

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME V**

**SECOND REGULAR SESSION**

**House of Representatives**  
January 5, 1994 to April 14, 1994

honestly believed that prior to coming to this critical moment that we could get together for the welfare of the Harness Racing Community.

Indefinite postponement means House Amendment "A," Committee Amendment there attached to it including House Amendment "E" — I honestly had an alternative to this and that was an opportunity to go back to the original posture of the Agriculture Committee. What was that? Let it go for a year and then come back with some real constructive way of addressing this great bonanza that we have before us.

It is kind of too bad — politically it took some of these other avenues before it has come to this. The Committee was in agreement to postpone any of these major areas and come back after a study. Now, how effective is a study? In 1990 I was a member of a study to study the harness racing industry, November, 1990. There were critical areas of concern at that time that needed to be addressed — drugs, changes in the laws, it went on and on and on. This study came back with a constructive direction of the Harness Racing Community. It was presented in November 1990 and it put us on the right track.

I hope that if you indefinitely postpone this you will understand what you are doing. You are saying the status quo will exist. The great area of controversy to the harness racing community will stay the same. It will not change at this time and the projections will be the same.

I wish that I could honestly say that I would vote against this. There is no alternative, no alternative, but to wake up the racing community and wake up the legislature in addressing a critical situation. I urge you to support the indefinite postponement of this document and all its accompanying papers.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Pouliot of Lewiston, that the bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 341

YEA - Adams, Aikman, Aliberti, Beam, Birney, Carleton, Clement, Coffman, Coles, Constantine, Cote, Dore, Driscoll, Farren, Heino, Holt, Jalbert, Joseph, Joy, Kontos, Larrivee, Marsh, Melendy, Michael, Murphy, Pinette, Plowman, Pouliot, Ricker, Rydell, Saint Onge, Skoglund, Stevens, A.; Stevens, K.; Swazey, Townsend, G.; Tracy, Treat.

NAY - Ahearne, Anderson, Ault, Bailey, R.; Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Campbell, Carr, Carroll, Chase, Chonko, Clark, Cloutier, Clukey, Cross, Daggett, Dexter, DiPietro, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heeschen, Hochborn, Hoglund, Hussey, Jacques, Johnson, Ketterer, Kilkelly, Kneeland, Lemke, Lemont, Libby James, Lindahl, Look, Lord, MacBride, Marshall, Martin, J.; Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Reed, G.; Richardson, Robichaud, Rotondi, Rowe, Ruhlin, Saxl, Simoneau, Small, Spear, Strout, Sullivan, Tardy, Taylor, Townsend, E.; True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Bailey, H.; Caron, Cashman, Cathcart,

Donnelly, Hillock, Kerr, Kutasi, Libby Jack, Lipman, Martin, H.; Nash, Rand, Reed, W.; Simonds, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 38; No, 94; Absent, 19; Paired, 0; Excused, 0. 38 having voted in the affirmative and 94 in the negative, with 19 being absent, the motion to indefinitely postpone the Bill and all accompanying papers did not prevail.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, my light turned itself off and I wish to be recorded as nay.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-948) as amended by House Amendments "D" (H-1003) and "F" (H-1095) thereto in non-concurrence and sent up for concurrence.

Objection was made to sending the matter forthwith.

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An Act to Amend the Laws Relating to Potatoes (EMERGENCY) (H.P. 1273) (L.D. 1717) (S. "A" S-589 to C. "A" H-1059) which was tabled by Representative TARDY of Palmyra pending passage to be enacted.

On motion of Representative TARDY of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 1717 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-1059) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-589) to Committee Amendment "A" (H-1059) was adopted.

On further motion of the same Representative, Senate Amendment "A" (S-589) to Committee Amendment "A" (H-1059) was indefinitely postponed.

The same Representative presented House Amendment "A" (H-1096) to Committee Amendment "A" (H-1059) which was read by the Clerk and adopted.

Committee Amendment "A" (H-1059) as amended by House Amendment "A" (H-1096) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1059) as amended by House Amendment "A" (H-1096) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 1306) (L.D. 1761) (Governor's Bill) (C. "A" H-1081) which was tabled by Representative JACQUES of Waterville pending passage to be engrossed.

On motion of Representative MORRISON of Bangor, the House reconsidered its action whereby Committee Amendment "A" (H-1081) was adopted.

The same Representative presented House Amendment "A" (H-1085) to Committee Amendment "A" (H-1081)

which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Morrison.

Representative MORRISON: Mr. Speaker, Men and Women of the House: As you will note from the green sheet that was just passed around, this amendment takes the \$320,000 that was allocated to the magnet school for start-up costs and returns it to the GPA.

I personally have no bad feelings about a magnet school. In fact, at one time, I taught for four years, and I taught advanced placement mathematics and science students. However, I think this is a poorly timed piece of legislation.

The problem is it costs \$320,000 this year but it has a price tag of a minimum of \$2 million per year on ad infinitum. That is the problem, it will become a line item in the budget and as a line item it is going to get first consideration and that money is going to come out of GPA. As a result of that coming out of GPA and we are already \$100 million short in that account so this will put us another \$2 million per year minimum behind. We are going to wind up spreading that cost amongst the local taxpayers because each individual community will be reduced by that proportion of the amount. So, once again, the local taxpayer, the property taxpayer, is going to bear the brunt of this change. One might even say that the local property taxpayer will also get to pay his local property tax but he will also get to pay that portion of the \$2 million that will be going to the magnet school.

Our constituencies back home have said loud and clear that there are two things they really don't want to see down here any more and that is increase in taxes and new programs.

You have an opportunity today to cast your vote to agree with your constituents back home that that is indeed the way you feel.

