

# 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

## 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, Tammaro, 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

from Hallowell feels that some of this is on the backs of state employees. Quite frankly, that is true. I appreciate the fact that there are some people in this room who would like to put more on the backs of state employees, a lot more.

I think at this point we need to reconsider and, if someone has another amendment, we ought to put it on. As a matter of fact, there is another amendment, an amendment that would be offered a little later if this one is reconsidered and removed. It is slightly different than this one.

I do not believe that we can leave this body tonight with having failed to engross a budget. So, I would plead with the members of my party at least, I don't believe I will get the support of too many from the Minority but I will plead with the members of my own party if they have a better solution or no solution at all that the least we can do right now is to reconsider because this is the place we are going to have to put an amendment on whether we like it or not, if we are going to have a budget. If we are not going to reconsider, then we need to give serious thought to going home. There is absolutely no sense in spending more time here, accomplishing little. We will not help ourselves, we are not going to help the people of Maine and for those of you who support the employees of the state, we will give them even less comfort. So, regardless of your position for or against an amendment, I plead with you to vote reconsideration and then let's figure out where we need to go. Without reconsideration, we are going nowhere, nowhere at all.

I plead with you to vote for reconsideration at this time and then we need to figure out where we are going to go from there.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: One never knows when the gentleman from Eagle Lake comes down off the rostrum which gentleman from Eagle Lake one will see in action. Tonight as you have seen, it is the petulant, pleading Representative from the far north. He suggested I led you down the garden path. It is I who have been led down the garden path.

I have been a supporter of the Appropriations Committee in this House for a very long period of time. I have been and still am. But, I was placed in a position last night by the Speaker of the House where I was asked to be on a committee, a committee that which I term as one representing rampant ad hocery that led us to a position where we generated something last night that the lady from Vassalboro correctly chastised us for, not giving out information. Whose idea was that? It was the idea of the gentleman from Eagle Lake. It was his suggestion that this arrangement which was put together and appeared as 748 would somehow be better if the press and the unions didn't know about it. You wouldn't know about that, Mr. Speaker, because during the course of that deliberation, you weren't present. The Representative from Waldo said to me, I think this is a charade, I don't think Representative Gwadosky will be there, so you and Representative Mayo go down to the cabinet room and see if you can work things out. We did, the President of the Senate was there, the only member of Democratic Leadership, along with some people from the Appropriations Committee. Then, the Senate President left and we were left with nobody from Democratic Leadership,

leadership from the other body. We tried to get somebody and nobody came. But, we tried, we worked on it through the evening after you had gone home in an effort to put something together because somehow there was some idea that leadership could replace Appropriations, as if that were so in a budget situation. We have not been able to deal with that. Never in the years that I have been here in this House have I seen a committee of the whole ever replace the Appropriations Committee which balances the power of the Executive Administration and the various interests such as those that are exhibited by some of the fine Representatives that serve on that with ideas that they care about that they bring to the budgetary process trying to craft out a balance which they offer to us and we have treated them with revulsion. I have not done that because I did not want to suffer the same kind of feeling that I have as a result of the revulsion which you have visited upon me for my efforts trying to produce something that you might accept, which was 748.

I apologize for that. I shouldn't have participated. When I saw that the Representative from Fairfield was not there, I should have left too. But, I know how hard the Representative from Thomaston works and he did again, although he made it clear that he didn't approve the process before, he came with a spirit of willingness to try and put together a budget. And, when a ready, willing individual comes and asks me for help in this process, I try. I failed but I tried last night with him and I appreciate the efforts that he made to give you something which he thought might be a reasonably competent package for you to accept. There are no good answers.

