

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

not see that this will, as I said, cloud up our tax policy. Therefore, I would ask when the vote is taken for the yeas and nays please.

Representative SPEAR of Nobleboro requested a roll call on the motion to accept the Majority "**Ought Not to Pass**" Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 47

YEA - Bagley, Baker CL, Berry RL, Bolduc, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Dunlap, Dutremble, Farnsworth, Fisk, Frechette, Fuller, Gagnon, Gamache, Goodwin, Hatch, Jabar, Jones KW, Kane, Kontos, LaVerdiere, Lemaire, McElroy, Mitchell JE, Morgan, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Rines, Rowe, Sanborn, Saxl JW, Saxl MV, Shiah, Sirois, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Usher, Volenik, Watson, Winn, Wright, Madam Speaker.

NAY - Ahearne, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bouffard, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Driscoll, Etnier, Foster, Gagne, Gerry, Gieringer, Gooley, Green, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Marvin, Mayo, McAlevey, McKee, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Richard, Samson, Savage, Shannon, Skoglund, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Tuttle, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

ABSENT - Bigl, Bruno, Fisher, Kerr, Madore, Meres, Muse, Pendleton, Perry, Plowman.

Yes, 61; No, 80; Absent, 10; Excused, 0.

61 having voted in the affirmative and 80 voted in the negative, with 10 being absent, the Majority "**Ought Not to Pass**" Report was not accepted.

Subsequently, the Minority "**Ought to Pass**" as amended Report was accepted in non-concurrence.

The Bill was read once. Committee Amendment "A" (S-32) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, March 26, 1997.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Meres who wishes to speak on the record.

Representative MERES: Madam Speaker, Men and Women of the House. I would like to ask your indulgence for a moment. On the last vote that we took my vote was not recorded because I was in such a hurry to talk to somebody. I have to apologize. If I were here, I would have voted in the negative. I would like that to be recorded.

The SPEAKER: The record will so indicate.

HOUSE DIVIDED REPORT - Majority (9) "**Ought to Pass**" as amended by Committee Amendment "A" (H-84) - Minority (3) "**Ought Not to Pass**" - Committee on **Marine Resources** on Bill "An Act to Amend the Marine Resources Special Licensing Laws to Provide for Test Marketing and Development of New Seafood Products" (EMERGENCY) (H.P. 157) (L.D. 199)

TABLED - March 24, 1997 (Till Later Today) by Representative ETNIER of Harpswell.

PENDING - Motion of same Representative to accept the Majority "**Ought to Pass**" as amended Report.

Subsequently, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-84) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, March 26, 1997.

HOUSE DIVIDED REPORT - Majority (10) "**Ought Not to Pass**" - Minority (3) "**Ought to Pass**" as amended by Committee Amendment "A" (H-77) - Committee on **Marine Resources** on Bill "An Act to Extend the Territorial Waters to 12 Miles for the Purpose of Marine Resource Protection and the Enforcement of Marine Resource Laws" (H.P. 212) (L.D. 276)

TABLED - March 24, 1997 (Till Later Today) by Representative ETNIER of Harpswell.

PENDING - Motion of same Representative to accept the Majority "**Ought Not to Pass**" Report.

Subsequently, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

SENATE DIVIDED REPORT - Majority (10) "**Ought to Pass**" as amended by Committee Amendment "A" (S-31) - Minority (3) "**Ought Not to Pass**" - Committee on **Natural Resources** on Bill "An Act to Amend the Site Law Concerning State and Local Review of Transmission Lines" (S.P. 79) (L.D. 218)

- In Senate, Majority "**Ought to Pass**" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-31).

TABLED - March 24, 1997 (Till Later Today) by Representative ROWE of Portland.

PENDING - Acceptance of Either Report.

On motion of Representative ROWE of Portland, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-31) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, March 26, 1997.

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

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999 (EMERGENCY) (MANDATE) (H.P. 832) (L.D. 1137) (Governor's Bill) (H. "FF" H-73, H. "HH" H-75 and H. "JJ" H-82 to C. "A" H-15) which was tabled by Representative KONTOS of Windham, pending further consideration.

-In House, failed of passage to be enacted in the House on March 24, 1997.

-In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "HH" (H-75) and "JJ" (H-82) and Senate Amendment "W" (S-66) thereto.

Representative KERR of Old Orchard Beach moved the House Recede.

Representative DONNELLY of Presque Isle requested a roll call on the motion to Recede.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 48

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemont, Mailhot, Mayo, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bigl, Bodwell, Bruno, Fisher, Madore, Pendleton, Perry, Plowman, Vigue.

Yes, 79; No, 63; Absent, 9; Excused, 0.

79 having voted in the affirmative and 63 voted in the negative, with 9 being absent, the motion to Recede was accepted.

Senate Amendment "W" (S-66) was read by the Clerk.

Representative KERR of Old Orchard Beach moved that Senate Amendment "W" (S-66) be indefinitely postponed.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. There have been some discussions on where we are at and how this process goes from here. I would request a roll call.

Representative DONNELLY of Presque Isle requested a roll call on the motion to indefinitely postpone Senate Amendment "W" (S-66).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Madam Speaker, Ladies and Gentlemen of the House. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative OTT: Thank you Madam Speaker. To Representative Kerr or anyone who would choose to respond, I am just looking at this amendment. To me, it looks like a major shift in what we spent considerable time debating.