I urge you to support this amendment.

I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I move that this amendment be indefinitely postponed.

Mr. Speaker, Ladies and Gentlemen of the House: We had a long debate on this last week and so I am not going to debate it for a long time today.

I do want to remind you that you approved of this bill, this school, by a vote of 94 to 43 last week. I hope that you will keep that same vote today.

I think this is a really important bill, it is a really important school and it will do many things for many students. It will not be only those students who attend the school, but it will provide teacher workshops, it will provide shorter summer programs for students all over the state. I think that is tremendously important.

The \$320,000 that it is going to take to establish this school is a very small sum when it comes to education whereas \$320,000 isn't going to make a great deal of difference in the GPA budget that we do have.

For 1996 revenue at 150 students it would be a cost of \$1.1 million. However, you would have to take that minus the GPA savings from the sending districts which would be \$705,000 which would leave a net cost of \$465,000 for that year. As the school enrollment increases so does the price and so does

the savings.

I do want to point out to you that this school is tremendously important to this area. I hope none of you have to experience the loss of a defense facility such as we are losing Loring Air Force Base. It is going to mean the loss of millions of dollars to the state unless we can provide a reuse for it. We are trying very hard.

I think this school will play an important part in attracting businesses or a use for that base. As you know, whenever companies are going to move into an area they not only look at the work force that is so important to them, but they look at the schools to see what kind of education is provided for them.

I think this will go a long way to helping us sell a reuse for Loring Air Force Base. We need it. I hope you will support it, and, I ask you to keep the vote that you kept last week.

I have a sheet coming to be passed out to you but unfortunately it hasn't quite arrived yet, it will be along.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I have looked at the magnet program (so-called) and I really think it is a wonderful program. I would dearly, dearly, love to have it. I think it is something we need in this state. I think it is the future if we are going to have the quality of education as a leader school to get us where we should be approaching — as we move into the 21st Century we need that school. But, there is one overriding thing we have to think of today, I think, that we should not (if we have any fiscal prudence at all) we would not be funding new programs regardless of how attractive they are when we cannot even fund at a reliable and proper level the basic education that all the students in our state need and deserve.

I would ask that you vote against the motion to indefinitely postpone and go on to attach this amendment to this bill.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Men and Women of the House: I just want to speak briefly.

I want to support the pending motion and ask that you do so also.

I understand that we are asking a lot. There are other special programs in this budget. There are all kinds of things that people could pick apart and all kinds of amendments that people could offer and support. I am going to vote for the budget as it has been presented.

One of the things that was raised earlier today was an article from the Bangor Daily talking about the problem of attracting students to Limestone. I just want to, for a moment, present you with some additional testimony from other students from an article from the Maine Sunday Telegram from January 16th, 1994. Apparently the Bangor writers didn't check with these students. A young man from Deering High School, named Anderson, suggests that he wants more from his education. He says, "There are lots of times where I ask questions at the level I am at and the teachers say, you can't learn that until you get to calculus next year." He said, "It sort of makes me feel frustrated because I can't learn everything I want to."

Alex Terelle, a junior at top math student at

Bonny Eagle High School in Standish said he would go to Limestone for greater challenges and because it would look good on his resume. You have to sacrifice some things but I don't think it would be that bad.

"Despite the sacrifices, many parents would not hesitate to enroll their children," said Brenda Wilson, the co-founder of the Maine Parents for Gifted and Talented Youth. "Most parents are looking for resources, they would like to see their child's curriculum enriched." She said, "Here is an opportunity to have some of the latest technology and top-notch instructors and I think they would be pounding on their doors."

Ladies and gentlemen, we have received dozens of letters from young people and families all across the state, it is precisely in tough times that you have to do the most with the resources you can.

I want to say one last time, the wealthy can always send their children to their school of choice, this is an opportunity for children from any means, if they are competent to attend, to have that kind of opportunity.

Mr. Speaker, I would ask again that we support the pending motion, indefinitely postpone this amendment. I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: The faster we run, the behinder we get.

This is not a time for a new program. You look out in the halls and everyone is scurrying for more money for GPA. We will be lucky if we can come up with the \$7 million. We ought to have \$50 million or \$60 million more. We are underfunding the present programs at our home schools. Please, I beg you to defeat the motion to indefinitely postpone. This is not the right time to expand programs.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: Just one comment. The previous speaker mentioned that this was not the right time, perhaps, for new programs. I will tell you this is the only time that the several million dollars will be available from the Limestone Community to be given to the state for this kind of program. This is the time when we have a facility that has wonderful equipment in their laboratory and has a beautiful physical plant. This is the time, this is the only time because of the transition with the loss of Loring Air force Base, that certain federal monies will be available for this project.

I would agree that there are other very important measures that deserving of funding but I would put forward to this body that if we are ever going to do this we are never going to get as good a financial package for everything that we are getting from the Limestone community, several million dollars as well as a fully equipped facilities.

I would urge you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, I would pose a question through the Chair.

On the point that Representative Robichaud just made, could anyone tell us what the deadline is for the federal funds? Is there a specific date by which we need to submit a plan from the State of Maine. Is there a specific date or a specific grant year by

which the funds are unavailable?

The SPEAKER: Representative Chase of China has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Men and Women of the House: I will answer the question as best I can. As I understand it there already has been a million dollar grant which has been let to the community for any purpose that the community would use it for. That money has to be used within a specific fiscal year time table. I am not sure about the details of that.

There is another contingent, almost a million dollars contingent upon this proposal and \$600,000 in housing which I believe is specifically tied to this proposal.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Morrison.