There was a humorous side to it all yesterday — my seatmate, the Representative from Bangor said, "You know, the problem with this place is we have got somehow to figure out how to reduce the size of the Appropriations Committee from 186 back to 13." I thought that was a really clever statement because I think that has been what is wrong with the process. His wishes were resolved beyond all of our expectations because we reduced it to one, we reduced it to the gentleman from Eagle Lake who took over with his little list and all the rest of it and never mentioned, to my recollection, I have an imperfect and aging mind, but never to my recollections did he mention what is within the amendment that the Representative from Augusta just placed before you. That was never proposed as a solution. Yet somehow now, in these late hours, the Representative from Eagle Lake would have you believe that there is no place else to go and can't we all do this. He implores and pleads with the people from his party, he says he will get none of the votes from the Minority Party but he would have because we worked throughout the course of this day to try to get the votes together to pass a budget that would be responsible that had at least some connection with the Appropriations process. Well, what has that amounted to? Have I led you down any garden paths? No, I say. I have not led you down any garden path at all. I am the one that has been deceived by the gentleman from Eagle Lake. I am tired of it, I am tired of having him make the same preposterous argument that he makes here tonight and makes it with such convincing simple eloquence — we must have a budget. We have failed before as a House and sent the matter off to our brethren on the other side of

the Capitol building here and they have done something which we have not been able to do. Maybe they can do it again but there is no reason for us to accept it. There is certainly nothing in the representations made to you by the gentleman from Eagle Lake that should suggest to you however remotely that there is something that is compelling about this as opposed to whatever else we've had. I think we should deny reconsideration, let the matter get out of here. You remember on a procedural basis when we failed of engrossment just a few nights ago that it was the ruling of the Clerk of the House that the matters that were on went to the Senate in that fashion and that can still be the case. If that was the ruling then, it should be the ruling now and they will have this amendment by Representative Daggett. If for some reason they shouldn't why, as you will notice Senator Pray under Senate Document 755, has already produced nearly the exact document for their consideration.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: As I sat here and listened to the two leaders speak tonight, I just want to make a couple of comments.

I think that we should reconsider, not because of either one of those gentlemen, but we should reconsider this and I think what we ought to do is give both parties the opportunity to take this to a caucus and look it over. I think this bill should be settled right here and I think it is up to us to do it without sending it to the other end but I think we have to do it in the right way.

I was aware of this amendment before it came in here tonight. I didn't say anything to anybody because I thought everybody knew what was in that amendment, evidently they didn't, but you heard the gentleman down in the corner ask when it came in that he felt that we ought to have a chance to look at it because it came in too soon. I agree with him. What we should do is reconsider, table this, we have been here all day for two days and another 15 to 20 minutes isn't going to hurt any of us. If we let us take that bill so we can look it over as a Minority Party and review and see what our problems are, I think we are very close to settling this problem. I don't think we ought to vote against this and send it back over there. I think the place to do it is right here, I think we should reconsider and then the next thing I would hope somebody would do is table it and let our party go down and look at it and let you people do the same. I think we can resolve this.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of the Representative from Eagle Lake, Representative Martin, that the House reconsider its action whereby L.D. 2185 failed of engrossment. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 422

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

Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larriee, Lawrence, Lemke, Lord, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Ault, Bailey, H.; Barth, Bennett, Butland, Carleton, Donnelly, Duplessis, Farnum, Foss, Garland, Greenlaw, Hanley, Hepburn, Hichens, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, Luther, MacBride, Marsano, Merrill, Nash, Ott, Pendexter, Pendleton, Pines, Rand, Reed, G.; Richards, Savage, Small, Whitcomb.

ABSENT - Bowers, Hastings, Parent, Salisbury.

Yes, 110; No, 37; Absent, 4; Paired, 0; Excused, 0.

110 having voted in the affirmative and 37 in the negative with 4 being absent, the motion did prevail.

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At this point, the Speaker resumed the Chair.

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The House was called to order by the Speaker.

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By unanimous consent, L.D. 2454 was ordered sent forthwith to the Senate.

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(At Ease)

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The House was called to order by the Speaker.

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Representative Handy of Lewiston requested a roll call on passage to be engrossed as amended on 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).

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.