

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

(After Midnight - 12:15 a.m.)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 20 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Provide Skills Training for Unemployed Workers" (H.P. 1772) (L.D. 2454) on which the Bill and accompanying papers were recommended to the Committee on Housing and Economic Development in the House on March 29, 1992.

Came from the Senate read twice under suspension of the rules and passed to be engrossed in non-concurrence.

Subsequently, the House voted to Insist.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(S.P. 848) (L.D. 2159) Bill "An Act Related to Hydropower Relicensing Standards" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-752)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following 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 was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-1192) as amended.

Representative Daggett of Augusta offered House Amendment "TT" (H-1329) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "TT" (H-1329) to Committee Amendment "A" (H-1192) was read by the Assistant Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.
Representative DAGGETT: Mr. Speaker, Men and

Women of the House: Although I would love to have an opportunity to offer an amendment that would make state employees completely whole, that doesn't seem possible under these circumstances but I think what this amendment offers is an appropriate, reasonable and responsible compromise. I hope you will be able to support it.

It maintains the base which is the current status quo along with those furlough days than previously agreed to so it would not be violating that previously agreed to piece. It would require state employees to give up only one-third of what was previously asked and that is the one hour.

I hope that you will be able to support this amendment.

Representative Tracy of Rome requested the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I came back into the House as the bell was ringing to find this amendment being distributed. The amendment has 17 pages in it, the Statement of Fact contains a significant amount of information that is either inconsistent with or certainly was not explained by the Representative from Augusta, Representative Daggett, whose amendment this purports to be. I don't understand how we can be asked at this hour of this day to deal with this without at least being given an opportunity to discuss it, to review it, to go to caucus on it. We have been around this place for Lord knows how long dealing with matters. From what I understand the Representative to have said now was agreed upon a week or two weeks ago, has been in every budget or everyone of the proposals, and is now being stripped out in some way.

I think it is a disgraceful procedure that we are apparently embarked upon and I cannot believe that we are going to be subjected to that. If we are going to be forced to vote on this without the opportunity to discuss it and have our colleagues think about it for a little bit together, I think it should be voted against simply on the basis that it is a bad policy to make changes of this sort at this time of the day, ten minutes of one in the morning when we have not even had the courtesy of having this before us. We have never heard that this was going to be a part of the discussion this evening.

I don't know what kind of games are being played here or by whom but it certainly strikes me that there is a game and if we have to vote on it (and I hope we won't) I hope it will be tabled and we can go to caucus so we can discuss it, then I hope the vote will be against it.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I know the hour is late and we are tired but I will try to be calm. It is a little difficult to take all the chastisement about needing time to understand this budget when those of us from the Augusta area read about the cut to state employees in the Saturday morning Kennebec Journal. We have been asked to vote on numerous things without very much opportunity to look at it, much less understand it.

This is really a very simple amendment. There is nothing new in it. It is basically "LL" restored

which was a unanimous product of the Appropriations Committee and leadership, if I understand it. The only thing that Representative Daggett has added to this was also something that shouldn't be new to anybody — it is simply continuing to honor a collectively bargained agreement. It restores the pay, the .07 percent which had been bargained on a side agreement to be offset by furlough days. That is not new. In fact, it is in Chapter 65, the rest is the Appropriations Committee bipartisan recommendation on "LL." The cuts still stay in place, the budget is balanced, there is nothing really shockingly new here and I also am tired but it is also important that we enact a budget.

I would encourage your support of this amendment tonight.

The SPEAKER: The Chair would advise members that reference to similarities should be that House Amendment "TT" is similar to Senate Amendment "L" and not "LL." I repeat, it is Senate Amendment "L" which is what was voted on three hours ago.

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: We did just get this amendment and I would differ with the prior speaker that there is nothing new in there. There is a new appropriation for a program for the homeless for \$175,000. I have never heard, frankly, any testimony on that proposal and as one who has felt very strongly about that \$900,000 cut in child protective workers, which was in our budget, I wonder whose priority this is which was never presented to the Appropriations Committee for discussion?

Also, the agreed upon language has across-the-board cuts which will affect state employees and positions. I don't think it is responsible now to add, along with those layoffs, furlough days and still try to deliver services to Maine citizens with all the programs that are still on the books.

I hope you will vote against this motion.

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 Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I haven't had any time either really to digest what this is but I have to say that what I see in a few seconds compels me to say that I can't support this either and I would like to explain why.

I think the problem is still there that we are still looking to state employees to fill the hole which is not caused by state employees. This is an improvement because it honors a part of the collective bargaining agreement but it also still changes working conditions, changes working hours and I am really concerned, and I haven't mentioned this before, what we are doing to the pay scale. We paid thousands of dollars over the years to consultants to come up with the pay scale that provides for equal

pay for equal work and when we start pulling out salaries the way this does and the way Senate Amendment "L" does, I think we are creating problems that are beyond anybody's imagination. For those reasons, I am sorry I just can't support this either and I hope you will vote against it.

