

MAINE STATE LEGISLATURE

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House Legislative Record
of the
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of the
State of Maine

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doctors, the typical physicians, MD, and the chiropractors. There is a real battleground out there where the doctors tend to hate the chiropractors and want nothing to do with them. They are not referring any patients. There is a real problem. People are not having access to the chiropractors. You need to understand that the state employees already have access to chiropractors. They can go outside of the network, make their own referral and see a chiropractor. Representative Waterhouse, the rest of the population that has insurance is not allowed to seek chiropractors. That is why this is an important issue. It is providing access so that they can seek alternative care, to have a choice.

I tried to find out how much it would actually cost a family to be able to have this choice of alternative health care. The data from Blue Cross and Blue Shield is not very forthcoming. This should be generally neutral, in that you don't see people twice for lower back pain. You are either going to see a physical therapist or an MD or you are going to see a chiropractor. You are not going to see both fields. It should win out and actually chiropractors are much cheaper than going to see a physical therapist. If this starts kicking in and people are starting to be allowed to go see chiropractors, the bill should actually be less. It is my best guess that if you want to have a dollar figure of this is, that is \$7 per year, per family to have this. It is not a lot of money. It is \$7 per year for the family so that they can have access to something they are being denied.

The reason why, Representative Waterhouse, I know this is a real problem and that physicians are not providing access to chiropractors is because this happened to my daughter and me. My oldest daughter Lonnie, who is 16, was very, very sick once right before Christmas. She was admitted into intensive care the week before Christmas with acute kidney failure and congestive heart failure. The doctor that took care of her was wonderful, Dr. Can in Bangor. We got the health insurance policy and we hooked onto her for being our primary care physician. We were delighted that we had a great pediatrician for our daughter and what not. Then there were some reasons why it was pretty obvious that this same daughter, Representative Waterhouse, needed to go see a chiropractor and I asked Dr. Can if she could please make a referral so my daughter could see the chiropractor. Dr. Can said, No way on God's green acre was she ever going to be allowed to make a referral and that I was going to have to leave her and find another pediatrician. I encourage you all to follow my light on this one. Thank you very much.

On motion of Representative KONTOS of Windham, tabled pending the motion to indefinitely postpone House Amendment "A" (H-70) and later today assigned. (Roll Call Ordered).

ENACTORS

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 (H.P. 832) (L.D. 1137) (Governor's Bill) (H. "FF" H-73, H. "HH" H-75 and H. "KK" H-108 to C. "A" H-15)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

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

Representative KERR: Madam Speaker, Men and Women of the House. I am proud to rise today in support of the budget before us. This budget is a true legislative milestone. It represents the end result of long and careful deliberation process that began months ago and involved literally hundreds of hours

of work of members of both parties, Democrats, Republicans and Independents. The Governor deserves credit for giving us a good starting point. Some of you may be surprised to hear me say that, including a former member in the gallery, but it is true. Naturally, we disagreed with some of his priorities. When we did, we spoke openly about our disagreements and proposed our changes. Much of this budget reflects our shared priorities, our common understanding of the what we believe will best serve the interest of all the people in the State of Maine.

We began our work in January with public hearings and work sessions by the policy committees, which listened to public input and weighed the view of those who testified before them. They brought their recommendations to the Appropriations Committee. Four of those committees had unanimous committee reports. I mean a report. As you know, we had an A report and a B report, which is basically a wish list. The status of those committee reports, the A reports were Judiciary; Legal and Veterans Affairs, who were split on the Part L section language; Marine Resources and Transportation. For the most part, we reached a consensus and had unanimous committee A reports. Unanimous B reports were Education, Health and Human Services, Criminal Justice, State and Local Government, Agriculture, Conservation and Forestry. B reports, if you recall, were those reports that exceeded the amount of money in the Governor's net proposal.

Committees that had Minority Reports. That was even if just one member voted against those reports. They were Labor, Business and Economic Development and Natural Resources. At the time I did this, some of the committees had not finished. We know that the Taxation Committee had a divided report and also Inland Fisheries and Wildlife, at the time, had a divided report. I believe, at this time, that the Inland Fisheries and Wildlife has reached a consensus report. In nearly every case, the committees achieved, I believe, a large consensus.

The Appropriations Committee, in turn, had further hearings open to the public and often called the policy committees back to clarify and further explain the rationale for those recommendations. As we found out through our deliberations, budget making is not very easy. Each of us, as I do, have worked hard and carefully studied the difficult decisions to develop this budget. No one will ever be able to say or accuse this Legislature of having slacked off or shirked its public responsibility. This Legislature has worked more quickly, more productive and more efficient than in any Legislature in recent memory. We should be proud of that accomplishment. This budget, I believe, is a good budget. Let me rephrase that, I think it is an outstanding budget that truly reflects what Maine people want. This budget provides immediate tax relief for all Maine people. It reduces taxes by relieving the burden on the property owners and creates a new tax relief fund that will bring real help to working families in Maine.

The future prosperity, as we all know, from Maine's young people, depends on the opportunity to receive a quality education. This budget increases the funding for education over and above what the Governor recommended. This chamber decided, along with the other chamber, that we should fund education K-12 at 2 and 3 percent over the next two years for General Purpose Aid for Education. Also, that we provide a hardship cushion to help those communities that are hit by this redistribution in the Education Funding Formula. We chose to do that by providing a cushion of \$3 million each year. It increases funding for the University of Maine and the Technical College System over and above what the Governor recommended. The Governor also chose to eliminate the Magnet School and also the Access to Medical Program that provided slots for students to compete fairly in the State of Maine with other states. This body felt that they were important issues

and we provided the funding necessary to make sure the Magnet School stayed in the budget and the access program continued.

Maine people can be proud that the House balanced the budget without restoring the gimmicks that shift the costs of state services to local property tax. This budget is fiscally responsible. It fully funds tree growth now. It reduces the cost of counties for housing state prisoners in county jails. It includes funding for revenue sharing. It avoids the proposed shift in teacher retirement costs to local communities. The budget also makes progress in helping our state meet its responsibilities to our elderly and to our children, those with mental illness and those with disabilities. It includes funding for the transportation's support services for the mentally ill, for teen health and community family planning, child development clinics, nursing services, home-based care for the elderly and physically disabled adults, legal services for our elderly, homemaker services and adult-protective services. It also moves us further from welfare dependency to work fare by ensuring the pass-through of funds for families who rely upon child support collection to keep them off welfare.

