

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE RECORD**

OF THE

**One Hundred And Fifteenth Legislature**

OF THE

**State Of Maine**

**VOLUME VI**

**SECOND REGULAR SESSION**

House of Representatives  
March 10, 1992 to March 31, 1992

Senate  
January 8, 1992 to March 9, 1992

15 were taken up out of order by unanimous consent:

## SENATE PAPERS

### Non-Concurrent Matter

Bill "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" (EMERGENCY) (H.P. 1547) (L.D. 2185) which failed of passage to be engrossed as amended by Committee Amendment "A" (H-1192) as amended by House Amendments "D" (H-1206), "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275) and "PP" (H-1279) thereto in the House on March 25, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1192) as amended by House Amendments "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), and "OO" (H-1275) and Senate Amendments "E" (S-708), "H" (S-720), and "L" (S-748) thereto in non-concurrence.

On motion of Representative Chonko of Topsham, the House voted to recede.

Representative Anthony of South Portland offered House Amendment "QQ" (H-1319) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "QQ" (H-1319) to Committee Amendment "A" (H-1192) was read by the Assistant Clerk.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: You will note that my Amendment "D" had been stripped by the other body. It is clear that I am not going to win a battle to prevent, through the budget process, the efforts to privatize the Maine Youth Center. However, I still have great concerns about it. I personally feel that it is wrong what is being done and the approach that is being taken. I strongly believe in the partnership between the private sector and the public sector in the provision of services for juveniles. I do believe strongly that we should increase the level of private involvement in the provision of services to juveniles but tearing apart the Youth Center, I don't believe is the way to go. Nevertheless, I realize that I am not going to be able, through the budget process, to put a barrier in place that will stand up to prevent that.

As a result, I think at the very least what ought to happen is that the Committee on Appropriations and Financial Affairs and the Select Committee on Corrections should receive from the Administration its plan for privatizing the care and treatment of juveniles and be allowed input and comment. That input and comment can, in no way, prevent the privatization but at least gives us as a body an opportunity to comment and to make observations and to make suggestions and to mean that whatever happens will be in the best possible manner within the limits of our power to control.

Thus, this House Amendment "QQ" requires a briefing of that plan or presentation of that plan for input and comment prior to July 1, 1992.

I appreciate your support of my other amendment earlier, I understand there is no opposition that I know of to this amendment anywhere and I would urge its adoption.

Subsequently, House Amendment "QQ" (H-1319) to Committee Amendment "A" (H-1192) was adopted.

Representative Manning of Portland offered House Amendment "RR" (H-1320) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "RR" (H-1320) to Committee Amendment "A" (H-1192) was read by Assistant Clerk.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: This is the amendment that deals with the abolishment of the Community Services. I did add a section of this to reflect — there was some discussion yesterday on the direct grant to the Child Abuse and Neglect Council so this amendment specifies that those direct grants from the Department of Human Services to the Child Abuse and Neglect Councils will be a direct grant. As it read in the amendment "The Community Coordinating Committee shall use the funds received under this subsection to award direct grants for the development and operation of prevention programs." I hope that clarifies everything.

Subsequently, House Amendment "RR" (H-1320) to Committee Amendment "A" (H-1192) was adopted.

House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) was indefinitely postponed in concurrence.

House Amendment "PP" (H-1279) to Committee Amendment "A" (H-1192) was indefinitely postponed in concurrence.

Senate Amendment "E" (S-708) to Committee Amendment "A" (H-1192) was read by the Assistant Clerk and adopted.

Senate Amendment "H" (S-720) to Committee Amendment "A" (H-1192) was read by the Assistant Clerk and adopted.

Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192) was read by the Assistant Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, I move indefinite postponement of Senate Amendment "L" (S-749 to Committee Amendment "A" (H-1192).

Mr. Speaker, Men and Women of the House: I hope that you will not dismiss the sincerity and the concern of my comments simply because I live in an area which is peopled by many state employees. Many of you do as well. My comments are just as real, no matter what part of the state that I happen to live in. Please try to keep that as a statewide perspective, not just as a Representative from District 87.