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up one of the misconceptions that we always seem to get trapped in. Every time somebody says federal dollars we just jump at it full speed ahead. How many times have we, as members of this state, been suckered into federal programs only to find out that a short while down the road the funds are no longer available and guess who is going to pick up the tab. I think you need to consider that because this is a one-time allocation of federal funds or a one-time transfer of federal properties to the state. So, consider that.

I urge you to vote against the indefinite postponement.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of 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 Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House: The speakers before me have indicated that certainly this is not a time for new programs. I apologize for being away so that I did not hear the first speakers. However, I would like to remind people that we have been in this dilemma a number of years. Now, all of a sudden, people think that four or five more million is going to cure all of the evils and the restructuring within our schools in Maine. I don't think that is possible. I do think that we do need a study and a thorough study. Perhaps a study from people outside of the State of Maine to perhaps give us some ideas as to how we can fund education properly.

It was only a couple of years ago whereby the citizens of Maine said that education should have a priority. It seems to me that we, as a legislature, have ignored that. Here we are, in the final days of the session, and we are just trying to think in terms of finding money somewhere for education. If it was so prioritized by the citizens to be the number one thing, next to economics and jobs, it would seem to me that we would have done something some time ago.

I have read and heard people talk about a magnet school an elitist type school, and it is far from it.

Yes, the people that go to the magnet schools have an aptitude for whatever school that school presents and in this case it is math and science. This does not mean, necessarily, that it is the best students in our schools. In nearly four decades in education I have seen a lot of students who have had aptitudes in different areas but certainly had difficulties in others. In this particular type school maybe they might be in the first ten percent of the class, I am not sure, but it is not necessarily the top students of the school.

The Representative from Limestone has indicated that certainly the monies seem to be there except for this small amount. It seems, for this small amount, that it would be in our best interest, to perhaps taking a chance to offer this to approximately 150 of our students this year. From the indication of some of the students in the areas, they seem to be interested. I don't know of a school that, from my understanding as to the way that this will be constructed and the way it will be equipped, I don't know of many schools that will have the advantages that will be offered in this magnet school. I have visited magnet schools before. I have read about them and so forth and they seem to be quite successful throughout the United States. I see no reason why that they would not be successful here in Maine.

I urge you to certainly give the students who wish to go to this type of school the opportunity to do so.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, I would pose a question through the Chair.

The numbers that we have been hearing about, the \$400,000 that is necessary to come from state funds this year to match federal funds — what is the anticipated general fund impact over the following two years?

The SPEAKER: Representative Kilkelly of Wiscasset has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Bangor, Representative Morrison.

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: To respond to the question, I believe that next year it is \$1.4 million and it could be as high as \$2 million for each succeeding year, depending upon how many students attend. Next years projection is for 150 students, the school is projected for 300 students.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: As has been said, they hope to have 150 in the year 1996. The cost of that will be \$1.1 million. However, that is minus the GPA saving from the sending districts which amounts to \$705,000, giving a net cost of \$465,000. When the school, in 1997, has an enrollment of 300 students the cost is \$2.3 million. However, that is minus the GPA savings from sending districts which is \$1.4 million and that gives a net cost of \$930,000 which I feel is a real bargain.

I hope today that you will support this school.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative MacBride of Presque Isle to

indefinitely postpone House Amendment "A" (H-1085) to Committee Amendment "A" (H-1081). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 342

YEA - Ahearne, Aikman, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Chonko, Clement, Clukey, Cote, Cross, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Farnum, Farren, Foss, Gean, Greenlaw, Hale, Hichborn, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Kneeland, Kontos, Lemont, Libby James, Lipman, Look, Lord, MacBride, Marsh, Martin, J.; Michael, Michaud, Mitchell, E.; Murphy, Nadeau, Nickerson, Norton, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pinette, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Robichaud, Small, Stevens, A.; Stevens, K.; Tardy, Taylor, Townsend, G.; True, Tufts, Vigue, Whitcomb, Young, Zirkilton.

NAY - Adams, Aliberti, Bowers, Brennan, Chase, Clark, Cloutier, Coffman, Coles, Constantine, Daggett, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gould, R. A.; Gray, Hatch, Heesch, Heino, Hoglund, Holt, Hussey, Ketterer, Kilkelly, Larrivee, Lemke, Lindahl, Marshall, Melendy, Mitchell, J.; Morrison, O'Gara, Pineau, Poulin, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Spear, Strout, Sullivan, Swazey, Townsend, E.; Tracy, Treat, Walker, Wentworth.

ABSENT - Bailey, H.; Caron, Cashman, Cathcart, Hillock, Kutasi, Libby Jack, Martin, H.; Nash, Rand, Simonds, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 81; No, 55; Absent, 15; Paired, 0; Excused, 0. 81 having voted in the affirmative and 55 in the negative, with 15 being absent, House Amendment "A" (H-1085) to Committee Amendment "A" (H-1081) was indefinitely postponed.

Representative BOWERS of Washington presented House Amendment "B" (H-1094) to Committee Amendment "A" (H-1081) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: This amendment increases the tax on lodging from seven to ten percent, from June 30, 1995 until May 31, 1995, to produce \$7,370,000 for the general fund and \$396,000 for municipal revenue sharing. Of the additional amount to the general fund, \$4,597,000 goes to GPA for the School Year 1995 and, \$2,775,000 is appropriated to the Maine Health Program for the rest of 1994 and fiscal year 1995.

I urge you to adopt this amendment. I have talked to people in the lodging industry and they tell me that when people call for their reservation they don't ask what the tax is. We have the lowest tax in New England.