As I said before, this budget addresses not all the needs, but generally most of the needs of Maine people given the resources that are available. Months of public hearings and hard work have produced a budget that I believe strikes that sound balance. It is fair, balanced and fiscally responsible. We have all worked hard on this budget and I am proud of this budget. I hope that you, on both sides of the aisle, will join me in supporting this document. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Madam Speaker, Ladies and Gentlemen of the House. It is with deep regret that I stand today in opposition to this budget bill. It was my fervent hope that the Appropriations Committee would be allowed time to do our jobs. Our committee, which I am proud to be a member of, has not only moved at break-neck speed, but with little regard to the fact that the public has not been able to share their thoughts with us. As a committee, we have never had any meetings to discuss the budget after it was put into our current written form. To me, that is not doing our job to the best of our ability. I believe as Representatives we have a strong obligation to the people who elected us to look at every option and every single possibility in creating a budget. I use the word creating very purposely. A budget needs to have a creative touch put into it. As any artist would tell you, creativity takes time. We are fortunate we have time. We have the time to hash and rehash whether or not the items in our budget are the ones that truly reflect the needs of the people of Maine.

We learned last week when we looked at things a little bit differently, a little more creatively, that we can make it possible for a document to become a little more reflective of the needs of the people. I felt very, very hopeful last week that we were really, really going to sit down and try again. The Appropriations Committee has bright, talented men and woman as members and given the time, I think we could have continued in a 30-year tradition of excellence and created a budget that two-thirds of the members of this body could enthusiastically sign onto. As the good Representative from Old Orchard Beach pointed out, there are many strengths in this budget. I believe this budget is making progress in the right direction, however, it is simply not good enough. We can do better. I challenge each of us to reach deep inside and find the strength to give this budget still another attempt. Please give us the time and opportunity to go back to work and create a budget that will truly reflect the wants and needs of the people who elected us, the good people of the State of Maine. Let us not forget in our haste that we have an

obligation to create public policy to the best of our ability, not just as quickly as possible. I urge you to vote in opposition to the pending motion. Thank you.

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

Representative KONTOS: Madam Speaker, Men and Women of the House. I have heard a lot about process from both sides of the aisle and I think, quite frankly, this process has been unfairly labeled one sided or exclusionary. As you have heard from the Chair of the Appropriations Committee, many of the pieces of the budget on which there are solid agreement, were the results of unanimous committee reports. When we began negotiating with members of leadership from across the aisle some two and a half or three weeks ago, I guess, there was probably agreement on well over 98 percent of the budget. What divided us was a mechanism for income tax relief and about a \$30 million gap, which we quite easily were able to take care of as it turned out and disagreed philosophically on that mechanism for tax relief.

I was hopeful throughout and still remain, even tonight, somewhat hopeful that that 98 or 99 percent of the budget can give us the two-thirds that we need to pass this. In large part because I think all of you realize, as I do, that this budget is a reflection of hundreds of hours of committee work and countless public hearings. The notions that the public or the minority party have been left out is simply untrue. I think the document very adequately represents the priorities of both parties and of the Governor and most importantly, the public that sent us here to do its work. That public has said time and time again that they want us to do the job that we were sent here to do. They are not the least bit happy when we bicker. They are not the least bit happy when we call each other names. They are not the least bit happy when we leave negotiations or when we break our promises.

I am one of 11 people remaining in this body who were here when the budget shutdown occurred in 1991. It was a historical moment, we were told. It was a moment I don't want to relive. If you think you are tired now, I can't tell you what it was like when I, and the 10 other members who were here at that time, were here round the clock for days at a time watching the sun come up over Capitol Park. We were exhausted. We were weary. We were mad at each other. We had trouble getting through the hallways and people were camped out in the park in order to voice their protest about what was happening. Some of us were scared. Many of our vehicles were damaged. It was a dreadful time. I vowed that if I could do anything to prevent that from happening again, I would. My efforts, as well as the efforts of other leadership, have been to prevent that from happening. A shutdown, for any reason, is not anything that I will tolerate. Quite frankly many of us thought that the threats of a shutdown were real. If we don't pass a majority budget, they become real once again. For that reason, I think it is worth our efforts to pass a majority budget, if that is what we must do to join the ranks of 44 other states in the country who follow that procedure and who do it quite comfortably and quite naturally, in fact, and then go on about the people's business as we were elected to do.

With that in mind, I will add my voice to those of others to encourage you to support this budget, be proud of the process that got us to that point, continue to have respect for the process that we are all undertaking, to respect your colleagues even when we disagree with each other and to hope that we will be able to continue to work together and still remembering that a budget is a set of priorities. It is a single snapshot in time. It is not a full video. It is a snapshot. It reflects the priorities of the people who have compiled it. It also reflects the personal concessions that each of us have made. There are many of us who cannot joyfully support certain pieces of this budget, but we

do so because the whole is better than some of its parts. Being able to support that whole moves us closer to accomplishing that goal that we all have, which is to serve the people well. I dare say our common goal is to govern well. I think we accomplished that in a budget of this time. That, as you have heard, provides tax relief to Maine families, more resources to public education and sustains essential services for government.

I urge you to join with me in passing this budget so the people of Maine can be proud of us and so they can benefit from the results of our hard work and so that we can keep faith with them in avoiding the unpleasantness of the shutdown that I experienced in 1991 and I don't want any of you to go through. I thank you very much for your attention and I believe that you will feel good when you support this budget. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this budget and for many of the same reasons that were given that we should support it. It was an expedited process that ignores many, many items that have yet to be debated. Many of you who will vote for this budget tonight know that the process has been compromised. The only part of this budget that had to be legally passed was the GPA portion of the education budget. The rest of this could have been more deliberative and could have taken into account more of the issues that are still in front of us and could have been worked into the budget in a fair process. I have a concern about how the Appropriations Committee will be operating in this working after a budget has been passed in dealing with bills. How do the members know how to deal with the bills that have been passed after the budget has been set? I would like to pose a question if I could. Does this bill require a two-thirds vote?

The SPEAKER: The Chair would reply that this bill does not require a two-thirds vote. It is not an emergency enactor.

The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. As several of you know, I have a lot of misgivings about the process. One area that I am most concerned about regarding the budget is that one-third of our budget, known as the School Funding Formula GPA. I did have two amendments that I was willing to propose to the body, but I was asked, and I agreed, actually to not bring it up at the time, but I did want to express my concerns on the record.

