

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

Representative from Eagle Lake, Representative Martin.
 Representative MARTIN: Mr. Speaker, Members of the House: I would just like to relate the history of this legislation so that there is no confusion as you hear rumors up and down the hall. This is the Governor's bill which funds the positions in the Department of Environmental Protection, in particular, originally intended to fund the Bureau of Land and the Bureau of Water.

What transpired was that the public hearing was held prior to my becoming Chair, it was held when the Representative from Waterville was Chair. The need was demonstrated, and, at that point the amount of money that was necessary for funding, the figure was \$540,000. The Committee felt very strongly and basically decided that we should not be raising fees in that amount. We went to the Appropriations Committee and the Committee gave \$300,000. Then that left, at that point, about \$240,000 to be funded.

We cut that down to \$184,000 and the bill came out with fees which raised fees in the Department of Environmental Protection for personnel in the Land Bureau for \$184,000.

When it came to the floor there were many members in this body and in the other body who felt that fees should not be increased over what they were. So, I offered House Amendment "B" to the bill or actually to Committee Amendment "A" last week (or was it this morning, I have lost track of it) which in effect took the money from the unappropriated surplus if there were to be one at the end of the year. Some members of the Appropriations Committee at the other end of the hall disagreed with that. Subsequently, that amendment was indefinitely postponed and then people realized that they had now just voted or were about to vote for straight fee increases. That is when the Senate Chair of the Committee moved indefinite postponement.

I need to just lay out two factors to you. One, is that if we do nothing those positions will be lost in the Land Bureau. We are talking specifically about site location law. The permitting process has changed a great deal. You may remember in 1987 there were 1,400 pending applications before the department, today there are 170. What will transpire is that the averaging time for processing will go from about four and half months to nine months, which will delay construction, especially at this point during this season.

The second point about this legislation that this is the Governor's bill, not that that should make any difference with some of you but I want to make that point, that the Governor originally funded the entire shortfall in the DEP with fees. We, in effect, have been successful between Appropriations and this body and the Energy Committee to cut that down at this point to 184 — that is the shortfall.

We have two options, one is to do nothing and lose those positions and the result will be postponement of the applications being processed for and site selection law permitting.

The second is to put fees in order to get that necessary money.

There are other suggestions about how to get that money and based on all that now that you have heard the history, I would ask the Majority Floor Leader to please table until later today so that hopefully the administration will give us a solution to the problem.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative MARTIN of

Eagle Lake that the House Insist and later today assigned.

On motion of Representative Gwadosky of Fairfield, the House recessed until 6:45 p.m.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following item which was tabled earlier in today's session:

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) which was tabled by Representative JACQUES of Waterville pending adoption of Committee Amendment "A" (H-1081) as amended by House Amendment "D" (H-1100).

Representative GOULD of Greenville presented House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I, briefly, would like to explain my amendment.

This does not in any way cast any aspersions on the Reading Recovery Program, it is simply a reflection of what I consider to be the best and highest use of this money.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" (H-1101). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative SMALL of Bath requested a roll call on adoption of House Amendment "E" (H-1101) 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. All 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 was has been ordered. The pending question before the House is adoption of House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 346

YEA - Adams, Ahearne, Beam, Brennan, Cathcart, Chase, Clark, Clement, Coffman, Coles, Constantine, Cote, Daggett, Dexter, DiPietro, Dore, Driscoll,

Erwin, Faircloth, Fitzpatrick, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Johnson, Joy, Kilkelly, Lindahl, Lord, Martin, J.; Melendy, Mitchell, E.; Mitchell, J.; Morrison, O'Gara, Oliver, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Ricker, Rotondi, Rowe, Rydell, Saxl, Skoglund, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Tracy, Treat, Walker, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carleton, Carr, Chonko, Cloutier, Clukey, Cross, Donnelly, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Gamache, Greenlaw, Jacques, Kerr, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lipman, Look, MacBride, Marsh, Marshall, Michaud, Murphy, Nadeau, Nickerson, Norton, Ott, Paradis, P.; Pendexter, Plowman, Pouliot, Reed, G.; Robichaud, Simoneau, Small, Spear, Tardy, Taylor, True, Tufts, Young, Zirkilton, The Speaker.

ABSENT - Aliberti, Birney, Bowers, Caron, Carroll, Cashman, Hillock, Jalbert, Joseph, Ketterer, Kutasi, Martin, H.; Michael, Nash, Richardson, Ruhlin, Saint Onge, Simonds, Thompson, Townsend, L.; Vigue, Whitcomb, Winn.

Yes, 68; No, 60; Absent, 23; Paired, 0; Excused, 0. 68 having voted in the affirmative and 60 in the negative, with 23 being absent, House Amendment "E" (H-1101) to Committee Amendment "A" (H-1081) was adopted.

Representative RYDELL of Brunswick presented House Amendment "F" (H-1102) to Committee Amendment "A" (H-1081) which was read by the Clerk.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: It is with reluctance that I ask you to amend the budget but there are certain aspects of this budget which, as a member of the Appropriations Committee, I did not feel I could support. I believe there are other priorities which deserve the use of our scarce resources.