I know that when people are sitting down there in Worcester, Massachusetts and planning their vacation to Sugarloaf or anywhere in the state, they are not worrying about what their lodging tax is. I don't even think they know what it is. People from Maine go on down from New York City and they pay over 19 percent in lodging tax. Yes, this is a one year fix, this helps us out of a situation, helps us move closer to the plan where we can have the 70/30 plan or the 60/40 plan for education for GPA. It also gets us out of the hole and funds the Maine Health

Program for the next year.

I urge you to vote green.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against this amendment and I am going to tell you why.

To begin with, I am going to ask the courtesy of any member of this House who has an additional tax amendment proposal to please notify me in advance so that I will be better prepared to address your particular amendment. However, I am confident that I can address this amendment at this time. I would consider that a courtesy to me as the Chair of the committee.

Let's begin with whether or not we are likely to pass this tax. We are not likely to pass this tax. There are simply not going to be the votes to do it. So, what are you doing by having a roll call on this item? You are accomplishing absolutely nothing for education. You are accomplishing absolutely nothing for the Maine Health Care Program.

I am interested in voting for some amendments that might restore some money to GPA. I am interested in voting for some amendments that might restore the Maine Health Program, but you are going to have to do it without increasing taxes. Not just because it is an election year but because we are just coming out of the recession and the tourism industry is just getting on its feet.

I remember seeing Representative Kerr last summer in his resort community and how we discussed the fact that even though there were now tourists returning to his community, revenues in businesses in general were down about 30 percent.

I don't know which of you, in your own business, can sustain a 30 percent reduction in revenues for many years. But, I would suspect very few of you.

So, although I would argue that there is some benefit to taxing lodging and although I am usually very comfortable in taxing lodging (you can check, there aren't many hotel's in my community so it isn't a very hard vote for me to cast) I would suggest that this is not the time — just coming off this recession, and, when we have just invested some money in increasing our tourism promotion in Maine to add this additional tax burden to Maine.

I think that you can comfortably vote against this amendment and still be pro education and still be pro health care.

I would move that you indefinitely postpone House Amendment "B."

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: I think it is an admirable task to go ahead and look and try to fund the programs that the good Representative has tried to do, but, when you are taking a tax from seven percent going to ten — and as Representative Bowers did indicate in the Statement of Fact sheet, it does say May 31, it does not say June 30. There is no guarantee that this tax will be taken off.

I believe a year ago when Taxation policy was that we used to have a liquor tax that was at ten percent. It became hard to figure when you had various tax percentage and they were much different and they were looking for uniformity. I think that we are deviating from the original tax plan of this

state. If you are going to implement a program of this (June 1st), people that are in the hospitality industry have already set their rates based on what we all believed that would have stayed at seven percent sales tax.

I just think that this modification so quick gives no planning and we shouldn't just be looking where the tax structure in other states — people in Maine like to visit other places in the State of Maine and we would also be hurting Maine people by implementing this tax.

I also would urge you to vote against this amendment and support the motion for indefinite postponement of this amendment.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Here at the eleventh hour of the Second Regular Session of the Legislature, I think, is too late to be proposing a tax on an industry who has not been able to have a public hearing, has not been notified of the tax. I think this is just the wrong way to go. If we were thinking of raising a tax on the tourist industry I think it is only fair to them that we have a public hearing on this bill and that we let the industry know so they can come in with their concerns.

At this time I hope that you would indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: I disagree with the contention of the good Representative from Washington that tourists do not know what the tax rate is and would not know the difference between seven and ten percent.

Down in my area there are a great number of places that are rented for a week, a couple of weeks, and sometimes even more. They do get, the people who rent them, do get a good rent for them. These places are in competition with other places in New Hampshire, Cape Cod and other places.

You start talking about three percent on a dollar or \$50 or \$100 and maybe you don't notice it but I can assure you that those people who come to Maine to rent are sure going to notice ten percent as opposed to seven percent and some of them, I believe, are going to stay away because of it.

It is going to be an iffy season, the tourist season is going to be iffy this year. Part of the problem is the Canadian trade. In case you don't know, the Canadian dollar has lost its value. The discount is about 30 percent. To add this on top of that is going to have a very detrimental affect on the tourist industry.

I wonder whether or not by raising the tax you are actually going to gain revenue because you are going to drive people away.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: In a tax environment it is always important to point out the comparative nature of raising the revenue and where it would go, what is it on the other hand, reality.

We have in front of us a clear "on the other hand." We have a lodging industry that is the very low part of taxes and revenues on lodging. Boston is 13 percent. The previous speaker mentioned Cape Cod,

I think it is 12. New York is 19. Some places in the midwest are at 15 percent. Tourist destination places are between 12 and 15 percent.

So, we have an amendment here, on the one hand, reduces property taxes by its support of General Purpose Aid to Education or provides us up into the bottom echelon of tourist destination taxes.

We have an amendment that provides for insurance for poor people so that they in effect aren't on the burden of the local hospital raising health care costs or we have raising the taxes on lodging paid overwhelmingly by tourists at the low end of the industry.

We have support for local schools, children, our future or we raise taxes on the low to the very low end of the tax rate on tourist destination environments.

To me to point out the choice in that for us is almost to answer the question. The industry routinely collects 12 or 15 percent as a way of funding local projects and when Mainers travel elsewhere than Maine that is what they pay.

It is only reasonable that a tourist destination environment like Maine, our resource, with relatively few people passing through to go to other locations which have that resource cannot utilize it by taking the tax to the low end of the destination range to the support of education, property tax reduction, insurance at the very poorest in our society, to relieve the burden on our health care system, essential demands that are pressuring this budget.