Two reasons why I want to express my concerns on the record are to make sure people understand how frustrated I feel about this, but most of all to try to encourage people to start to correct what I see is a very, very serious wrong. First of all, many of you have been told from most people that the problem with the School Funding Formula is that there is not enough money. I want to be very clear. That is not true. You can consider that a lie. It is not that we don't have enough money, it is because of how the funding formula is set up. That is why you have such a difficult problem. Okay? If you have a pie that is this size and you only get a tiny fraction of a serving, versus a pie this size, you are still only going to get a little portion in that serving. It is not how much it is, it is how it is being cut up. Okay? I have a printout here if anybody, especially if any of you new people, would like to look at this. Last term I served on the Education Committee and I presented an alternative plan, known as Plan 10. If you look through this, I have one for the Senate and one for the House. If you look through it, you will see that it uses the same population in every situation, the same property values in every situation and the same amount of money, but the outcomes are drastically different. It turns out that there really is

enough money for everybody, it just needs everybody to do a little give and take.

For instance, in the plan that I was proposing, known as Plan 10, Portland would have received an increase of 27 percent, but they fought for something that would give them a 29-percent increase. We were only talking a difference of about \$155,000 out of a \$9 million increase. The other thing that you guys should know is that it is more of a rural, urban disparity than a northern, southern disparity. Basically, what happens is the money has gotten sucked up so all along northern and western Maine and it gets sucked into the highway and it goes down the highway, so that basically, the closer you live to the highway and the further south you are, the more of a benefit you are getting from the current formula.

There were 90 House Districts that were better off under Plan 10 and there are 24 Senate Districts that were better off under Plan 10. It includes district 151, district 150, 149, 148, 147, 146, 145, 144, 143, 142, 141, 139, 138, 137, 136, 135, 134, 133, 132, 131, 126, 125, 124, 123, 122, 121, 120, 119, 118, 117, 116, 115, 114, 112, 111, 110, 109, 108, 107, 106, 105, 104, 101, 100, 99, 98, 97, 96, 95, 94, 93, 92 and I can keep counting and it basically goes, as I said, two-thirds of the state is getting the short end of the stick under the current formula. Twenty-four members of the other body are getting the short end of the stick. That is two-thirds of the state or 66 percent of our children. In affect, the 150,000 children, their parents and taxpayers in their towns that are getting ripped off. Now, this lovely budget that we have before us also includes \$44 million in new money for the School Funding Formula.

The way the good Democrats and Republicans in my district see it is we have worked very, very hard for that money. Often for \$4.50 an hour with many people working two or three jobs and families splitting apart to come up with that pool of money of \$44 million. It is going in the wrong places. There is a revolution at the local level over this issue and it is hurting the children, but my question is, why isn't there a revolution at the State House? Why are these 90 House members sitting here and letting this happen? Why are the 24 members in the other body not uniting together demanding a fair funding formula? The proposal that I had as an amendment basically said to eliminate what is known as the COLA, the cost of living. If you talk to any economist, they will tell you that Maine does not have a serious difference in the cost of living between the north and south, neither does New Hampshire or Vermont. Okay. A place like New York, where you have Manhattan and upstate New York, yes, they do have a cost of living difference, but Maine doesn't. I wanted to see what would happen if we took out the cost of living.

The other issue is the difference in the reduction methods. The original School Funding Formula in 1985 basically worked very straight forward. Everybody said it was very fair and simple. Okay. If you had \$100,000 bill for transportation and you are an 80-percent receiver, you turn that \$100,000 bill in and you get 80 percent of it. That is \$80,000. If you are a low receiver of let's say 20 percent, you would get \$20,000 back, pretty straight forward. Then in the early 90s it changed and became known as the percentage reduction method. That is when the state started this really clever idea of taking about 20 percent off the top and pretending it doesn't exist. You talk about gimmicks, this is the gimmick of all gimmicks. You take 20 percent off the top and pretend that doesn't exist and then they compensate you. This hurts high receivers the most. Your \$100,000 bus bill magically turns into only \$80,000 then you get 80 percent of that and that knocks you down to \$64,000. You used to get \$80,000 and now you get \$64,000. That is right off the top, you lose \$16,000 if you guys can follow me. Okay. The lower receivers get hurt, but not as much. They would have gotten \$20,000 for busing and it

knocks it down to about \$16,000 so they lose about \$4,000. In effect it hurts the high receivers four times as much as it hurts the low receivers.

One of the members of my leadership suggested a few days ago that I take a look at the impact on my towns in the School Funding Formula thinking that I would be thrilled by this to see how much money I was getting. I told them I really wasn't all that much interested and that I had a pretty good idea of how messed up the formula was. A few days later, I did take a look at it. Guess what I get. Out of \$44 million in new money, I get \$16,000. That is .0003 percent of the money. That is what I get. It is less than one-tenth of 1 percent of that pie. If you had taken that same pool of money of \$44 million and divided it up among 151 House Districts, if we all got an equal piece of that pie, it would be \$291,000. I figure, with my best guess, that my district has lost about \$1.6 million in the last few years. If you had taken that same \$44 million and ran it through revenue sharing, it would have reduced the property taxes 1.3 percent across the state. My district would have gotten \$567,000. With that same pool of money, I bring home \$16,000 or \$567,000.

Actually, what is funny is the decision that was made in the middle of the night to throw \$5.2 million into revenue sharing. I get \$70,000 of it. I am rich. Now if we would just work on the School Funding Formula a little bit, do a couple of late nights on fixing that, maybe I would be all set. One thing that has been so frustrating about this is the process. Last year we were not allowed any printouts. I have to file the Freedom of Information twice. I finally got the material and the committee locked it in committee and would not release it. I had to submit a Joint Order forcing the House and the Senate to force the committee to release it. For those of you who were here last time, you will remember that they tied it in with the budget and it was too late to deal with it and everybody said they would fix it later. I am tired of these *deja vu*. I want it fixed. We are still not being allowed to get any printouts. It is very irritating to know that you guys are sitting here voting on something seeing one printout and nobody is showing you any alternatives. Nobody is showing you what you should be getting. You are basically voting blindly. You don't know what you are deciding on.

At this point I really don't have any faith that the funding formula is going to be changed. After all there were 80 superintendents that sued the state and that still didn't teach us to fix things. I really don't think that the executive cares about this or otherwise you think he would have done something. I really don't think the commissioner cares either or he would have proposed some changes. The committee doesn't have a proven track record of fixing this, otherwise they would have fixed it a long time ago. I don't see any real commitment on behalf of leadership to take this seriously. What I really want out of all of this is for a bunch of you guys to be able to say, I told you so. We did fix it. What I want is for the School Funding Formula to be taken seriously, for everybody to work on it like ladies and gentlemen, and come up with something that is fair for the state as a whole. When I think about how much money, time and energy has been spent on things like gay rights, CarTest, reformulated gas and forest compacts and why those issues are taken so seriously and fixed and yet nobody pays attention to the children. I ask myself why are cars and trees more important than these 210,000 school children.