The SPEAKER: The Chair would pose a question to Representative Ott. We are discussing amendment "W." Is this the amendment that you are referring to?

Representative OTT: No.

The SPEAKER: The pending question is Indefinite Postponement of Senate Amendment "W."

Representative OTT: Thank you.

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

Representative DONNELLY: Madam Speaker, Ladies and Gentlemen of the House. Before we vote on this, I have a question for anyone who can answer it. May I pose my question?

The SPEAKER: The Representative may pose his question.

Representative DONNELLY: Thank you. Would the budget be in balance if this amendment, that was put on in the other body, was not stripped?

The SPEAKER: The Representative from Presque Isle, Representative Donnelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Yes.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Senate Amendment "W" (S-66). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 49

YEA - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Perkins, Pieh, Pinkham RG, Pinkham WD, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Layton.

ABSENT - Bodwell, Bruno, Fisher, Madore, Pendleton, Perry, Plowman, Vigue.

Yes, 142; No, 1; Absent, 8; Excused, 0.

142 having voted in the affirmative and 1 voted in the negative, with 8 being absent, the motion to indefinitely postpone Senate Amendment "W" (S-66) was accepted.

Representative KERR of Old Orchard Beach moved that House Amendment "JJ" ("H-82) to Committee Amendment "A" (H-15) be indefinitely postponed.

Representative DONNELLY of Presque Isle requested a roll call on the motion to indefinitely postpone House Amendment "JJ" ("H-82) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "JJ" ("H-82) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 50

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW,

Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, Mayo, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bodwell, Bruno, Fisher, Madore, Pendleton, Perry, Plowman, Vigue.

Yes, 78; No, 65; Absent, 8; Excused, 0.

78 having voted in the affirmative and 65 voted in the negative, with 8 being absent, the motion to indefinitely postpone House Amendment "JJ" ("H-82) to Committee Amendment "A" (H-15) was accepted.

Representative KERR of Old Orchard Beach presented House Amendment "KK" (H-108) to Committee Amendment "A" (H-15), which was read by the Clerk.

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

Representative KERR: Madam Speaker, Colleagues of the House. There has been a handout that is going to explain the purpose of replacing House Amendment "JJ" and Senate Amendment "W" because they were in conflict and the budget was not balanced with both of those amendments on together. Just to explain, since Representative Ott indicated that he just received this amendment. As you all know, this process has been quite lengthy and a lot of debate has been taking place on the floor to try to reach a consensus of what this body would like to see the final budget look like. In going through quite a few amendments, I think it very clear that we needed to modify the budget somewhat to reflect some of the concerns of this chamber. The immediate in "KK" sends \$5.2 million that is generated from the gross receipts tax being repealed, the class A restaurant tax, and sends it back to the municipalities. The Governor's original budget, as you know, chose to send that in the General Fund. Senate Amendment "W" chose to also go along with that recommendation. It has been very clear that this chamber wants to continue to pay its bills, so that is one change.

We continue to take the \$10 million balance that was derived from cuts that was in the original amendment "JJ." We distribute those dollars a little bit differently. We still believe and continue to fight for immediate tax relief with this amendment. What we have done is we have chosen to take \$3 million in each year to put toward the initial investment in the tax relief fund. That will create an exemption of \$50 in FY 1998-99. A million dollars will be put toward fully funding tree growth, the tax reimbursement program. We will also leave \$3 million left in unappropriated surplus on top of the Majority Report that already left about \$385,000 for those bills that we have debated today that may have a fiscal impact. You are looking at close to \$3.4 million at the end, if this budget receives passage, that will be left for unappropriated surplus that could be used for whatever bills end up on the Appropriations Table.

The remainder of the \$10 million that would come forth from FY 97 surpluses would also be put into this tax relief fund for Maine residents to provide income, property, sales tax relief or

whatever the mix will be coming out of the Taxation Committee. That is a little bit different than what was dedicated before. The funds will still go into the tax relief fund, but will be scrutinized by the Taxation Committee, and will be reported out.

The bill also in "KK" removes the emergency preamble and mandate preamble and includes a technical amendment to Part SS regarding the Northern Maine Juvenile Detention Facility because there is a mandate in the current legislation, and this would take off the mandate. I delete reference to the Legislature per diem payment for the special session. That will be addressed in a Joint Order. That is the synopsis of what "KK" does and I would urge your support.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I had amendment "KK" placed on my desk just a few minutes ago. I would note for the record that it is 12 pages in length. It contains about 20 separate items appropriating here, deappropriating there and changing things around. I haven't had time to absorb all of this. I doubt that anybody except those few who have worked it up really comprehend exactly what it all means. I appreciate the fact that the Chair of the Appropriations Committee has gone over the major items, but I can't tell just what all of this means in just the few minutes that we have had to consider this. I hope that somebody will make the motion to table so that we may have further time to examine just what this document means.