My son was recently in a play, probably one that you read when you were in high school when it was called "Enemy of the People." In "Enemy of the People" there was a gentleman who discovered that the town's water supply had been poisoned but the mayor of the town didn't want anybody to know that and he kept him quiet and forbade him to speak out. They told the story about the sentry who is far ahead and sees the danger coming and it is his job to speak out that the troops are coming behind. The theme of the play is that the majority if seldom right, it takes

years for the majority to be right and I want you to think about the majority positions here and what we are doing to some very valuable men and women of this state.

Now, the budget just like your checkbooks reflects your priorities and the committee has done an excellent job trying to take care of all the things that we think are important here in the State of Maine. If you look at the budget, you will see what it does. It tries to educate our people, to preserve our natural resources, to care for the mentally ill, to care for the elderly, feed and house the homeless, to take care of our prisoners, to provide for economic growth, justice through our courts, public safety through law enforcement and health care. I would like you to think for a moment about who delivers all the services that the committee unanimously believes were important to deliver. They are our state employees and yet they had the unfortunate position of being left out when we have been struggling very valiantly here to fill a hole in the budget.

I would like to suggest to you that if it had been education, there would have been a lot more allies to try to fill that hole. If it had been revenue sharing, it would have been everybody in this body trying to fill that hole but, unfortunately, it is not, it is the men and women who work long and hard hours trying to take care of all the things that we as a body believe important enough to leave in that budget. How have we responded? This budget, Amendment "L" reflects major cuts to those men and women.

Unless you have forgotten, I want to remind you on this evening which will tell you why I believe this amendment should be indefinitely postponed and that we must find another way to deal with this gap. We responded by repealing a negotiated pay raise of 7 percent. Although that was offset by furlough days, those are gone too. That is gone, negotiated but gone, repealed in one stroke of the pen.

We have said as a body that we are going to bargain for you and give you a 39 hour work week to save \$6.6 million. We said that there will be a shutdown day for another \$1.3 million. We have said you can wait for your paychecks for 8 days, that shouldn't be too big a problem, we will pay you in the next fiscal year. All of those things we have done. I do not believe that in a sense of fairness that any of you can support this budget as it is now presented. I would encourage your support in the indefinite postponement of Senate Amendment "L."

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I spoke the other day so I will not speak very long today. I just think that everything I said the other day still stands. This amendment, although it reduces the amount of money that has an impact on state employees, is no more justified than what we had before us the other day. It makes, just as the other day's budget made the title of this bill inappropriate in my opinion. The title of this bill ought not to be "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" inappropriate because it really is an act to repeal collective bargaining.

That's what we do here, we go back on more than one agreement we have with state employees, we break the agreements that were set up to deal with the fact that we didn't fund the last agreement and we have broken faith with people. There are other ways. We don't have to do this tonight. If it is really important to people to reduce the numbers of state employees as opposed to just taking money out of their paychecks but not reduce their work which is what we are doing here, not reduce their workload, then I would suggest that we take some time to look at things like early retirement. We have 1500 state employees whose retirement will be affected by this bill and if we would ask them and make it a little bit more palatable, I am sure would consider retiring after the way they have been treated. Fifteen hundred state employees are within three years of the age of 60 or older and they are vested — that means that they have worked for the state 10 years. They have always wanted state employees to consider state service a career but, men and women of the House, this is not going to last much longer. I keep hearing people talk about how stressful it has been for the last few years and how, as soon as the economy picks up, they will be looking for something else because state service no longer represents something to be proud of. They have too much work, too few employees and too little time to do things right.

I think we are dismantling state government and destroying the quality of it in the process. It just makes me very sad and I think it is irresponsible. I think, as many of you know, that the proper thing for us to do is to say to the people of this state, we cannot afford what we are doing. Since we have not been able as a body to agree how to cut programs, and I say that with respect, I do believe that people on both sides of the aisle have tried to cut programs but we can't agree. That's political reality so we should say to the people of this state what we want to do collectively, we can't afford, and we need to raise additional revenues. I think that that can be done without adding new taxes or without increasing taxes except to remove exemptions.

I urge your defeat of this amendment but first I'd rather indefinitely postpone it.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to indefinitely postpone Senate Amendment "L" to the budget and I would also request a roll call when the vote is taken.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I find myself in a real dilemma. I have talked with numerous state employees and this issue is very personal to them. It is easy for us when we push a button and we don't think about the effect it has on their lives. While we are making some of these decisions about which button to push, I would just like to speak to you about a couple of personal impacts that it is going to make.