Again, all I really want is, one thing that I would like to do is, see a printout with not COLA and then the proposition was to do half percentage-reduction method and half mill-rate method, which is the original School Funding Formula. I would be very interested in seeing if we got rid of the cost of living and did a 50/50 split. Half percentage-reduction method, which is what the low receivers what the south wants and half original School

Funding Formula that worked so well in 1985. I would like to see that printout and see if it is something that we could live with. I would really, really like to have a decent chance to change the formula, for the leadership to take it seriously and for us to come up with a fair formula and have a fair fight about it, on the floor and not have it sneaked into this budget that is 445-pages long.

Again, like I said, what I really want out of this is for all of you to join together and demand a fair funding formula. Remember, there is 90 of you out there that are losing out on this deal. What I want most of all out of all of this is for someone very, very soon to stand in this chamber and say, Representative Winn, I told you so. We did fix it and now we have a fair funding formula. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

Representative FOSTER: Madam Speaker, Men and Women of the House. I am having a little difficulty with this budget and I am certainly having difficulty to vote for it. I would just like to illustrate a couple of reasons why.

One, is I don't understand how a budget increase of this magnitude is tax relief for our citizens and two, I don't understand why we would rather build liquor stores than school buildings. The third one is there was a man who testified about a week ago before the Education and Cultural Affairs Committee who said that he used to run a business and he had six employees. The taxes got to the point and the rules and regulations got to the point where he dissolved his business and he now works for somebody else. From what he said, I assumed his wife works also, so they sat down and they figured up all the taxes that they spent or paid to the federal, state and local government along with all the fees as well. They came up with 53 percent of their income. I don't know how this fellow is going to feel about this particular budget and he probably is not going to be able to do anything about it, but it seems to me that that is a pretty good chunk of a person's money. I don't think this budget does anything to help that person or anybody else, for that matter. I guess the other thing that bothers me a little bit is we have essentially ignored some of the important work of the 117th Legislature when it came to taxes.

Finally, there are some, I guess, who think we can tax ourselves into prosperity, but I rather doubt that.

Under suspension of the rules, members were allowed to remove their jackets.

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

Representative SAXL: Madam Speaker, Men and Women of the House. It has been a long journey to bring us to this night. I want to pause and speak for a moment about and respond to my good friend from Gray's concerns. I think this budget does a lot of those good things and I think Representative Foster can be very proud and very happy about the things that are in this budget. He can bring those home to the people in his community because this is a budget to be proud of. The Representative mentions issues involving tax increases or how we are helping working people or increasing tax burdens, I say this is an excellent budget for you. This budget begins to look and take seriously the issue of taxation in the State of Maine. First, this budget takes seriously the issue of income tax in the State of Maine by beginning the process of raising the standard exemption to the federal level. Over this biennium we will raise it. We will go at least \$50 towards that. We have the opportunity

to go much, much further. More than that, this budget respects the acts of previous Legislatures and pays the bills that are due.

In the 117th Legislature, we adopted a hospital tax. This budget begins the process of paying for the 117th Legislature's act. It puts \$116 million into that hospital tax. In the 117th Legislature, we adopted a nursing home tax. This Legislature begins the process of paying for that by putting \$25 million into that program. We adopted the Better Program to help businesses grow and prosper in the State of Maine. This budget puts \$29.3 million into that program. We do more than that. The *Kennebec Journal* recently wrote that property taxes are the top concern with most voters for the very sensible reason that property taxes have increased faster since 1987 than any other tax in Maine. A petition initiative to abolish property tax funding of schools that nearly made it to the ballot last year showed where popular sentiments lie. This budget does what really matters. It helps the property tax payers in the State of Maine. It does that by funding things like tree growth to an unprecedented high level. It begins to fund community corrections in our county jails. It begins the process of doing what the good Representative from Glenburn wanted so much by looking at issues of revenue sharing. It prevents the shift of teacher retirement costs to our municipalities and it pays, like the good Representative from Sanford wants, for district attorney's the right way.

Moreover, this budget puts real money into the Circuit Breaker Program, of which we all can be very proud. This budget does one other thing that is very, very important. This budget puts education first. This budget increases GPA to the people of the State of Maine by over \$44 million, which is over \$22 million more than the Governor's original budget, with \$6 million in cushion, to help the cushion to help the people from low-receiver towns, people in Washington County, Aroostook County and people in Piscataquis County to take the sting out of rising evaluations and lower student populations. This budget begins to meet our commitment to higher education and access to higher education for all of Maine's students. It helps fund the Maine Technical Colleges. It helps fund the University of Maine. It helps look at how those programs work with our business community by beginning to look at R and D where Maine ranks pitifully low at 49th. This budget is a good budget, Democrat or Republican, this is a budget we all should be very proud of. I hope that you will look past what may have been our differences and see that 98 or 99 percent of this budget is exactly what is good for Maine. I thank you very much.

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

Representative LINDAHL: Madam Speaker, Ladies and Gentlemen of the House. The previous speaker said that this budget respects the acts of previous Legislatures. Is that what happened to the income tax cap? No. Also, it was made mention that the hospital sick tax, the previous Legislature voted to repeal, effective in 1998. This budget increases the hospital sick tax by about 48 percent for the next year. Is that a gimmick? I thought there weren't any more gimmicks in this budget. In the previous Legislature, we raised appropriations by \$277 million. That was to take care of a lot of these gimmicks, the payroll pushes and pulls, old phone bills and those types of things. That was taken care of in the previous Legislature. This should be new money now. We should be using that money that we appropriated last for these new programs, not raising spending beyond that rate. I would like to know if new taxes that haven't been voted on yet are figured in this budget. The new tax on services that are proposed, the new tax on cigarettes are those figured in this budget and where is that money going if, in fact, those taxes do pass? This is about keeping promises. I don't

believe that funding the tree growth tax can be called tax relief. We are supposed to be doing that, anyway. We were supposed to be doing that right along. How can we call this now tax relief because we are finally fulfilling our obligations to fund the tree growth tax. These are some of the problems that I have with voting for this budget. I don't believe I will be able to. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. One of the refrains that I constantly heard since I have been up here and this is my second term is about the structural gap. You heard it in the halls. You heard in committee and you heard on the floor today. We have been dealing with it. I would like to pose a question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Thank you. To anybody who can answer. Does this majority budget have a structural gap in the next biennium and is it somewhere near \$152 million? If it is not \$152 million, could somebody tell me if there is one and what it is?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse 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. That answer deserves a little discussion. The budget that was proposed by the Governor and in its task says it would have had a structural gap in the next biennium of about \$115 million in the general fund and almost \$50 million in the highway fund. Structural gaps have been a problem since the early 90s. It has not been unusual to have a structural gap moving into the next biennium. The budget, my good friend on the other side of the aisle brought forth, would have had a greater structural gap than the majority report. We can get involved in whether or not it is right or fiscally responsible to vote for a document that has a structural gap in the next biennium. I think that we can find excuses why not to support this document. Frankly, I look at that as being the easy way out. It is very easy to say no to something. We spent a lot of time and energy. We can talk about tax relief and then we can debate the definition of tax relief.