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

Representative KERR: Madam Speaker, Men and Women of the House. In all due respect to the Representative from Wells, it is a 12-page document, but, as you know, you had "JJ" and I am sure that you all read it. We had plenty of debate on it. The only changes in this document is what is underlined. On Page 1, it is in reference to A-Resources Appropriate. That does nothing more than just talk about the \$10 million that we appropriate. On page 2, when you see section B, those are resources transferred. Those are dollars from unappropriated surplus left in 1997 that we transfer. What do we do with that \$10 million? Those cuts that achieve that \$10 million have not changed in Section JJ. They are the identical same cuts that were in "JJ" as they are in "KK." The only other change, as I said earlier, is that we removed the emergency preamble and mandate preamble dealing with the corrections facility up North. That would be on Page 4, B4. Other than that, this document is identical to "JJ," and if it was that technical or that massive of a change, I would have requested what the Representative from Wells wanted. I think it is pretty simple and straight forward. Thank you.

Representative DONNELLY of Presque Isle moved to table pending adoption of House Amendment "KK" (H-108) to Committee Amendment "A" (H-15) and later today assigned.

The Chair ordered a division on the motion to table.

Representative SAXL of Portland requested a roll call on the motion to table.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: For what purpose does the Representative rise?

Representative GERRY: To address the House.

The SPEAKER: This motion is not debatable, Representative Gerry.

A roll call has been ordered. The pending question before the House is the motion to Table until later in today's Session. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 51

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

NAY - Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McAlevey, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pih, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Ahearn, Bodwell, Bouffard, Bruno, Fisher, Lemont, Madore, Pendleton, Perry, Plowman, Thompson.

Yes, 65; No, 75; Absent, 11; Excused, 0.

65 having voted in the affirmative and 75 voted in the negative, with 11 being absent, the motion to table was not accepted.

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

Representative CAMPBELL: Madam Speaker, Ladies and Gentlemen of the House. I was under the understanding that in Representative Kerr's dialogue with us that there was either to be or there has been a handout explaining "KK." Could I have reference to that? Perhaps he could explain either where it is, if it is here, or why we might not have it on our desks?

The SPEAKER: The Chair would inquire if the Representative from Holden, Representative Campbell would like a copy of the information, other than the summary of the amendment?

Representative CAMPBELL: Yes, I would please. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. I did get a copy of the handout. I have been down to the fiscal office just to check what is involved here. If you have the handout under Number 3, the first star where it deals with the \$6 million, what this amounts to in tax relief is if you are at the bottom rate, you get \$1 and if you are at the top rate, you get \$4.25. The average is \$2. If you have a family of four, you get tax relief for a total of \$17.

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

Representative CAMPBELL: Madam Speaker, Ladies and Gentlemen of the House. It appears that some in the body have that and it would be great if we all could. Thank you.

The SPEAKER: The Chair hears the Representative and the request will be honored forthwith.

The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BUCK: May I pose a question to the Chair of the Appropriations Committee, Representative Kerr?

Representative Kerr under "KK" on Page 3, unallocated funds on line 20, represent \$3 million. I believe on "JJ" that amount is \$10 million. Are you suggesting that there will be \$7 million left in what is going to be used for tax relief under this program?

The SPEAKER: The Representative from Yarmouth, Representative Buck has posed a question through the Chair to the Representative from Old Orchard Beach, Representative Kerr. The Chair recognizes that Representative.

Representative KERR: Madam Speaker, Men and Women of the House. Through the many hours of dialog and trying to reach a compromise budget in this chamber, once again we found out that revenues exceed expectations within a budget. What this amendment does is it takes \$3 million of that \$10 million and appropriates this for immediate tax relief for Maine residents dealing with personal exemptions. It then takes another million to fully fund tree growth. That is where we get \$7 million. Then there were questions that came up about what are we going to do about the 1,300 or 1,500 bills that are still left in this chamber that may get passed from both bodies and end up on the Appropriations Table. It could be a Democrat bill or it could be a Republican bill or even an Independent bill. We felt that there should be money left on the table to compensate that. So there will be \$3 million put on unappropriated surplus along with the \$385,000 that is in the Majority Report to give you a total of approximately \$3.4 million in unappropriated surplus for the table.

The other \$10 million that comes from surplus, if in fact there is \$10 million there, the first \$10 million, the entire amount, would be put into the tax relief fund. The committee of jurisdiction would then determine what taxes should be reduced. They may continue to want to reduce the exemptions on personal income until we reach the federal level so there is parity or they may choose to use it for the snack tax or another tax. That is different than what was there before. Anything about that \$10 million, the breakdown of 75 percent into the tax relief fund and 25 percent to go toward the unfunded liability still remains. I hope that answers your question.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative JOY: Madam Speaker, to whom may have an answer to this question, I notice that both "JJ" and "KK" have an issue in here which lapses \$700,000 in unencumbered balances from the education in the unorganized territories to the General Fund. I wonder if someone could explain to me if this is the way that we still have southern Maine subsidizing northern Maine? Thank you.

The SPEAKER: The Representative from Crystal, Representative Joy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. The simple answer is no.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Madam Speaker, Men and Women of the House. It is true that we have had a short time to look at this and yet we are asked to approve it now as part of the budget because of some of the technicalities that the budget may be out of balance. In my opinion, I think this amendment is just a proposal to play to the audience, the citizens of the State of Maine that we are truly a body that is going to deliberate and try to pass some tax relief as we promised last year, or last session, in the 117th. If anybody really truly believes that in this House,

then I think you are also looking forward to a gift from the Easter Bunny this Sunday. To me, it is another example of just how fast we are moving this budget through this chamber and I think it does the people of this state a disservice to do so. I would ask that you defeat the pending motion. Thank you.