I would ask you to very seriously consider that with this amendment we can add just under \$3 million to General Purpose Aid, to provide additional state support for education. That by adding this amount of money we can make it possible to implement the plan recommended by a majority of the Education Committee and this will help to keep our local property taxes down in many communities across our state.

With this amendment we can continue the Maine Health Program, albeit in a scale-down fashion and give ourselves another opportunity to try to work out a way to fund this program beyond next March, this amendment would continue the program for the 5,600 working adults through March 31, 1995.

We will do this by getting our federal government match at the rate of \$2 to every \$1 spent by the state. Without this program the health needs of these individuals will be met in the most expensive fashion in the hospital emergency rooms only and they will continue to need these services but they will not be able to get them on an out-patient basis. Many people with chronic illness will not be able to get the prescriptions that they need nor the other kinds of health services which can and must be given outside a hospital.

I remind you again that the taxes that fund this

program that were originally intended to fund this program are still being collected and will generate about \$10 million in FY '95. We will need just under \$1.4 million to continue the program.

This amendment also continues the housing special needs allowance at \$75 rather than reducing it to \$50. This program provides relief to 5,000 poor families with children on AFDC whose housing costs absorb three-quarters of their monthly income. This \$75 is scheduled to be reduced to \$50 on July 1st. Twenty-five dollars to these families means a great deal and, for many of them would mean a difference between being able to retain their home or possibly having to resort to living in a shelter.

We will also draw down about \$900,000 of federal funds to help us offset the extra housing costs of these individuals.

With this amendment — we will also be able to pay the bills for Child Development Services. This program provides special education services to children ages three through five with disabilities. The program is a federal mandate — we must pay these bills, these children are entitled to these services. It has been determined by their individual family service plan that the services are necessary and these bills must be paid.

This amendment would allow us to pay these bill.

Now, you will ask how are these additional programs funded? Well, they are funded by, frankly, moving funds around within our current budget.

If you look on the fact sheet that was provided to you you will see that we have made some priorities and changed some priorities from those that are in the budget. I have decided that the Maine Health Program, \$3 million in additional GPA, the Housing Special Needs, Child Development Services, are top priorities, that they should receive priority over, for example, the performance standard study that could be put off for another year or perhaps could apply for private foundation funding.

This program also would take funds from the Reading Recovery Program. In fact, it would follow the Educations Committee recommendations, the unanimous recommendation of the Education Committee. It would also use a smaller amount of money from the Youth Apprenticeship Program and from the High Risk Insurance Reserve and from the minimum school subsidy. Everyone is going to take a little bit of a reduction. It also takes a very small additional amount from Total Quality Management. And, it uses funds from Education Restructuring Grants which were not utilized by the department. I believe that is probably because school districts must think of funding their teachers and their core programs before they can write grants for restructuring. So, it moves that money into GPA to help schools pay for the teachers and basic education programs.

It also uses \$2 million from the Risk Management Reserve. It allows us to repay most of that with \$1,350,000 that would (under our present budget proposal) would have first gone to the quality centers, now it would go towards replenishing that Risk Management Account. The rest of that account would be replenished in FY '96.

I know this is not an easy decision to make. I know for many people it will be difficult to think about changing the budget in this fashion. But, I ask you to think about the people back home. To think about the children and their parents. To think about, particularly, families that have very little.

We have severely reduced our AFDC grants in the past two years but we made a decision that for some people with very high housing costs we ought to take advantage of federal funds to enable these people to pay those housing costs and not have to go the General Assistance Office. In fact, funding the Housing Special Needs in this fashion follows the Majority Report of the Human Resources Committee's recommendation to the Appropriation Committee.

There is also a small amount taken from the Youth Apprenticeship Program, but not the whole thing. They can either serve a smaller number of students or perhaps make better use of their remaining funds and serve the same number of students. At \$7,000 per student I believe that they ought to try to make more efficient use of the funds and stretch those funds a little further.

It also takes some funds from the Maine Training Initiative. But, I have checked and made sure that the \$21 million this year and the \$22 million next year of Job Training Partnership Fund remain in tact, those are federal funds and those will remain there allowing us to make a small reduction in the state funds that we use for that training program and to put those funds, again, into programs, general education programs.

I have talked to people in my district and you have talked to people in yours. I think we all know where the priorities are of the people of the State of Maine.

I believe that this amendment represents a better picture of those priorities than the current budget amendment.

I would ask you, please, to vote for this amendment.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: I would pose a question through the Chair. To representative Rydell, did you make this presentation to the Appropriations Committee? And, did you present the same type of facts that you have made available to us? And, would you describe to us a little bit as to what went on if you did attempt to do that?

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to Representative Rydell of Brunswick, who may respond if she so desires.

The Chair recognizes that Representative.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I think I can tell all the men and women of this house, all my colleagues, what a difficult last few days in Appropriations, that those days were very difficult for me, and in particular those last hours. We discussed these particular needs with the exception of the Child Development Services which was not brought to our committee and which we learned about afterward through the Education Committee and only through the Department of Education after the budget was completed.