If, in fact, giving money back into revenue sharing is truly tax relief for the property tax, I think if you go home and you ask your constituents that elected you that they would say, yes, that is tax relief. I think that if you look at what we have done in this document, some of the expenditures in growth that we have incurred before we even sat in our seats that were brought forth by the 117th Legislature, which I was a part of. We have heard the Representative from Portland talk about the tax and match and the cost if you look from biennium to biennium the growth in spending has increased by about \$265 million. That is not a secret. I have said it on this floor and I have said it away from this building. That is a true statement.

In looking at this document, I think you have to look at what the people of this state want to see. They have come to this place in Augusta and in your committee rooms and in my committee rooms and voiced their opinions on what they would like to see the final outcome in the budget. Through that debate we built a consensus as I said earlier. I think we have come a long way. I don't want to get tied up in rhetoric because I think that we can and have heard all about this budget. I am urging you to support this budget because under what I consider a definition of tax relief, this budget provides it. This budget

provides tax relief in the form of property tax relief. The section dealing with revenue sharing, the Governor chose not to fund revenue sharing. This chamber, by bipartisan support, supported it. We are going to return that money back to the municipalities.

Revenue sharing, for you people that are new and not familiar with it, was developed almost 20 or 25 years ago. It is 5.1 percent of the sales, corporate and income tax that is collected. Prior to the gross receipts tax that was created, some would call it a gimmick and again that determines on what your definition is and who is the Governor at the time. When the gross receipts tax was repealed, those dollars that created that gross receipts tax went to revenue sharing. We are now returning that money back to revenue sharing. Teacher retirement, the Governor proposed to let the local municipalities pick up the expense, which is about \$4.8 million for teacher retirement. We collectively agreed and said, no, we are not going to shift the burden brought back to the property tax. Those are the areas that we are talking tax relief. We have also had a policy change here.

We have often balanced the budget using the Highway Fund. We have chosen, through a unanimous committee report and I thank that committee for its hard work, the Transportation Committee, to fund the State Police at a 60/40 split rather than the 80/20. That costs money people. That costs us \$11 million. We are not all the way there yet. The split should be 50/50 General Fund and Highway Fund. We have made an honest attempt to try to get there. This problem has not been created over night. We talked about district attorneys. We have always funded the district attorneys using the Highway Fund by taking the money and putting it in the General Fund. We have chosen not to go along with the past policies. There is cost to doing that. It is almost \$3 million.

Two years ago, we embraced this Governor in developing a tax reduction on business and equipment. There is a cost to doing that. That is what I refer to as corporate welfare, but we chose to embrace it. I am in business. I am one of those people that go out and hire people to create those jobs. I know what it is to pay a CMP bill or a workers' comp. I am not immune to those paying license fees as they have increased. There is a cost to that. It is \$28 million plus. It has a long tail on it. It is going to cost you more in the next biennium. To do business and try to balance the budget isn't often easy. I stated earlier, it has been almost a week now that the budget, like every other budget that has preceded it, is not complete in the minds of each of us as individuals. That is not why we are here. It has been, and I hope continues to be, an honest effort of consensus based on the resources that we have.

I think that this document is, frankly, a very good document. I can stand up here and tell you everything that is wrong with it and everything that is right with it. We come to the income tax cap. I stand before you as Chair of the Appropriations Committee in the 117th Legislature and I supported the income tax cap. It came up this year in the Appropriations Committee to fund the income tax cap. I voted to fund the income tax cap, people, much to no one's surprise. When it came down to crunching the numbers, I, like members of the Republican Party, found out that we couldn't fund it at the level that was voted on in the 117th Legislature. Decisions had to be made. When the Republicans brought forth their budget, as I said earlier today and last week during these deliberations, I think there was an honest attempt to let everyone know what they wanted to fund or see funded. We were trying to build a consensus. In that budget, they, the Republican Party, could not fund the income tax cap. In putting that budget together, they had to raise the cap to almost \$690 million or thereabouts. In doing that, they

also had to fund their budget by using surplus revenues in FY 97. We all know that you cannot balance or predicate a budget on revenues that aren't here. That is the 1997 revenues.

In that budget that was balanced or predicated on \$30 million in surplus revenue. At that time, I offered, in disgust, a compromise. I put the income tax cap in at FY 98 levels. That would be \$724 million or thereabouts. That failed. We then proceeded to go over to the administration and it was rejected, not by my party, the Democratic Party, but by the Republican Party. Then, as we continued to work together in trying to reach a consensus, the Chief Executive invited us to go over and try to resolve this issue. There almost \$70 million was put on the table and, frankly, I was scared. It involved taxes, increasing the cigarette tax and other items. Frankly, that wasn't something that I wanted to predicate the budget on. I am glad, for myself, that the Republican Party rejected that. If I was a member of your party, it would have been an excellent opportunity to capture those dollars and I relayed that to the good Representative Donnelly from Presque Isle.

Here we are today, continuing to listen about the income tax cap and what the 117th Legislature has done. Let's talk about what we are going to do and what is contained in the majority budget. It was built on consensus from both sides of the aisle and I see people shaking their heads, but that is truly what happened. You may not want to believe it, but that is what happened. I shared those reports with you. Whenever I have risen to this mic, I have spoken to you and told you what actually happened. If you don't want to believe it, that is your choice. This budget provides immediate tax relief. The budget in the 117th Legislature did not do it. Even if the income tax cap was in place, that didn't take affect until FY 99, the second year of this biennium. This budget provides immediate tax relief. It may not be as much as you want, but I think it is truly an attempt to move in the right direction.