To me that tension to ask it, to point it out, is to answer the question. Nobody wants taxes but if every there was a fair basic way to place it in the State of Maine, this is the way.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Members of the House: I am going to give you an example of high taxes on tourism. Take one look at Canada. Canada, just a few years ago, raised it taxes on motels and on food, and what has happened? Tourism stopped in Canada. Canada now has the highest debt on North America. People stopped going to Canada. I traveled through Canada last summer, I saw motel after motel had been opened, now closed. I saw stores that were open in towns going across Canada, they are closed. There are no tourist people there to take care of it. Money is hard. We want to do the same in Maine, it appears, right now.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: My apologies to my colleagues on the Taxation Committee, but we have discussed this issue before. This was discussed in one caucus on Friday, very briefly, of course.

This is not a tax on the industry, this is a tax on people that use services from the industry.

I don't suppose that people are going to go hang around Portsmouth Circle and use the nine percent rate to save just a few pennies and then drive another 30 miles to the beach or use those crowded ugly beaches down in New Hampshire.

I don't suppose that there is really going to be any drop-off or any decrease in the people that are renting rooms in this state.

I do suppose that a few people in Maine, including myself, when I go and use lodging in other places in

Maine, when I am going up to Bar Harbor to visit, when I am going to Sugarloaf to ski. I don't begrudge that if I know that almost \$400,000 is going to municipal revenue sharing. I don't begrudge it if I know that \$7 million is going to go and help fund GPA to education and help on the Maine Health Program.

I urge you to vote against the motion to indefinitely postpone.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I am not standing here to argue against education or against health care. I am arguing for tax policy.

It is quite apparent that one of the problems we have in this state is the hodgepodge of taxes and at some point we are going to have to address that. But, here we are on the floor of the House suggesting that we change a tax. I don't believe it is going to be paid by all tourist. I do think in some cases it is going to be a tax on the industry.

I would use for example the schooners in Rockland and Camden and Rockport Harbors. Now that may not apply to them but certainly the example applies to other tourist industries. They have already sold their tours (or what have you) for the year at a fixed price. If anyone is renting a facility at a fixed price, they have a contract and all of a sudden we are going to increase the three percent sales tax on them. Who is going to absorb that? The industry.

We can also use the example of the Samoset Hotel. You all see the ad and commercials on television. "Spend the weekend at the Samoset." Who is that geared to? That is geared toward the Maine resident and not the tourist.

Last year Taxation held some pretty extensive hearings on various exemptions and the tax rates of different industries. And, for very good reasons, left it where it was.

I just think it is a bad idea to impose a tax or to change a tax at the last moment on the floor of the House. All we are going to do is add to the confusion that we already have with the Maine tax structure.

I ask you to defeat this effort.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I think once again we are looking at policies that will be looked at as anti-business. Anything we do in Taxation like this gives us the same end result, that we are not looking at jobs, we are driving them. They are leaving the southern part of the state to go across the border.

This is another nail in the coffin.

Look at Canada, what has happened in Canada — a previous speaker mentioned that. I enjoyed going to Canada for a number of years. Five years ago I went to St. Andrews, a beautiful summer resort, nice golf course, spent three days there. When I got done they charged me a tax for the county (equivalent of a county), the equivalent of a district, so, I ended up paying \$127 more in taxes for having stayed in a hotel. I swore right there I will never go back to Canada to stay. I was in Canada yesterday. I went to the Sugar House and believe me, one day was enough. Every item that you buy you end up having to pay a special tax and it has driven people away from a very lovely country.



I ask you to go with the proposal to indefinitely postpone Amendment "B."

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I think this debate is wrapping up, maybe, maybe not. I have some optimism.

I would just like to encourage you again for a good strong vote for indefinite postponement so that we do not discuss adding revenues at this time in terms of future amendments to the budget.

If we could just avoid further discussion about additional taxes in trying to solve the budget crisis, I have every confidence that people in this room will come up with an adequate and humane solution to the remaining dilemma in the budget crisis.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I too, as House Chair of the Economic and Development Committee, have to get up and oppose this particular tax.

If I can just add a little bit to what others have said about what happened in Canada, increasing their taxes and so forth, yes, it has hurt them. To the point that now what they are doing is they are offering people, that leave their country, the ability to stop in at their exit and pick up the money that they paid in taxes.

I just spent one night up there and rented a couple of rooms and I was able to pick up \$20 on my way out to reap what I had paid them in taxes, they are now refunding it. So, I don't think this is the way to go.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Mr. Speaker, Men and Women of the House: When we came down here you figure you are going to have some highs and lows. One of the low's we have is when we start to suggest that we are going to tax people. We came down here not to tax.

Some of the high's that we had was in the paper when some of my opponents, if you will, of those on the other side of the fence, suggested that we ought to do something for business instead of taxing them. I thought we had that problem licked when I read that in the paper.

This is not the way to fund education, through more taxes. My people don't want it, your people don't want it.

I urge you to vote to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: I agree that we should indefinitely postpone this bill, now is not the time to tax.

If education is indeed our number one priority, which I think it should be, then we need to adequately fund it up-front, then prioritize the rest of the budget and eliminate those programs that we deem unnecessary so we have the money to pay for it.

Representative SIMONEAU of Thomaston requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-1094) to Committee Amendment "A" (H-1081).

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 Representative Dore of Auburn that House Amendment "B" (H-1094) be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 343

YEA - Ahearne, Aikman, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Cross, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Hale, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Murphy, Nadeau, Nickerson, Ott, Paradis, P.; Pendexter, Pendleton, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Ruhlin, Saint Onge, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Taylor, Townsend, E.; Tracy, Treat, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirkilton.

NAY - Adams, Aliberti, Bowers, Brennan, Daggett, Gean, Hatch, Heeschen, Mitchell, J.; Morrison, Norton, O'Gara, Oliver, Pfeiffer, Richardson, Rotondi, Rowe, Rydell, Townsend, G.; Wentworth.