The Chair ordered a division on the motion to adopt House Amendment "KK" (H-108) to Committee Amendment "A" (H-15).

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. This is a complicated bill, the entire budget, never mind the 12-page amendment to it. It changes radically some things that have been talked about and talked about and talked about for nearly a week or so. It is something that probably requires a little thought on how people are going to act on it. That is not going to happen. We are going to need to vote on an issue which will have a big impact on the state on how we tax and how we don't tax, where we take money from and where we don't. Taking money from dedicated revenues to go into the General Fund and a number of other things that have happened in the past and I will admit there are a number of times in Maine history, back in 1991, probably most darkly, where those accounts have been hit in order for other things to be funded, other priorities. Usually they have been done in times of crisis. With that in mind, Madam Speaker, I would like to pose a question.

The SPEAKER: The Representative may pose his question.

Representative DONNELLY: Thank you. In here, there is a million dollars a year that is taken from the Underground Oil Storage Tank Fund, as I understand that that is a fee collected at the wholesale level of underground oil and it was dedicated to helping fund or have a loan program for getting the underground storage tanks up aboveground to help our environment. I am curious as to either does this extend that tax another million dollars a year without public hearing or does this simply take \$2 million a biennium out of that fund to slow down the process in which the environment is being cleaned up?

The SPEAKER: The Representative from Presque Isle, Representative Donnelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. It takes \$2 million from that tank fund and it is dedicated funds.

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

Representative DONNELLY: Madam Speaker, Ladies and Gentlemen of the House. To further clarify, does it extend this \$2 million so that the fund continues to collect \$2 million more in taxes or does it take \$2 million away from the fund so that there is \$2 million less for cleaning the environment?

The SPEAKER: The Representative from Presque Isle, Representative Donnelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Thank you Madam Speaker. I cannot in good conscience vote for either an extension of a tax or taking \$2 million away from what was at one time a great environmental problem in our state and still has some challenges to it. With that in mind I move Indefinite Postponement of House Amendment "KK."

Representative DONNELLY of Presque Isle moved House Amendment "KK" (H-108) to Committee Amendment "A" (H-15) be indefinitely postponed.

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

Representative KERR: Madam Speaker, Men and Women of the House. The beauty of this budget that you are looking for, if it is just about this \$2 million, as I said earlier, you have almost \$3.4 million in surplus. Once we vote for this document and we all know that is going to happen, it is never over until we leave this chamber. It doesn't mean in March, April or May. We know we will be here. This is not a perfect document. No one has said that it is. It doesn't address all the issues, but it addresses most of the issues. I would urge you to support this amendment "KK" and vote against the Indefinite Postponement of House Amendment "KK."

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

Representative CAMPBELL: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CAMPBELL: Madam Speaker, Ladies and Gentlemen of the House. To anyone who would like to answer. Has the Natural Resources Committee looked at this?

The SPEAKER: The Representative from Holden, Representative Campbell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Townsend.

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I want to clarify this. This is not a new proposal. This proposal was contained in House Amendment "JJ," which was negotiated last week between the parties and for which Representative Donnelly voted. I recognize that it does spend other special revenue funds for general fund purposes. It does not extend a tax or increase a tax. It was an amount of money which those involved felt could be spared from the account and was offered in the hopes of reaching a bipartisan budget. Thank you.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, Men and Women of the House. I guess I am not sure as to what the amount of our surplus is supposed to be projected at the end of this year. It seems as though we are spending it in numerous ways. Could I have an account of what the projected surplus is expected to be?

The SPEAKER: The Representative from Northport, Representative Lindahl has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. The Representative from Northport has posed a question, which truly warrants an answer. I can only refer to February 27th when my colleagues on the opposite side of the aisle chose to have a pep rally on the second floor and unfolded their budget, which I commended them. I think it was helpful because then we found out exactly what you would like to have seen in your proposed budget that would reflect in both FY 98-99. Your projected surplus in what was presented to the press, at that time, was \$30 million. The Republicans said there would be \$30 million of surplus. In doing that, you predicated your budget on being balanced by that \$20 million.

What this amendment does is it says, if there is a surplus and if that amount is only \$10 million, \$10 million and under, all those dollars would go into this tax relief fund. That is what this amendment says. If, in fact, that surplus might be over \$10 million, say \$20 million, then you would take 75 percent of that \$20 million, which would be \$15 million and put it into the tax relief fund. The other \$5 million would go toward the unfunded liability, the teacher retirement, which is about \$2.1 million. Then there are other appropriations that need to take place. The train

gets \$1 million and it continues the account and there is a break down of that. At the bottom of that list is Sears Island. If, in fact, there is enough money that is available, Sears Island gets funded. If not, it doesn't. I hope that answers the good Representative's question.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I kind of want to propose a question, but if I answer it correctly, I don't need an answer. If I understand the amendment correctly, in the unlikely event there are \$60 million in surplus this year, we would end up going into the tax relief fund 75 percent of that. Sears Island ends up way at the bottom. If we get to Sears Island, we are going to be in the \$100 million range or something like that, if I understand that correctly. If we ended up with \$60 million, that would be \$45 million going into, I know this isn't going to happen, but going into the tax relief fund, if I understand this correctly. It is a function of how much is left as to what ends up in that tax relief fund.

Representative MERES of Norridgewock moved the House recess for 20 minutes.