This budget chose to fund education. If, in fact, you wanted to keep the income tax cap on, even at the FY 98 level that I recommended, you would still have to go into this document and cut almost \$65 million. Where would those monies be cut from? Education, the university, the mentally ill, the children with disabilities. Well, that is the reality people. You can sit here tonight and talk about how bad this document is, but it is the only document that you have before you that is balanced and I truly believe represents what Maine people want. That is why I stand here tonight in support of this document. I truly believe that it represents not all of what we want, but generally most of what we want. I urge your support for this document.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. I could go on this evening about the experience I had in negotiations. One of the things that I continue to hear is this, I'll call it "phantom concept" of the state shutdown. We all know that we have three months left to pass a budget. The traditional budget where we have support of 101 votes in this body. To be talking about the shutdown as my fine colleagues on the other side of the aisle presented it and Representatives from the executive branch presented it to us. I began to think as the words became aired, I said to myself, Gee, I didn't say that. Had some of my colleagues from the Republican Party said that? I started asking and not one said it. I asked, Did you think it? Not one thought it. To come to the conclusion of this budget and state even as recently as this evening in floor debate that we are doing this to prevent a shutdown makes no sense to me. If this so-called collaborative effort or deliberation or negotiation is a substitute for the Maine tradition of open and ample debate, I feel it is flawed. I want to

be on the record this evening stating that never once did my colleagues in the House or in the other body have any words passed through their mouths or even through their heads about a shutdown of state government. I believe that many at state level and the federal level have learned of the destruction that could occur with another shutdown. At this point, we would really like to wipe the slate clean and be on the record that the Republicans, here in the Legislature, have never thought, spoken or threatened a shutdown. Thank you.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I wholeheartedly support this budget and I am proud of the work we did on it and of the process in which it was created. I wanted to speak to respond in particular to a couple of comments that I thought were legitimate concerns which were raised by members on the other side of the aisle.

First, I want to say that the Representative from Gray questioned why the growth in this budget? It is a legitimate question. The budget has grown because we are paying our bills. We are, for the first time, repaying the Highway Fund. For the first time since I have been a member of this Legislature, we eliminated that gimmick. We are meeting our obligations in terms of the state employees. We are meeting the document which was recently collectively bargained to, which we agreed. In a second category of paying our bills we are meeting our obligations to the local communities, which will in turn reduce the pressure on the local property tax. We are doing that in the following ways. We are fully funding tree growth for the first time since I have been a member of this body. We are eliminating the gimmick which applied to revenue sharing as a result of the gross receipts tax and, therefore, providing the communities with their full share of revenue sharing. Again, for the first time since I have been a member of this body. We have done an awfully good job of meeting our obligations to the communities on community corrections. We are paying our bills in that area.

We did not go along with the proposal to shift the burden to the communities for teacher retirement. That burden will not land on the communities and on the property tax. We fully funded, I can't say we fully funded GPA, that would be wrong, but we did our utmost to put as much money to General Purpose Aid to Education as we possibly could. Furthermore, we responded to the citizens of the State of Maine. There were some areas in which we were lobbied heavily and we received extensive phone calls and letters not to eliminate certain programs, such as the medical access program. We agreed with that. We funded it. We continued it. Again, we received extensive lobbying, letters and phone calls asking us to support our university system and we have done so.

I want to say further that we have supported the work of the committees. I think that there has been tremendous work done by the policy committees. We did our utmost to follow the recommendations of the Committee on Education. Did we fully, fully fund their every recommendation? No, but we did pretty well. The Criminal Justice Committee, I thought, did a remarkable job this year in analyzing the proposals put forward in making cuts where they could be made in order to move funds into other programs. I was proud that we did as much as we were able to fully fund their recommendations. That leads to a side issue. I want to say there are programs in here which are not my priority. The Northern Maine Juvenile Detention Facility being one of them. I have heard an awful lot about how we ought not to begin new programs, but I have not heard anyone say that we ought not to start that program. It is not my priority, but I recognize that in order to pass a budget, there needs to be give and take. I am willing to fund that program in order to gain,

hopefully, bipartisan support. There are other programs in this budget which are not my priority. I personally do not support magnet schools and I would not, personally, continue the funding for the Magnet School, but I recognize it is a high priority for many, many Mainers, for the Education Committee and for the majority of the members of this body. Therefore, it is included, another such example is the Maine Career Advantage Program. It is not my priority, but it is a priority for some and so it is in this bill.

I wanted to respond to a couple of other comments. One had to do with liquor and the remark has been made, we have often heard the remark made about valuing liquor over school children. I don't feel that is what is going on with this bill. First of all, the prude that I am, I don't have a problem with making liquor hard to get. Second of all, we have heard an awful lot said about respecting the committee process. The bill does that in this area, rather than simply adopting a proposal. It sends it to the committee and asks them to fully analyze it with public input and arrive at a solution. I am extremely confident in that process and perfectly comfortable with voting for it.

I wanted to respond to some questions asked by the Representative from Northport, one was about the hospital tax. Is it a gimmick? Sure, unfortunately it is. That proposal was brought forward to us by the Maine Hospital Association and it was signed onto by a letter signed by each and every acute care hospital in the State of Maine. They asked us to increase the tax on hospitals. I guess that is an indication of how much can change in two years. No, it is not predicated on new taxes. I want to be absolutely clear about that. Should this body decide to expand our tax base or raise the tax on tobacco, which I will not only vote for but cheer for when it passes. We will decide together how to spend that money, but this budget is not predicated on that money.

To summarize I want to say this. Although this budget contains some items which I don't care for, it is not the budget I would have written myself. I recognize that we can only pass a budget through a compromise. I am proud of the work that we have done. I am glad that we have included the recommendations of so many members. We have recognized the priorities of the State of Maine and I am delighted to vote for it and I hope you will join me.

Representative KONTOS of Windham requested a roll call on passage to be enacted.

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. We can talk all evening here about how this budget is what has been characterized as the best plan to serve the needs of Maine people. That seems to be the position that is being taken by my colleagues in the majority. First we pay our bills, provide the necessary services for our people and then we get a bonus because this budget supposedly offers tax relief. I support both those concepts. To me, you pay your bills with the money you generate to meet those obligations. If you don't have sufficient revenues, you have to prioritize the importance of the service so that you live within your means. What we do seems to be just the opposite. It seems as though we think it is an appropriate function in state government to first look at the expenditure side without any, or very little, consideration given to our revenue side. Beyond that, we say that we are also going to engage in new spending to the tune of \$265 million that we are going to spend that is over and above the past biennial budget. Never mind that in the process we are going to create a structural gap which I don't believe was ever specifically

answered by Representative Kerr, but my opinion is it is somewhere around \$150 million that we will be facing in the 118th. We say that is okay, because we have something that will be acceptable to the people of this state and that is the tax relief that is being offered.