The other pieces of this amendment, the Maine Health Program, General Purpose Aid, the Housing Special Needs, they were all discussed in our committee. Decisions were made different from what I felt were appropriate decisions. I know how difficult these decisions were for the other members of the committee. But, for their own reasons they chose to take a different path from what I chose. I chose not to sign the budget but to offer an

amendment on the floor. I chose not to offer a minority budget because I felt it was better to acknowledge that much of what is in the budget I do accept. The majority of what is in that budget I do accept. But, that there were items where I felt very strongly that my responsibility as a Representative (not only to my district but of every one in this state) was to present an alternative which I believe better reflects the needs of our state and the needs of the individuals who will be receiving services under the changes as proposed in this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "F" (H-1102). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative ZIRNKILTON of Mount Desert requested a roll call on adoption of House Amendment "F" (H-1102) 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. All 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 "F" (H-1102). Those in favor of that motion will vote yes; those opposed will vote no.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Townsend of Canaan. If she were present and voting she would be voting yea, and I would be voting nay.

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

Representative CARLETON: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Richardson of Portland. If he were present and voting, he would be voting yea, I would be voting nay.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "F" (H-1102). Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 347

YEA - Adams, Ahearne, Aliberti, Anderson, Bailey, H.; Bailey, R.; Beam, Bowers, Brennan, Cathcart, Chase, Clark, Clement, Coffman, Coles, Constantine, Cote, Daggett, Dexter, DiPietro, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lindahl, Lord, Martin, J.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Tracy, Treat, Tufts, Vigue, Walker, Wentworth, Young.

NAY - Aikman, Ault, Barth, Bennett, Bruno, Cameron, Carr, Carroll, Chonko, Cloutier, Clukey, Cross, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Greenlaw, Heino, Hichborn, Joy, Kerr, Kneeland, Lemont, Libby Jack, Libby James, Lipman, Look, MacBride, Marsh, Marshall, Michaud, Murphy, Nadeau, Nickerson, Ott, Pendexter, Plowman, Pouliot, Reed, G.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Taylor, True, Whitcomb, Zirkilton, The Speaker.

ABSENT - Birney, Caron, Cashman, Hillock, Joseph, Kutasi, Martin, H.; Nash, Ruhlin, Simonds, Thompson, Winn.

PAIRED - Townsend, (Yea)/ Campbell (Nay); Richardson (Yea)/ Carleton (Nay).

Yes, 85; No, 50; Absent, 12; Paired, 4; Excused, 0.

85 having voted in the affirmative and 50 in the negative, with 12 being absent, and 4 paired, House Amendment "F" (H-1102) to Committee Amendment "A" (H-1081) was adopted.

Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101) and "F" (H-1102) thereto was adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Representative FOSS of Yarmouth requested a roll call on passage to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101) and "F" (H-1102) thereto.

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**: A roll call has been ordered. The pending question before the House is passage to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendment "D" (H-1100), "E" (H-1101), and "F" (H-1102). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 348

YEA - Adams, Ahearne, Aliberti, Anderson, Bailey, H.; Beam, Bowers, Brennan, Cathcart, Chase, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lindahl, Lord, Martin, J.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Rand, Reed, W.; Ricker, Robichaud, Rotondi, Rowe, Rydell, Saxl, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Tracy, Treat, Tufts, Vigue, Walker, Wentworth, Young.

NAY - Aikman, Ault, Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Chonko, Clukey, Coffman, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Greenlaw, Heino, Joy, Kerr, Lemont, Libby Jack, Libby James, Lipman, Look, MacBride, Marshall, Michaud, Murphy, Nickerson, Ott,

Pendexter, Plowman, Pouliot, Reed, G.; Saint Onge, Simoneau, Small, Spear, Stevens, A.; Taylor, True, Whitcomb, Zirkilton.

ABSENT - Birney, Caron, Cashman, Hillock, Joseph, Kutasi, Marsh, Martin, H.; Nash, Richardson, Ruhlin, Simonds, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 87; No, 48; Absent, 16; Paired, 0; Excused, 0.

87 having voted in the affirmative and 48 in the negative, with 16 being absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101) and "F" (H-1102) thereto and sent up for concurrence. Ordered sent forthwith.

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-613) on Bill "An Act to Establish the Project Opportunity Demonstration Program" (EMERGENCY) (S.P. 729) (L.D. 1950) (Governor's Bill)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-613) as amended by Senate Amendment "A" (S-626) thereto.

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-613) was read by the Clerk. Senate Amendment "A" (S-626) to Committee Amendment "A" (S-613) was read by the Clerk and adopted. Committee Amendment "A" (S-613) as amended by Senate Amendment "A" (S-626) thereto was adopted.

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 as amended by Committee Amendment "A" (S-613) as amended by Senate Amendment "A" (S-626) thereto in concurrence.

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

The Chair laid before the House the following items which were tabled earlier in today's session:

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 tabled by Representative JACQUES of Waterville, pending the motion of Representative MARTIN of Eagle Lake that the House Insist

-In House passed to be Enacted on April 11, 1994.
-In Senate Bill and accompanying papers indefinitely postponed in non-concurrence.

Subsequently, on motion of Representative MARTIN