ABSENT - Bailey, H.; Caron, Cashman, Hillock, Jalbert, Kutasi, Libby Jack, Martin, H.; Nash, Rand, Simonds, Tardy, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 115; No, 20; Absent, 16; Paired, 0; Excused, 0.

115 having voted in the affirmative and 20 in the negative, with 16 being absent, House Amendment "B" (H-1094) to Committee Amendment "A" (H-1081) was indefinitely postponed.

Representative COFFMAN of Old Town presented House Amendment "C" (H-1099) to Committee Amendment "A" (H-1081) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is to ask for your consideration of (once again) funding the Veterans Financial Assistance Program. This program has been in existence in this state since 1947, all the way to 1991, when, because of the budget crisis we have in the state, it was decided that funding was to be cut to this program.

This program, when it was in place, assisted between 200 and 400 veterans on a short term basis each month. The average length of time that they received temporary assistance was six weeks. Most of the assistance was provided to disabled veterans,

their widows or the spouses and children of disabled veterans. Right now there are 250 to 300 requests state wide each month for assistance under this program but they are turned away because there are no funds available.

This program exists in the Bureau of Veteran Affairs, so this request is not asking for staff, it is not asking for any support services at all. This would be direct assistance to those veterans, widows, and spouses and children of those veterans that need temporary assistance.

The reason I brought this forward is because a constituent of mine, Greg Allen, from Old Town, is in a position where because he is 20 percent disabled, judged 20 percent disabled by the Veterans Administration, he receives from them \$166 a month. If he would have been 50 percent disabled he would have received in excess of \$1,000 but because of the 20 percent it is \$166 a month.

You might not consider the 20 percent as much of a whole body disability but it just so happens that Greg was an industrial construction foreman, his injury, which he received in service, was to his leg. So, that leg injury, according to his doctor in judging his work capacity and the job that he is trained for and that he has done all his life makes it impossible for him to perform his duties. So, with that job description that he is trained for he is 100 percent disabled.

He was receiving \$2,500 to \$3,200 a month when he was working. Now he is down to \$166. He is in the process of having his home foreclosed and the list goes on with what is happening here. He is trying to find another job and he is looking every day. This assistance, when it is there, provides temporary help to people like Greg.

I have received letters here. Because of the lack of the time and things I am involved in, I made him one of my Legislative Aids so he has been out there doing the footwork for this. I have received letter faxed here today in support of this measure from the state organizations of the Veterans of Foreign Wars, (VFW), who — I won't read all these letters but — "There are veterans throughout this state that come upon hard times and need temporary assistance. There is a program in place that could be providing this assistance. We needed them then and they need you now." The VFW.

"The Maine veterans have supported Maine, let's all support our veterans." That is from the Disabled American Veterans of Maine.

The American Legion, "Since the discontinuance of the previous fund of this type a strain has been seen in the resources of many organizations and in some cases there has been no assistance available at all."

The AMVETS wrote a letter and Lucian Deschane, representing the Maine POW's, they are all in support of this measure and they are asking you to please consider this appeal for a reinstatement of the funding of this program.

Veterans that apply to this program area asking for temporary assistance. These are people that, in Greg's case, he refuses to reach out for any public assistance. These people, as a whole, don't want to ask for welfare, they don't want to ask for town assistance, they don't want food stamps, they feel that if there is a Veterans Financial Services Program available that they can apply to that because they are entitled to it.

I think we would be saving money here because we

would provide that temporary assistance to get them over the hump where they can, the organizations try to help them find employment if that is what needed, but they need that temporary assistance immediately when they apply for it. Otherwise we are going to force them on the public role, we are going to increase welfare costs, we are going to increase the amount of psychological trauma that is going to happen when they lose everything and there is no assistance available or they are forced to take public welfare money is of concern here.

From what I see of this program and the need here we could be saving the state some money by putting these funds in place. All these veterans groups are asking is your consideration to do just that and I would appreciate your consideration.

Representative CHONKO of Topsham moved that House Amendment "C" (H-1099) to Committee Amendment "A" (H-1081) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Men and Women of the House: There is no one that could agree with the Representative more than I, on this issue. Unfortunately this amendment has a severe problem, it will leave the budget unbalanced by \$175,412.

For those reasons I ask you to join me in indefinitely postponing this amendment.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I wish to thank my good friend, the Representative from Old Town, for presenting this amendment. The very thing which has been predicted for the last 15 years, that the veterans are being shoved out and out and out. When this happened back in the 1990's I felt it was a travesty of justice. It is always the ones that can't defend themselves that get shoved out. If it isn't the senior citizens or the disabled or the people in the mental institutions or the veterans — that is what they do.

Most of these people do not have lobbyist. They cannot come and fight the way others do. The veterans groups don't have high paid lobbyist which you see floating around in the corridor out there when you have trouble getting in, getting around them, because they don't have the money.

I think rather than just say, "I am sorry, that is the way the ball bounces" — this reminds me of what happened in Washington on the Social Security issue. They found out that there was not enough money for what they had promised and they came up with what they called notch babies. I was one of them, so was my wife. She paid for years and years and years. We both got cut \$100 a month because (as one of our Senators said) what else could we do.

What is happening here, we are saying to the veterans, I am sorry but you are going to have to be shoved to one side because somewhere down the line there is some other pet project which is more important.

You can't tell me that there are some pet projects that couldn't be put to one side so that we can take care of the ones who served in this country in a time of need and we said to them, as a result of that we will take care of you later on. They become totally disabled.

They are saying to someone who sleeps in the streets we are sorry they closed the factory you

worked at but come along, we will support you. But, never mind the veteran who was injured and now old and cannot work. "Sorry, that is the way it is." "That is where the ball bounces." "Tough luck."