The Chair ordered a division on the motion to recess.

Representative KONTOS of Windham requested a roll call on the motion to recess for 20 minutes.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is that the House recess for 20 minutes. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 52

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bolduc, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chizmar, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Hatch, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Rines, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chick, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Bruno, Fisher, Madore, Pendleton, Perry, Plowman.

Yes, 71; No, 74; Absent, 6; Excused, 0.

71 having voted in the affirmative and 74 voted in the negative, with 6 being absent, the motion to recess was not accepted.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Madam Speaker, Men and Women of the House. I guess I have a comment, then I would like to pose a question through the Chair. It seems to me that once again we are looking around for little pieces or pockets of money that we

can use, in my opinion, to fund this meager attempt at, I hate to even say the word, tax relief for our citizens. One of the pieces that I am concerned about is the \$900,000 that is being taken to fund this. It comes on Page 4 of the amendment and talks about \$900,000 from the Bureau of Banking from the Securities Division. I guess the question I have or the comment I have, is that these monies, I would presume, are there for a very legitimate reason in funding that particular operation. My understanding is that it is there to ensure that the people of this state have some protection against the S & L type financial organizations that we have come to know so well. That money is for licensing and regulating those activities for those who are holding themselves out as financial experts. I guess my question is, to the sponsor of this amendment or anybody who cares to respond is, what impact is that going to have on that particular part of our state operations that involves the regulations in the Bureau of Banking?

The SPEAKER: The Representative from York, Representative Ott has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. In discussions with the commissioner there was a wish to take some more money because noticing there was enough money in this account, but we backed off. The commissioner feels that there is enough money to protect the interest of Maine people. A lot of this money is due because of the bull market that has taken place.

While I am on my feet, I would like to proceed and talk about this meager attempt to provide tax relief. This is not a meager attempt to provide tax relief in this amendment nor in the budget document. I guess what we need to look at is what we call tax relief. I don't want to deviate too much from this amendment. If I do, I am sure I will be called to order. I think that there is a lot of different individuals in this chamber. We have seen through the various amendments where we would like to see monies appropriated. The reality is, people, we are restricted to the expenditures of those dollars. We have to live within our means. I, and many others in this chamber, have been trying to reach a compromise, two-thirds vote in this chamber, and hopefully would receive the same in the other chamber. In doing that, we have been putting forth amendments, not sitting back quietly criticizing, but always keeping an eye on a goal to get two-thirds vote out of this chamber. Using the committee process through public hearings to the Maine people coming before, and testifying before your committee and bringing forth a document with this amendment, to hopefully achieve that vote.

Reality started to set in to me that it is not going to happen. That is why this amendment pulls off the emergency preamble and also addresses the mandates. No matter what I believe, I propose, whether in writing, whether talking or even what the administration has proposed, nothing seems to stick. I would urge you to vote against the Indefinite Postponement of House Amendment "KK." I think it is important to get to the point, to discuss the budget in its entirety as amended. If we get to that point, then there will be a vote. Hopefully, some of your minds will be changed when you look at the budget in its entirety. Thank you.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. In answer to the questions posed by the Representative from York, I just wanted to comment that once again, yes, this is not a new proposal. It was contained in House Amendment "JJ," which was offered last week as a result of bipartisan negotiations. Yes, once again it is the expenditure of

other special revenue funds. It is something that I would not ordinarily propose to do, but I feel would be worthwhile if they could bring about a bipartisan resolution to this situation. Finally, I think that the Representative will remember from discussions in the committee that there are very healthy balances in that account. Thank you.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "KK" (H-108) to Committee Amendment "A" (H-15).

Representative KONTOS of Windham requested a roll call on the motion to indefinitely postpone House Amendment "KK" (H-108) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "KK" (H-108) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 53

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Bruno, Fisher, Madore, Pendleton, Perry, Plowman.

Yes, 67; No, 78; Absent, 6; Excused, 0.

67 having voted in the affirmative and 78 voted in the negative, with 6 being absent, the motion to indefinitely postpone House Amendment "KK" (H-108) to Committee Amendment "A" (H-15) was not adopted.

Subsequently, House Amendment "KK" (H-108) to Committee Amendment "A" (H-15) was adopted.

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

Representative MURPHY: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative MURPHY: I signed an amendment about 15 or 20 minutes ago. Has that amendment come back up to the floor?

The SPEAKER: The Chair would answer in the negative.

Representative MURPHY: I would ask the courtesy of the House for someone to table this proposal until that amendment comes up to the floor.

Representative CARLETON of Wells moved to table until later today pending adoption of Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "HH" (H-75) and "KK" (H-108) thereto in non-concurrence.

Representative KONTOS of Windham requested a roll call on the motion to table.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to table. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 54

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Bruno, Fisher, Madore, Pendleton, Perry, Plowman.

Yes, 68; No, 77; Absent, 6; Excused, 0.

68 having voted in the affirmative and 77 voted in the negative, with 6 being absent, the motion to table was not accepted.

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

Representative DONNELLY: I move suspension of the rules to allow to ask the Clerk to read House Amendment "LL."

The SPEAKER: The Clerk does not have House Amendment "LL." It is at the printers.

Representative DONNELLY: Madam Speaker, May I pose a further question to the Chair?

The SPEAKER: The Representative may pose his question.

Representative DONNELLY: Do we have a time frame for which this amendment will be printed?