I would just like to hearken back to a letter that I alluded to earlier today from the President of the Architectural Skylight Company, Adrien Ayotte. One of his comments which I didn't mention this morning or early this afternoon was, "Your claims of built in tax savings in this inflated budget are an insult to everyone's intelligence." Doesn't that ring true in light of Representative Lemke's comments earlier about what this tax relief program would mean to our citizens? It may be a dollar or a dollar and a half, the maximum somebody said was \$4. That is not real tax relief. Ladies and gentlemen, I don't think this is an outstanding budget. I don't even think it is a good budget. It is an effort. I think we will continue the spending that has characterized our budgets for the past decade. It will increase the burden on our taxpayers. We are already in the unenviable position of being in the top ten in the country. Yes, it is a budget, but it is being passed, I think, with the power of the majority, which I think only victimizes the people of this state. I urge you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I really appreciate the candid and lucid response by Representative Kerr in answer to my questions, but I have to agree with the previous speaker, Representative Ott. I can't support any budget that does not cut enough choice new government programs and increases spending by 7 percent. This budget does not live within the means that Maine citizens can afford, all those good things mentioned notwithstanding. At some point down the road, we are going to have to realize we can't keep projecting the structural gaps into the future. We say that we have had them and it has taken us a long time to get here. When I look at what was done in the 118th, I don't see any reduction in the size of state government. I see increased employees being put into the budget. I see increased programs being put into the budget and I don't see prioritization, at least not what I would consider priorities and I am sure there is going to be a matter of disagreement. There certainly has been.

The bottom line, again, comes down to when I go back home to the citizens in my district and they ask me if we are spending less money or is state government getting smaller. My answer to this budget is absolutely no. I urge you to vote against this enactment.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. Back in early January we bought a ticket and we boarded a train and now in midjourney we have found the tracks have been torn up. The first session of the 118th Legislature is about ready to come to an end. If we can think back to January, when we debated, discussed and voted on the supplemental budget, although there had been no caucus, no prior discussion, I think probably 95 percent of the Republican House Caucus voted no on that supplemental budget. If there was ever a message that would help shape the beginning of a Legislature that came out of that vote and debate was pay the bills. Address the broken promises and address the failed partnership and we, together, began working along that common scene. The tree growth, the county jail, the revenue sharing, that was we, together, working in the traditional and working toward a consensus resolution.

A short while ago the hammer came down and we were beginning to address education funding. Both parties had laid out their positions. I think the consensus was 2 and 3 percent. That would have been the point that we would have begun the process of building a much stronger education budget. We have been told by the Assistant Majority Leader that we should pat ourselves on the back for what we have done for education funding. This budget proposes an increase in funding that is below the projected inflation rate for each of those two years. So what is tree growth, county jails, revenue sharing in the initial stages of education? We were in agreement.

I think where we parted paths was at this snapshot in time. We looked back at our constituencies and we see two different pictures. The focus is on the income tax. The majority party in this budget maintains the status quo. They maintain the current income tax burden. There is a token \$10 million, in a \$3.8 billion, that is directed toward relieving that income tax burden. The minority party argues that we must begin seriously reducing the income tax burden on our citizens. We see two different things when we look at the Maine economy. We see two different things when we look at what is happening to our constituencies.

Another highlight along that journey that started back in January was the Chief Executive's State of the State. There was a lot of snickering when he brought out his Ross Perot type graphics and we saw three lines on a chart, but he pointed out to us very accurately, on Maine growth and jobs, very flat on Maine growth and income, even flatter. The growth of revenues or taxes here in Maine and then another line showing the growth of spending. When you looked at that very primitive graphic and we got past the snickering, you began to see that in a stable population the growth rate for spending for government and the growth of taxes has grown beyond the ability of the people in this state to pay for it. It has gone beyond the ability to pay. The Governor that evening had indicated that Maine taxes were too high and that burdens had to be reduced. It reminds me of a story. Talk about us being noncompetitive because of our tax burden with New Hampshire.

It reminds me of the story when you walk into a bar and you see two people sitting at the bar. One person is represented by the State of New Hampshire and that state has a glass of juice or milk in front of it. I was going to include cappuccino, but I think there has been a warning on cappuccino so I withdrew from that. New Hampshire's cheeks are rosy red or pink. The economy is very strong. You look farther down the bar and the majority budget is sitting at the bar. That majority has its hand on the whiskey bottle. If you can't capture the symbolism of that, the addiction to that bottle. We look down the bar and we see healthy New Hampshire because of the lack of taxes and we say if only we could be like them, we could reduce that burden. The reality is that this majority budget is kind of like Scarlet in *Gone with the Wind*. We can't take our hands off that addiction and maybe tomorrow, tomorrow.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I will just take a moment to say, again, thank you to all members from both sides of the aisle that have tried to craft something that is acceptable to everyone. It hasn't happened, but there is some real effort in this last week. As previously stated by several in this body, all of whom I respect greatly, there is good in this budget. We are finally fully funding the corrections act, tree growth, education, but I cannot vote for this budget. I am very bothered again by the fact that the process has been flawed. There are items in this budget and we have asked for, an enumeration of those that have not had a public hearing. They have not had their say. To me, this does

not feel right. Those of you who know me know that this is not political arm twisting. Ask my husband, I cannot be told what to do. It just feels wrong to me. I need to go on record as saying that and I would urge all of you to look very, very closely at this. There are many items that I have said previously that I probably would support, but it needs to go the right route. It needs to go to the public, the public hearing, the committee, the work session and then brought before us. I cannot support a budget that includes many items that that has not been the case. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative KERR: Madam Speaker, Men and Women of the House. It is difficult for me, after spending so much time trying to reach and get a consensus and get a two-thirds vote on the budget. It is difficult for me to hear members stand up and talk out of both sides of their mouth. Frankly, I want you to know that you can't have it both ways. When you talk about keeping the income tax cap in place and you talk about giving more money for education and you talk about not going along with the Governor's recommendation and shifting the burden to the property tax, those items cost money. When you say you can do both, you can't. That is what I find appalling here. It really has become very bothersome to me because I have worked with my colleagues on the other side of the aisle and tried to take care of your concerns, our concerns and the public's concerns.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Vedral.