I had a call from someone who works for the Human Rights Commission. We all are very concerned about the delivery of services of human rights and she tells me that they are very short staffed now. People are not getting the service. It is difficult enough as it is to provide the services.

I spoke with a confidential employee and she and

her staff make decisions as to who gets into nursing homes and the funding. When decisions aren't made as to who goes into nursing homes and approvals aren't made, it slows down the process. She is not only taking the cuts of the 7 percent balanced with the furlough days, she is a supervisor and has lost 5 percent. As a confidential employee, she has also had a 3 percent cut. She is concerned about the services, the services that her agency delivers.

I just had a call and spoke with someone who works at the AMHI nursing home. She told me about the kinds of patients that these people work with. She wasn't calling for herself, she only works 500 hours, it is 3 days a week, so it doesn't affect her but she told me about the staff and how hard they work. The people that they work with are not easy to deal with, they are sick people and many of them have Alzheimer's. It is very rough work and very hard work. She told me about the decision that had been made to buy new furniture for AMHI when the patients aren't interested in new furniture, they need appropriate equipment like wheelchairs, geri-chairs, and how distressing and demoralizing it is to have furniture bought when that's something that is not necessary.

I have had calls from people who aren't state employees. I had a call from a gentleman who said to me, "Isn't this going to be demoralizing to people who provide our state services?" He said to me, "I would like to see a smile on the face of the people who provide my services."

I hope that you will be thinking about these few instances as you make these decisions.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I will also vote for indefinite postponement. I think that it is unnecessary to hurt good and faithful servants this way. While I commend the Appropriations Committee, I know they have done an outstanding job given the parameters that have been forced upon them, I think that the situation in which we find ourselves is unnecessary and that all it would take to resolve it is a sound, fiscal policy.

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 the motion of the Representative from Vassalboro, Representative Mitchell, that Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 417

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Bell, Bennett, Boutilier, Cahill, M.; Carroll, J.; Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray,

Greenlaw, Gurney, Gwadosky, Hale, Handy, Heeschen, Heino, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lipman, Look, Lord, Luther, Mahany, Manning, Marsh, Martin, H.; McHenry, McKeen, Melendy, Merrill, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

NAY - Barth, Butland, Carleton, Carroll, D.; Chonko, Farnum, Foss, Garland, Hepburn, Hichborn, Kutasi, Lebowitz, Libby, MacBride, Macomber, Marsano, Mayo, Michaud, Ott, Parent, Pendexter, Pines, Pouliot, Reed, G.; Rydell, Stevenson, Tupper, Whitcomb.

ABSENT - Bowers, Duplessis, Hanley, Hastings, The Speaker.

Yes, 118; No, 28; Absent, 5; Paired, 0; Excused, 0.

118 having voted in the affirmative and 28 in the negative with 5 being absent, the motion did prevail.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of Committee Amendment "A" (H-1192) as amended by House Amendments "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230) & "FF" (H-1252) thereto and later today assigned.

The Chair laid before the House the following matter: An Act to Legalize Marijuana for Medicinal Purposes (H.P. 1729) (L.D. 2420) (H. "A" H-1312 to C. "A" H-1281) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I move that we indefinitely postpone this bill and all its accompanying papers.

I know there has been a lot of work put into this bill but I have very strong feelings about the State of Maine going on record legalizing the use of marijuana. The state, as we know from our budget process, now spends over \$15 million in combating substance abuse problems. Our municipalities have extended many resources for the DARE program in our schools to teach our children to avoid the use of drugs like marijuana. I oppose having a legislature condone the use of that drug which we know is an entry level drug for our children and leaves a long-term drug abuse problem. I understand that this is limited to medicinal purposes; however, I think the headlines will read that the legislature approves the use of marijuana and I don't think that is a message that we can send our children.

I do understand, however, that there are legitimate medical needs in this area and that there have been legislators who are concerned about that but I do believe that the federal government through the Federal Drug Administration should handle that issue. I believe that the lobbying effort should be made for that in Washington. I believe very strongly