The SPEAKER: The pending question before the House is adoption of House Amendment "TT" to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 420

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Gean, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Hichborn, Hussey, Jacques, Jalbert, Joseph, Kerr, Kontos, Larrivee, Lawrence, Lemke, Mahany, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Powers, Ricker, Ruhlin, Rydell, Simonds, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Waterman, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; DiPietro, Donnelly, Duplessis, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Hale, Hanley, Heeschen, Heino, Hepburn, Hichens, Hogle, Holt, Ketover, Ketterer, Kilkelly, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Manning, Marsano, Marsh, Merrill, Murphy, Nash, O'Gara, Oliver, Ott, Pendexter, Pines, Plourde, Rand, Reed, G.; Reed, W.; Richards, Richardson, Rotondi, Saint Onge, Salisbury, Savage, Sheltra, Simpson, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Vigue, Wentworth, Whitcomb.

ABSENT - Bowers, Greenlaw, Hastings, Parent, Pendleton.

Yes, 75; No, 71; Absent, 5; Paired, 0; Excused, 0.

75 having voted in the affirmative and 71 in the negative with 5 being absent, House Amendment "TT" to Committee Amendment "A" (H-1192) was adopted.

Committee Amendment "A" (H-1192) as amended by House Amendments "L" (H-1216), "N" (H-1291), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275), "QQ" (H-1319), "RR" (H-1320) & "TT" (H-1329) and Senate Amendments "E" (S-708) & "H" (S-720) thereto was adopted.

Representative Treat of Gardiner requested a roll call on engrossment.

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 to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 421

YEA - Aliberti, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Coles, Constantine, Cote, Daggett, Dore, Duffy, Dutremble, L.; Gould, R. A.; Graham, Greenlaw, Gwadosky, Handy, Hichborn, Jalbert, Kerr, Kontos, Larrivee, Mahany, Manning, Martin, H.; Mayo, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Ricker, Ruhlin, Rydell, Sheltra, Simonds, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Waterman.

NAY - Adams, Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Clark, H.; Clark, M.; Crowley, DiPietro, Donnelly, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gray, Gurney, Hale, Hanley, Heeschen, Heino, Hepburn, Hichens, Høglund, Holt, Hussey, Jacques, Joseph, Ketover, Ketterer, Kilkelly, Kutasi, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, McHenry, McKeen, Merrill, Michael, Morrison, Murphy, Nash, Norton, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pines, Plourde, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Rotondi, Saint Onge, Salisbury, Savage, Simpson, Small, Spear, Stevens, A.; Stevenson, Strout, Treat, Tupper, Vigue, Wentworth, Whitcomb, The Speaker.

ABSENT - Bowers, Hastings, Parent.

Yes, 56; No, 92; Absent, 3; Paired, 0; Excused, 0.

56 having voted in the affirmative and 92 in the negative with 3 absent, the Bill failed of passage to be engrossed in non-concurrence and sent up for concurrence.

At this point, the Representative from Fairfield, Representative Gwadosky, was appointed to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

Representative Martin of Eagle Lake moved that the House reconsider its action whereby 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) failed of passage to be engrossed as amended.

Representative Marsano of Belfast requested a roll call vote.

The SPEAKER PRO TEM: 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 PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: It is interesting that this late in the evening how certain things can get into a situation where people find themselves comfortable doing what they think is right, based on information or lack of information that is provided to them. I appreciate that.

For those in the Minority Party, I am sure that maybe they feel as if they were not fully informed. Perhaps they might have a little feeling for what members of the Majority Party have felt from the administration for the entire three months in trying to put a budget together.

Let me just tell you what the difference is between where we are and why I believe we ought to reconsider this evening. Representative Marsano from Belfast really led you down the path of getting you to accomplish the goal of defeating engrossment. I think we need to go just a little further than that. The reason I think we ought to reconsider is that we have to pass a budget today. I think it is critical that we do so without any further delays.

One of the things which led to the confusion this evening was whether or not and why something got into this amendment and was there more into it than what was being discussed? I think it is fair for you to know that the so-called amendment that is in this budget which deals with the homelessness and is found on the last page is the only thing in here which is different than "L" which was adopted by the other body. There is one exception and that has already been explained by the Representative from Augusta, Representative Daggett and Representative Mitchell from Vassalboro.

I would like to explain to you why it is there. First, let me tell you that I authorized it being placed there. The reason that I did was because of the fact that the material and information that was arrived at for the Representative from Alfred putting together the original proposal that he had which was on another bill was based on information that had been worked on by him and certain members of the department. Yesterday morning, (now two mornings ago) the Representative from Alfred came to me and said, "I just lost the available resources I had to fund the proposal that I was offering." I said, "Interesting, but tell me more." He did. Later in the day in a meeting that we had with members of the administration, I asked the Commissioner of Finance where the information had come from when he gave us one of the two sources of income that were produced by the administration for funding the potential \$20 million shortfall. Lo and behold, I found that in fact that figure had been taken from information provided by Representative Gean.

As a matter of fact when I came on the floor this evening, I suggested to Representative Chonko that she explain that this money was actually stolen. Representative Chonko said, "I don't want to do that." I guess neither do I, but I think it is critical that you be aware that that may have led to some conclusions which may have led some of you to vote the way you did.

Second, what you have before you, in my opinion, is about as best as we are going to get. I guess we have to arrive at a decision as to whether or not we can go any further.

I appreciate the fact that the Representative