I don't go along with that. I, myself, am getting along in years and I can't defend myself. That isn't the reason I walk around with a cane and get sympathy. I am not in a position where if I wake up tomorrow morning and find out that they have taken the veterans exemption away from me or they are going to close Togas or close the veterans homes, I am in no position to come and fight. That is exactly what has happened. The younger people from the Vietnam era or even the ones from Desert Storm and so on, they are to busy raising a family. Some day they will need help and I hope we don't do to them what is happened in Canada.

Even last year there was an attempt to revise the Bureau of Military Services in this state which in that part would have taken the Bureau of Veterans Affairs in this state and shove it over here, possibly in the basement, I don't know, as secondary to possibly the administration. Those are the things I think we should be careful of and we should worry. If you say it is going to unbalance the budget — it can be balanced if they want to.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Men and Women of the House: I would like to thank Representative Jalbert for his excellent points in this matter. I would like to mention here that in case some people don't realize that we have cut general assistance by 70 percent over the past years, past three years in this state. Where are these veterans going to go for assistance if they did reach out that far and had to.

Plus, many of you are probably not aware that one-third of the homeless in this state are veterans. That is shocking.

We have historically honored our veterans, all the way back to the Civil War, that is part of our heritage and our history. For us to not honor them now in a time of need I think would be shocking. I can't believe that we won't do that. I ask you for your consideration on this matter and so do the veterans of this state.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Chonko of Topsham that House Amendment "C" (H-1099) to Committee Amendment "A" (H-1081) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative JALBERT of Lisbon requested a roll call on the motion to indefinitely postpone House Amendment "C" (H-1099) to Committee Amendment "A" (H-1081).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of 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: A roll call has been ordered. The pending question before the House is the motion of Representative Chonko of Topsham that House Amendment

"C" (H-1099) to Committee Amendment "A" (H-1081) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 344

YEA - Adams, Aikman, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Brennan, Bruno, Campbell, Carleton, Carr, Carroll, Chase, Chonko, Coles, Constantine, DiPietro, Donnelly, Dutremble, L.; Farnsworth, Fitzpatrick, Foss, Gamache, Gray, Greenlaw, Hale, Heeschen, Heino, Hichborn, Hoglund, Jacques, Joseph, Kerr, Ketterer, Kontos, Larrivee, Lemont, Lindahl, Lipman, MacBride, Marsh, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plowman, Poulin, Pouliot, Reed, G.; Richardson, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Small, Spear, Taylor, Townsend, E.; Treat, Walker, Wentworth, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Ahearne, Aliberti, Anderson, Ault, Beam, Birney, Cameron, Cathcart, Clark, Clement, Cloutier, Clukey, Coffman, Cote, Cross, Daggett, Dexter, Driscoll, Erwin, Faircloth, Farnum, Farren, Gean, Gould, R. A.; Hatch, Holt, Hussey, Jalbert, Johnson, Joy, Kilkelly, Kneeland, Lemke, Libby James, Look, Lord, Marshall, Martin, J.; Morrison, Nickerson, Norton, O'Gara, Plourde, Reed, W.; Ricker, Robichaud, Rotondi, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Townsend, G.; Tracy, True, Tufts, Vigue.

ABSENT - Caron, Cashman, Dore, Hillock, Kutasi, Libby Jack, Martin, H.; Michael, Nash, Rand, Simonds, Tardy, Thompson, Townsend, L.; Winn.

Yes, 79; No, 57; Absent, 15; Paired, 0; Excused, 0.

79 having voted in the affirmative and 57 in the negative, with 15 being absent, House Amendment "C" (H-1099) to Committee Amendment "A" (H-1081) was indefinitely postponed.

Representative STROUT of Corinth presented House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081) which was read by the Clerk.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I offer this amendment to restore the Property Tax Relief Fund that was put in place in 1989. This amendment would remove Part N that repeals the Property Tax Relief Fund. Last year the fund paid \$3.1 million to municipalities and local property taxpayers at the end of fiscal year 1993. The first time since enacted in 1989. This money went to every city and town in Maine. The money, as many of you know, was targeted to local government infrastructure costs, water, sewer, roads and public work projects. Because it is paid with surplus revenues, the amount (if any) available for local property tax relief in any year is problematic. But, it is an important indication of our commitment to stabilizing local property taxes. Repealing the fund sends a strong negative message, in my opinion, to city and town and local property taxpayers that property tax relief is not as important as it was last year. Putting this fund back in the law by adopting this amendment sends a positive signal to local property tax payers that tax relief remains a high priority.

This amendment does not change the Appropriations Committee's decision to fund the Maine Quality

Centers Program from the unanticipated surplus to the tune of \$2.6 million. The property tax relief fund would get the amount in excess of \$2.6 million if there was any.

What I am saying in this amendment that once these funds come in and we have a surplus over and above the programs that have been funded we would get the relief, the same as we did last year.

Neither does this impact on transfers of portions of the surplus of the Rainy Day Fund. By voting for this amendment you are saying that property tax relief is important to you and your constituents.

I would just add, finally, that if you look at the amendment it says that this amendment will have no negative effect on General Fund appropriations or revenue and a balanced budget is maintained for fiscal years 1993-94 and fiscal years 1994-95.

I urge adoption of this amendment.

Representative WHITCOMB of Waldo requested a roll call on adoption of House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of 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: A roll call has been ordered. The pending question before the House is adoption of House Amendment "D" (H-1100) to Committee Amendment "A" (H-1081). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 345

YEA - Adams, Ahearne, Aliberti, Anderson, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Carleton, Carr, Carroll, Cathcart, Chase, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gamache, Gean, Gould, R. A.; Hale, Hatch, Heeschen, Heino, Hoglund, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Ketterer, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, Marsh, Marshall, Martin, J.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nickerson, O'Gara, Oliver, Pendleton, Pineau, Pinette, Plourde, Plowman, Poulin, Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth.