The SPEAKER: The Clerk has called. They will call him back. Does the Representative have further questions.

Representative DONNELLY: Once we go beyond this point, if the Representative is not allowed to present his amendment at this point, as was the good House Appropriations Chair, at what time will he have an opportunity to amend?

The SPEAKER: The bill will be back for Enactment. At that time he can move reconsideration.

Representative DONNELLY of Presque Isle moved the House recess for 22 minutes.

Representative SAXL of Portland requested a roll call on the motion to recess.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to recess for 22 minutes. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 55

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Bruno, Fisher, Madore, Pendleton, Perry, Plowman.

Yes, 67; No, 78; Absent, 6; Excused, 0.

67 having voted in the affirmative and 78 voted in the negative, with 6 being absent, the motion to recess was not accepted.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Men and Women of the House. This process is wide open to everyone. Representative Murphy knows clearly how this amendment process works. We have tolerated three days of amendments from the minority party. We did so tolerably, kindly, patiently and respectfully. We are at the stage of the process. It is no surprise. For it to be filed this late is unfortunate, at best, but not because the good Representative didn't understand how all of this procedure had to work. I would hope that he will be better apprised the next time this issue presents itself to him.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I listened very closely to the Chair as we were informed and very much to the Speaker's credit, we are informed of what will happen during that day, what will happen during this week and we even get schedules for the following months or the upcoming months, which this member really appreciates. This morning I heard the Chair make reference that we would be coming back to the budget this afternoon. I instructed drafting that I needed it as quickly as we could and that we were coming back to the budget this afternoon. I didn't realize that that meant that the House would be in session past 12 noon and that we are in the afternoon. I operated on the guidance that I thought I had received from the Chair. Thank you.

Representative WATERHOUSE of Bridgton moved the House recess for 15 minutes.

The Chair ordered a division on the motion to recess.

Representative SAXL of Portland requested a roll call on the motion to recess.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recess for 15 minutes. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 56

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Bruno, Cameron, Fisher, Madore, Pendleton, Perry, Plowman, Wheeler EM.

Yes, 66; No, 77; Absent, 8; Excused, 0.

66 having voted in the affirmative and 77 voted in the negative, with 8 being absent, the motion to recess was not accepted.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I would like to respond to the Representative from Windham, Representative Kontos. As the explanations have been going forth, it was not until this morning that we, the minority party, were made aware that there was going to be a move to make an amendment to this budget at this point. Fair warning to all, there were only two that worked on amendments, Representative Kerr from the Appropriations Committee and Representative Murphy from Kennebunk. Representative Murphy has worked very hard on issues that I gather are contained in his amendment and would like to present them to this body. This body's decision on how to vote, on extending the same courtesy as Representative Kerr, was extended. I understand the majority party can flex its muscles and shut it down for other members of the body to try to put forth their proposals, without due consideration, or can just simply vote them down after hearing the debate. The choice between the two, in my relatively brief legislative career of seven years, has been that members have been allowed to present their amendments. It is not the consorted effort of the minority party to put up 20 amendments to debate on 20 different issues to get roll calls and to try to slow the process. It is a member of this House that has an idea that they would like to share with this body at the appropriate time. I think that is the only courtesy being asked here.

Last session there was some things that happened about courtesy, and I had some members of the other party send me notes, when I voted another particular way and I conceded that they were right. I wouldn't do that again. I ask for those who sent me the note to extend that same courtesy to another member of this body who is only asking the option or ability to present their idea to this House, as is the common courtesy, as is common practice, in this body. In seven years, I have never seen this. I hope that someone will move either to just be at ease for a few minutes while this is being presented or to move

to table for two minutes. I don't care what it is as long as we know what the time table is for Representative Murphy's amendment to hit your desks and to get its fair shake in this house of last resort and get an up or down vote by the members and move forward with the business at hand. As I understand it, I am not aware of any other amendments that are out and around, perhaps there are, but especially in light of the idea that it was only late this morning that anybody in our party, as far as I know, was aware that there was going to be an amendment at this point, other than what the Senate had done. I think it is only fair to allow members to present their ideas at the same time in the appropriate place during the budget debate.

That is where we are now with the motion to recede, which we talked about earlier. It is the time when you kind of open up the process to peel off and add new amendments or not. It seems to be the appropriate time and not on final Enactment. I encourage the House to support some courtesy for its other members. Thank you.

Representative MURPHY of Kennebunk presented House Amendment "LL" (H-109) to Committee Amendment "A" (H-15), which was read by the Clerk.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. I am very sorry for the delay. It was not intentional. Just last week members of the other side of the aisle had approached me on what had been a very close vote on an amendment which dealt with school construction. In those conversations, many members had said that they had wished they had that to do over again. This is not the same amendment. First of all, this amendment closes the state liquor stores. Many of our constituents, when we were campaigning, said that we needed to set priorities, that Maine State Government was too large. I guess I am laying before you a choice of priorities.

The second part of this amendment raises the legislative cap \$1.2 million in the first year and an additional \$3 million in the second year. That elevates that gridlock or that jam in school construction, which has meant that our youngsters are in church basements and they are in trailers.

