In 1998 in campaigning for a different political office, I predicted then that we would have a \$1.3 billion shortfall in the near future. Ladies and gentlemen, that is just what we started out with at the end of the last fiscal year. We spent millions and billions of dollars on ongoing programs with one-time monies. That always spells disaster. I think that if we pass this budget, we are doing a terrible disservice to the people of the State of Maine. I urge you to join me in voting against this budget and defeat its passage. Thank you.

Representative TOBIN of Dexter **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended. All those in favor will vote yes, those opposed will vote no.

## ROLL CALL NO. 17

YEA - Adams, Ash, Barstow, Bennett, Berube, Blanchette, Bliss, Bowles, Brannigan, Breault, Browne W, Bruno, Bull, Bunker, Canavan, Carr, Clark, Clough, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGowan, McKee, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Bierman, Bowen, Brown R, Bryant-Deschenes, Campbell, Churchill E, Churchill J, Collins, Courtney, Cressey, Crosthwaite, Davis, Duprey B, Eder, Hatch, Heidrich, Honey, Joy, Kaelin, Lewin, Maietta, McNeil, Murphy, Muse, Nutting, Snowe-Mello, Sukeforth, Tobin J, Trahan, Treadwell, Twomey, Vaughan.

ABSENT - Finch, Goodwin, McGlocklin, Paradis, Simpson.

Yes, 110; No, 36; Absent, 5; Excused, 0.

110 having voted in the affirmative and 36 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-27) as Amended by House Amendment "K" (H-46)** thereto and sent for concurrence.

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

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Pursuant to House Rule 201, the Speaker appointed Representative DUNLAP of Old Town to serve as Speaker Pro Tem on Thursday, March 27, 2003.

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On motion of Representative SMITH of Monmouth, the House adjourned at 6:11 p.m., until 9:00 a.m., Thursday, March 27, 2003 in honor and lasting tribute to Thomas L. Fairchild, of East Monmouth.