NAY - Ault, Bruno, Cameron, Campbell, Chonko, Constantine, Foss, Gray, Greenlaw, Hichborn, Holt, Kerr, MacBride, Michaud, Norton, Ott, Paradis, P.; Pendexter, Pfeiffer, Pouliot, Reed, G.; Simoneau, Skoglund, Tardy, Taylor, Whitcomb, Young, Zirnkilton.

ABSENT - Aikman, Caron, Cashman, Hillock, Kilkelly, Kutasi, Libby Jack, Martin, H.; Nash, Rand, Simonds, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 108; No, 28; Absent, 15; Paired, 0; Excused, 0.

108 having voted in the affirmative and 28 in the negative, with 15 being absent, House Amendment "D"

(H-1100) to Committee Amendment "A" (H-1081) was adopted.

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

Representative MARTIN: Mr. Speaker, I would pose a question through the Chair.

On page 129 of the Committee Amendment, if you have it in front of you, there is a provision in there that deals with certain suits arising from the use of motor vehicles. It seems to imply that if a state employee were using his or her own car and were involved in an accident then the person that would perhaps be involved on the other side — and it were the fault of the employees, that you could only sue to the extent of the coverage that is in that policy. As you know the many people who carry insurance to the minimum level, whether they be state employees or otherwise, it appears to say that the state then would be immune from any further suit or liability. It seems to me, if that is true, to leave a gaping hole for those people who might be injured, following such an accident — I may be reading it wrong but I would wonder where that came from? Why it is here if that is what it does?

I would ask someone to just explain — perhaps to ask who requested that G-8 be placed into the budget act? Maybe then we can find out who is responsible. Then if that is the case, if that is what I am reading, if that is to be correct I have some real concerns about protecting the average citizen on the street.

The SPEAKER: Representative Martin of Eagle Lake has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Men and Women of the House: To answer the Representative from Eagle Lake, the proposal came to us from the administration and I can't remember the exact details but I would be glad to look into it and let him know.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: While the language here may be a little bit confusing, it is intended to mean that when the person, the employee's, liability insurance is inadequate and does not provide the coverage that would be necessary, that the governmental entity would remain responsible for any further liability. So that first it is the employees liability coverage but we recognize that there are some employees who might carry only the minimum and since the state does not cover the cost of insurance for these employees they may not be able to afford more than that but the State would remain liable for any additional necessary coverage.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: To try to answer why this is here, originally the way it used to work is the individual was responsible for X-amount of dollars. After that if there is any additional cost then the state would be liable for the additional cost. There was a court case that reversed that and said the state is primarily responsible, first. What this language is supposed to do is put it back the way it

was before that court case overturned the way it was initially ran by the state.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I hadn't seen that language until just now in the budget but that subject matter came before the Judiciary Committee, and, it is true there was a court case, but it was not clear to me that the average employee was aware that their own insurance was the primary coverage for any accident while they were using a private vehicle in the course of state employment. To put that back, to me, may well be a major change in the minds of most employees. It was our impression, in Judiciary, as I recall, that if the state expects or asks an employee to use their own vehicle in the course of their work that the state should be responsible for that.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: Just a statement for the Record regarding the appropriation on page four, for the Potato Quality Control Program, the industry wants us to make it perfectly clear that this appropriation is to subsidize the program in general and is not pointed specifically at the — for example, the Maine Bag Program. Our intent is to maintain a state federal inspection service without increasing the cost of inspection to the packers, processors and others who use that service.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, I would pose a question. On the same page, 130, there is a repealer, Section G-9, which appears to repeal the protection governmental employees have against liability suits. I was wondering if someone might explain the reasoning for repeating this section of law?

The SPEAKER: Representative Coles of Harpswell has posed a question through the Chair to any member who may respond if they so desire.

On motion of Representative JACQUES of Waterville, tabled pending adoption of Committee Amendment "A" (H-1081) as amended by House Amendment "D" (H-1100) and later today assigned.

The following items were taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Ought to Pass Pursuant to Statutes**

Representative ERWIN from the Committee on Audit & Program Review on Bill "An Act Regarding State Government Evaluation and Justification" (EMERGENCY) (H.P. 1485) (L.D. 2011) reporting "Ought to Pass" Pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Report was read and accepted. The bill read once. Under suspension of the rules the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill

was passed to be engrossed and sent up for concurrence. Ordered sent forthwith.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

**ENACTORS**

**Emergency Measure**

An Act to Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education (H.P. 1431) (L.D. 1956) (Governor's Bill) (H. "C" H-1092 to C. "A" H-909)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish an Ambient Water Toxics Program (H.P. 1080) (L.D. 1446) (H. "A" H-1091 to C. "A" H-1072)

An Act to Clarify the Licensing Authority of the Department of Public Safety (S.P. 614) (L.D. 1712) (H. "A" H-933, H. "B" H-1056 and H. "C" H-1093 to C. "A" S-518)

An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State (S.P. 655) (L.D. 1824) (C. "A" S-508)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Ensure Proper Funding of the Department of Environmental Protection (H.P. 1385) (L.D. 1884) (H. "A" H-1088, H. "B" H-1089 and H. "C" H-1090 to C. "A" H-1076) which was passed to be Enacted in the House on April 11, 1994.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

Representative MARTIN of Eagle Lake moved that the House Insist.

The SPEAKER: The Chair recognizes the