The third part of this bill as a result of discussions with members from the other side of the aisle rather than sending the saving of the closing of the state liquor stores to the table, put that additional money into the GPA. When you have computer printouts, you saw the effects of the cushion on elevating the pain of the underfunding of the GPA. I have asked the Department of Education for information on a number of units that youngsters are in. We have 883 leased classrooms within this state. It could be a church basement that has been partitioned. It could be double-ended trailers, but Maine youngsters go to school in 883 temporary classrooms and the number is growing dramatically. If you take an average class size of 25 students, at any given moment during this day that we have been here, over 20,000 Maine students aren't in a real classroom. They are in temporary classrooms.

On the other hand, those youngsters are in temporary classrooms, we want to maintain a system whose time has gone by. I cannot understand the reasoning for that. Over the last few decades, American and Maine drinking habits have changed on how much we drink and what we drink. When you visit those state liquor stores here in Maine, many of them are empty because they don't sell wine and they don't sell beer. Maintaining those stores makes as much sense as in the 1920s providing a state subsidy to harness racers here in the State of Maine. I thank the House again for its indulgence. This amendment is an effort to make this budget a little more reasonable, to define the consensus that good chairman from

Old Orchard was discussing. It takes savings from a state operation whose time has gone by. I cannot go and look youngsters or their parents in the face and say that your youngster has to remain in a leased basement or in a classroom because we have decided that it is a higher priority that state employees sell hard liquor. Thank you.

Representative SAXL of Portland moved that House Amendment "LL" (H-109) to Committee Amendment "A" (H-15) be indefinitely postponed.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to indefinitely postpone House Amendment "LL" (H-109) to Committee Amendment "A" (H-15).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "LL" (H-109) to Committee Amendment "A" (H-15). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 57

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Vigue, Volenik, Watson, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kneeland, Labrecque, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevy, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Driscoll, Kasprzak, Kontos, Lane, Madore, Pendleton, Plowman, Powers, Wheeler GJ.

Yes, 77; No, 64; Absent, 10; Excused, 0.

77 having voted in the affirmative and 64 voted in the negative, with 10 being absent, the motion to indefinitely postpone House Amendment "LL" (H-109) to Committee Amendment "A" (H-15) was accepted.

Representative DONNELLY of Presque Isle requested a roll call on the motion to adopt Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "HH" (H-75) and "KK" (H-108) thereto in non-concurrence.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Madam Speaker, Men and Women of the House. Yes, I guess we are about to take a final vote, as final as it can be in this body on this budget proposal. I would just like to share with you for a moment some things that someone said outside the circle of Augusta. It is a letter that is on your desk. I won't read the letter, but just to share with you what a president of a small company down in York County said in an address to the Speaker and the President of the Senate. "It does a disservice to the citizens of the State of Maine. There is much more work that needs to be done. To ramrod through this now, basically, is a heavy-handed maneuver and it is

contrary to the spirit of cooperation." I might add that the spirit of cooperation that we are so often told around here that exists within this body. He goes on to say, "It is a document of broken promise." He eludes to the fact that we have a temporary sales tax of 6 percent and we were promised that that would be reduced back to the original 5 percent. It also breaks that promise because we are now scrapping a law that was going to cap income taxes and provide some real meaningful tax relief. These aren't my words. These are the words of President Adrien Ayotte of Architectural Skylight Company.

My words, and I am trying to be brutally honest, is that this budget stinks. I said before that it spends something like \$665 million in monies that go to a certain extent to new programs. We are putting new monies into the Sears Island Project for Research and Development. We are saying that we need two new liquor stores. There is another bill that was tabled until later in today's session that might add a third. We are asking for a family court, two new district attorney's and all of these are good projects, but we don't have the resources to support them. We say we do. We say we can balance this budget. We can take the money from other pockets, but it is really just taking one-time monies that we think we can use to plug this two-year biennium requirement that it is a balanced budget. What happens in the out years when the next Legislature comes in? We know already from what we have heard from the Chair of the Appropriations Committee that there is going to be a structural gap, already facing us when the 119th convenes and yet we go on spending.

To me, it just seems like we have a philosophy around here, at least for this budget process, that deliberations sort of pitted new programs versus meeting and recognizing the current expenditures to be what we should be focused on. We want higher spending, not tax relief. We mouth tax relief and I suggest to you again that the proposal that is now in this budget is not meaningful tax relief. If you don't want the future legislators to come into this body and decide how we are going to fashion a budget, then the time to act is now. Someone had given the figures, I think it was Representative Lindahl, that probably in the year 2000 or 2002, we will be focusing our debate on a \$5 billion budget, not a \$3.8 billion budget. The time to address this problem, ladies and gentlemen, is now. I urge you to vote against the pending motion. Thank you.

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

Representative CARLETON: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CARLETON: Thank you Madam Speaker. How many changes in law are in this budget, which are the subject of bills still pending before this Legislature? This is for anybody who can answer.

The SPEAKER: The Representative from Wells, Representative Carleton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. During the debate I have heard that there are as many as 1,500 or 1,600 bills that are out there. There are about 1,600 bills that could possibly affect this budget bill.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. If I have been unclear, I apologize to the Chair of the Appropriations Committee. What I was referring to were bills whose subject matter or bills that appropriated money, that are out there pending either hearing or passage, which nevertheless, have been incorporated into the budget. In other

words, the budget has kind of co-opted these bills. I am aware that there are some of them that are out there and I don't know how many. If I have been clear enough in my question, I will let whoever can answer it answer it, if not, I would try to clarify it. Thank you.

