

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME V

FIRST SPECIAL SESSION
July 11, 1991 to July 18, 1991
Index

FIRST CONFIRMATION SESSION
October 2, 1991
Index

SECOND SPECIAL SESSION
December 18, 1991 to January 7, 1992
Index

SECOND REGULAR SESSION
House of Representatives
January 8, 1992 to March 9, 1992

Buses" (H.P. 1641) (L.D. 2304) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representative NORTON of Winthrop) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Ensure the Availability of Ferry Service in Casco Bay" (EMERGENCY) (H.P. 1643) (L.D. 2306) (Presented by Representative RAND of Portland) (Cosponsored by Senator RICH of Cumberland, Representative ADAMS of Portland and Representative BUTLAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative HICHBORN of Howland, the following Order:

ORDERED, that Representative Joseph G. Carleton, Jr., of Wells be excused January 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John F. Marsh of West Gardiner be excused February 3 for legislative business.

Was read and passed.

On motion of Representative MAYO of Thomaston, the following Joint Order: (H.P. 1636)

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill, "An Act Making Supplemental Appropriations for Fiscal Year 1991-92" to the House; and be it further

Ordered, that when the Joint Standing Committee on Appropriations and Financial Affairs reports out "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws," H.P. 1547, L.D. 2185, and all its accompanying papers, that this Act contain no further supplemental appropriations for fiscal year 1991-92.

Was read.

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

Representative FOSS: Mr. Speaker, Men and Women of the House: I would like to pose a question on this Order but I would like to make a few comments

first since this was just brought to my attention about a half hour ago.

I am a little confused about the need for this. As has been stated publicly, over and over, we plan to adjourn before the end of March and it seems to me to be a little suspect that we have this tremendous need right now to separate out an emergency FY92 budget, thereby, creating a non-emergency budget for FY93. I guess if one were cynical, it would appear to be a political ploy to remove the emergency clause from the budget which is now being considered by the Appropriations Committee. As you all know, we have been out on the road listening to testimony about the budget for the past three days and have not yet begun to work in committee.

I would like to read for you what the effect of this Order would be. It would create a separate supplemental budget for FY92, which includes about \$25 million. On that list would be Maine Emergency Management for about two-thirds of a million dollars; some taxation agents; DHS needs for over \$11 million dollars including over \$3 million for General Assistance and Medicaid; some bond payments for the judicial system; almost \$6 million for Mental Health and Mental Retardation and it is a sizeable amount of money.

My question that I would like to pose through the Chair would be, how are we going to pay for this '92 supplemental budget without a review of the entire cutting package? I would like to ask the sponsor of this Order if he plans to cut FY92 further to pay for this \$25 million dollars in emergency needs?

The SPEAKER: The Representative from Yarmouth, Representative Foss, has posed a series of questions through the Chair to the sponsor who may respond if he so desires.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative Mayo: Mr. Speaker, Ladies and Gentlemen of the House: Representative Foss has asked two good questions and I will attempt to answer them as best I can but I am not a member of the Appropriations Committee and I am not intending to dictate to the Appropriations Committee how this bill will work. I am only trying to facilitate a process.

First of all, I have no preconceived notion of how it will be paid for but there are some \$167 million dollars worth of budget changes that are in the budget the Governor submitted to us and I would assume that we could pluck from that those that have unanimous agreement in committee and take care of the emergency spending needs that are before us.

Do I intend to make further cuts in FY92 — if there are further cuts that can be identified by the committee and are appropriate, I certainly will support those.

I think I would like to respond to the good Representative's comments to clarify my reasoning for doing this. She cast a partisan political tone over this Order and I want to make it clear that that is not my intention. I also would like to point out that I made this Order available or informed the Minority Leadership of this Order this morning when we met at nine o'clock. I am sorry and surprised that the Representative just found out about it a half hour ago. It was on the Calendar when the Calendar was released last night — I made sure it was on the Calendar and not on a Supplement so people would have advanced warning to see it and I apologize if the Representative did not see it.

I did not submit this Order for any particular partisan reason. I have been here, like all of you, now for just over a year and we have wrangled with so many budgets that I have lost count. I think one of the problems we have with the budget process and why we need to try to modify it slightly in this way is that we can't get our hands around a big bohemian budget document. It is so difficult to try to put everything together and build the consensus necessary to get it passed so I, in consultation with other members of the Appropriations Committee and discussing it with the staff of the committee, I thought it would be appropriate for us to take out from that budget document parts of it that there was unanimous agreement on. Certainly we have some spending needs that the state needs to take care of between now and June and it needs to be done right away.

I know that Representative Larrivee has brought a bill to this body for the Emergency Management Agency because there are towns that need to get the federal reimbursement money and they are waiting for that. Interest is accruing and the federal government will not reimburse for interest so we need to make that available to them anyway. This bill would make Representative Larrivee's bill unnecessary and it was my hope that we would accomplish all of our emergency spending bills in one bill as opposed to doing them piecemeal. Representative Larrivee was being an excellent Representative for her town bringing that bill forward and I am trying to facilitate that process as well. It is not done in any partisan, cynical way as was suggested by the good Representative from Yarmouth. It was done to try to facilitate this process, move us off dead center and try to accomplish incrementally what we have ahead of us. It is not going to be an easy task, this budget has got more problems with it than I wanted to see and I think, if we try to do it incrementally, it will not only relieve the burden on the staff of the Appropriations Committee but it will relieve the burden of this House.

I would urge you to adopt this Order.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I am a little sensitive this afternoon to the term incremental because our committee was just criticized less than an hour ago for approaching the budget on an incremental level. I would suggest that it is poor fiscal policy to separate these two fiscal years. I would remind you again that we are intending to have a budget which would serve both fiscal years before the end of March. This is much too premature and I would hope that you would vote against this Order. I request the yeas and nays.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I don't consider it premature to try to deal with the emergency spending needs of the various agencies in state government right now. The example I pointed out of the towns and cities in this state who had natural disasters that occurred, the money has run out in the Emergency Management account, we need to replenish that account and we need to do it now because interest is starting to accrue. We will not get reimbursed for interest and I don't think it is

appropriate to wait to the end of the session to use the same tired old way of trying to pass a budget that failed us before. We need new approaches to solve the problems that we face and this is my earnest attempt to try to bring a new approach to this process. You can reject it if you want to but I urge you to support this as a good faith attempt to try to get a hand around this budget to get it solved.

I am sorry the committee was criticized for doing something incrementally, I happen to think if you can take small steps and reach a goal faster than taking one big step, you haven't done anything wrong.

Representative Foss of Yarmouth was granted permission to speak a third time.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind this body that in December we had a debate about funding the FY92 supplemental appropriations and I believe the prior speaker mentioned then that we should put that off until we did the FY92-93 budget. Some of us argued to do those supplemental appropriations then and the majority will was to delay it until now until we had the big picture. I would suggest again that this is just an attempt to take the emergency off so that there will be a majority budget and I think that is wrong timing when our committee is just beginning to work. These needs will have to be funded by cuts elsewhere.

I urge your opposition.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage of Joint Order (H.P. 1636). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 291

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Lebowitz, Lipman, Look, Lord, MacBride, Marsano, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Richards, Salisbury, Savage, Small, Spear, Stevenson, Tupper, Whitcomb.