The SPEAKER: The Representative from Wells, Representative Carleton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Men and Women of the House. I will try to keep my emotions under control. I have on my desk, as each of you have, Committee Amendment "A" as amended, which we are about to vote on. I cannot and I will not vote for this piece of paper that is on my desk. Increasing, and you have heard the numbers just previously given, government by so many millions of dollars is not my idea of tax relief nor is it the idea of my constituents. Increasing state workers, increasing new programs, some of which, including family court, is not even on the books yet in law, but we are going to provide money for it. It may be a good idea. I don't know. I sure would like to hear the public's reaction to it and have it go through the full public hearing before we provide a nickel for it. Increasing government is not what I ran on and it is not what the Chief Executive ran on a few years ago. We ran on a smaller, more efficient state government at lower costs and lower taxes to the people of the State of Maine.

We are about to vote on this. Before you vote, you look in your heart, your mind and if you can honestly say that every program that state government does now is being run in the most efficient manner possible, it is not be duplicated anywhere in the rest of state government and it is being run at the lowest cost, then certainly vote for this budget, but see me afterwards because I have a bridge over the Androscoggin River in Bethel that I would like to sell you.

The SPEAKER: The Chair would remind the Representative and other members of the House that the issue before the House is adoption of Committee Amendment "A" as amended by "FF," "HH" and "KK." The good Representative will have an opportunity to debate the budget when it comes back for Enactment. The Representative may proceed.

Representative BARTH: I am sorry Madam Speaker. I thought that is what we were doing.

The SPEAKER: We are only debating the adoption of Committee Amendment "A" with its House Amendments.

Representative BARTH: Okay. My apologies to the members of the House and to the Speaker. I cannot, again, and will not vote for this because of not only the way it was rammed through, but also the fact that it does not reduce government spending. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "HH" (H-75) and "KK" (H-108) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 58

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemont, Mailhot, Mayo, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle,

Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bruno, Madore, Pendleton, Plowman.

Yes, 84; No, 63; Absent, 4; Excused, 0.

84 having voted in the affirmative and 63 voted in the negative, with 4 being absent, Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "HH" (H-75) and "KK" (H-108) thereto was adopted in non-concurrence.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-15) as amended by House Amendments "FF" (H-73), "HH" (H-75) and "KK" (H-108) thereto in non-concurrence and sent up for concurrence.

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

The House recessed until 5:00.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue to Implement a Statewide Economic Improvement Strategy" (S.P. 539) (L.D. 1658)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

Bill "An Act to Establish the Interstate Economic Development Commission for the Northern New England States" (S.P. 538) (L.D. 1657)

Came from the Senate, referred to the Committee on **Business and Economic Development** and Ordered Printed.

Was referred to the Committee on **Business and Economic Development** in concurrence.

Bill "An Act to Suspend Certain Licenses of Teenagers Convicted of a Juvenile Crime" (S.P. 537) (L.D. 1656)

Came from the Senate, referred to the Committee on **Criminal Justice** and Ordered Printed.

Was referred to the Committee on **Criminal Justice** in concurrence.

Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission on Hunger and Food Security" (S.P. 542) (L.D. 1661)

Came from the Senate, referred to the Committee on **Labor** and the Committee on **Taxation** and Ordered Printed.

Was referred to the Committee on **Labor** and the Committee on **Taxation** in concurrence.

Bill "An Act to Prohibit Fund-raising Efforts and Certain Contributions to Legislators while the Legislature is in Session" (S.P. 536) (L.D. 1655)

Came from the Senate, referred to the Committee on **Legal and Veterans Affairs** and Ordered Printed.

Was referred to the Committee on **Legal and Veterans Affairs** in concurrence.

Bill "An Act Concerning the Disclosure of Motor Vehicle Records" (S.P. 540) (L.D. 1659)

Bill "An Act to Amend the Motor Vehicle Laws Concerning Inspection Stations" (S.P. 541) (L.D. 1660)

Came from the Senate, referred to the Committee on **Transportation** and Ordered Printed.

Were referred to the Committee on **Transportation** in concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 26) (L.D. 24) Bill "An Act to Clarify the School Budget Approval Process" Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**"

(S.P. 212) (L.D. 671) Bill "An Act Concerning Towing in Cable Areas" Committee on **Marine Resources** reporting "**Ought to Pass**"

(S.P. 265) (L.D. 873) Resolve, to Appoint a Study Group to Determine How to Consolidate and Preserve the Health Sciences Library in Maine Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**"

(S.P. 340) (L.D. 1118) Bill "An Act to Amend the Oil and Solid Fuel Board Laws" Committee on **Business and Economic Development** reporting "**Ought to Pass**"

(S.P. 46) (L.D. 156) Bill "An Act to Amend the Charter of the Loring Development Authority as It Pertains to Immunity of the Authority" (EMERGENCY) Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-63)

(S.P. 86) (L.D. 266) Bill "An Act to Conform State Laws Regarding Fair Housing for Older Persons with Federal Laws" Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-59)

(S.P. 115) (L.D. 394) Bill "An Act to Preserve Senior Volunteerism" Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-61)

(S.P. 129) (L.D. 408) Bill "An Act to Include Operation and Maintenance in the Life-cycle Costs Analysis Required for Public Improvements" Committee on **State and Local Government**