Representative VEDRAL: Madam Speaker.

The SPEAKER: For what reason does the Representative rise?

Representative VEDRAL: Point of order.

The SPEAKER: Please state your point of order.

Representative VEDRAL: Could you rule on whether this lecture is germane to the question on Enactment of (10-1)?

Representative VEDRAL of Buxton asked ruling from the Chair if debate was germane to the enactment of the Bill.

The SPEAKER: The Chair would reply that the Chair has listened to hours of debate about the process and since the process has become the subject of debate, I would rule that the Representative is in order. I would encourage him to make it brief.

The Chair ruled that the debate was germane.

Representative KERR: Madam Speaker. In respect to every member of this body, I have said everything. Thank you.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. This evening we are about to set another historical stand point. This evening, part of this House is about to break with the long standing tradition and vote through a single majority budget. It seems to me to be a process that has failed and I won't say by design. I am not that cynical. It was not set up, necessarily, to succeed. Normally, why the budget, other than the fact that it is a big item and it takes a long time to go through. The budget usually takes longer because there are a lot of issues that get flushed out as we work on it. There are a lot of issues that you learn about as you ferret out those problems in state government that either someone has forgotten about or is hiding or someone just doesn't know how to solve and are afraid to talk about it in the open.

Last session when I served on the Appropriations Committee we encouraged people to come forward with those bills and

those hidden problems. Rather than scold them for doing the wrong thing and hiding it. We were glad to get our bills paid and catch up and begin the process of continuing to heal the partisan scars of wars gone past. This budget does not continue the healing process and the process that we got to it. It seems to further divide. Getting the budget done quickly is something to be proud of, in one sense, because we are done our work early, but I think if anything has been clear, on our way home Friday, I heard on the news that there is a part to this budget that requires two new liquor stores to be opened on the turnpike. When the Executive Director of the Turnpike Authority was called to find out just how that would work, it was the first he heard of it. That is not a deliberative process. That is not the process that uncovers problems and solves them. That is a process that is rushed and that is a process that creates a flawed document. When I was growing up, Mom always said that a stitch in time saves nine. I always wondered what she meant.

I see some problems in this budget that we will be trying to fix for the next three months. Not to say that I didn't think the budget that we did the last term was perfect either. I agree with Representative Kerr on that respect. When there are other public policy issues that had not seen the light of day until the budget was printed, there is a problem. Are they priorities? Yes, I suppose they are. They are in the budget. Would they have gotten funded anyway with full public debate? Maybe. Should they have full public debate? Absolutely. These are issues that Maine people do care about, as well as things that are funded properly in the budget, as well as things that we do agree on in the budget. The process is not the thing to get hung up on, although it seems to be just part of the stumbling block here. It is what is the product. We talked earlier about taking \$2 million from the underground storage tanks and \$900,000 from securities. We were gathering nuts from all corners of state government. I don't believe at all it is talking out of both sides of your mouth when you have a \$3.8 billion budget. You think education is a priority and so are tax cuts; you have to balance them; it is not always an either or; it is a choice of at what level.

I think it is imperative, that as we vote this final vote this evening, that we keep in mind that there are great lengths that we have to go to to finish this race yet. I read in a newsletter earlier that someone had said not to worry about the learning results, we will just fund them later. That kind of concerned me. I guess usually we fund the budget at the end of the year and you are not worried about what is in there and what is going to be undone and redone and reworked and taken out and put back in later because you are really out of time. This presents a new quandary for me because it was a member of the Appropriations Committee on the majority side that said that. I am curious as to how many things are planned to be undone in here. Maybe if they are spelled out, we could probably work to get some more of the votes of the folks that are concerned about this budget. There are a number of issues that I see in there that if they were taken care of, we might continue that discussion. I would ask, if I may pose a question, if there are issues like that that are being told to special interest groups outside of this hall, don't worry about it, we will defund that later or we will fund that later, if we might have a list of those things that are also planned for the next budget. Thank you.

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

ROLL CALL NO. 59

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, 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, Pih, 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, 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, Madore, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bodwell, Bruno, Dutremble, Pendleton.

Yes, 83; No, 64; Absent, 4; Excused, 0.

83 having voted in the affirmative and 64 voted in the negative, with 4 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-104) on Bill "An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages" (I.B. 1) (L.D. 1017)

Signed:

Senators: LaFOUNTAIN of York
BENOIT of Franklin

Representatives: THOMPSON of Naples
JABAR of Waterville
MAILHOT of Lewiston
PLOWMAN of Hampden
MADORE of Augusta
NASS of Acton
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting "**Ought Not to Pass**" on same Bill.

Signed:

Senator: LONGLEY of Waldo
Representatives: WATSON of Farmingdale
ETNIER of Harpswell
POWERS of Rockport

Was read.

Representative THOMPSON of Naples moved that the House accept the Majority "**Ought to Pass**" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative WATSON: Madam Speaker, Ladies and Gentlemen of the House. I rise to oppose the current motion to accept the Majority "Ought to Pass" Report. As a returning member of the Judiciary Committee in this 118th Legislature, I

feel a certain pride and honor to be part of a deliberative body that has jurisdiction over issues concerning areas of law overseeing some of our most basic of human and civil rights. We, as legislators, have the awesome responsibility of bringing forth, through legislation, some of the most heartfelt conflicts that arise between human beings especially in families. We, as thoughtful Representatives of our districts and the entire state that we all serve, are constantly reminded of how the decisions that we are asked to make impact every man, woman and child in the state.

This initiative before you, An Act to Protect Traditional Marriage and Prohibit Same-Sex Marriage, I cannot support. I can never support legislation that intends to single out and blatantly discriminate against any group of people based on a religious prejudice, in my view. History is loaded with examples of witch hunts and persecutions. Fear and hate, in my mind, have no place in rational policy making. I urge my colleagues to support my opposition to the Majority "Ought to Pass." Thank you.

Representative PLOWMAN of Hampden requested a roll call on the motion to accept the Majority "**Ought to Pass**" as amended Report.

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 Rockport, Representative Powers.

Representative POWERS: Madam Speaker, Men and Women of the House. When I considered my choices on L.D. 1017, I find myself in a position I have never been in before. Because this is a citizen initiated bill, I have had to imagine what I would do in the voting booth. I have also, like you know, had to decide what to do as a legislator since there are different consequences of voting on this bill than the bills we usually vote on.

Finally, as a member of the committee of jurisdiction I have had to declare my position once already. I will leave it up to you what you will do as a citizen if you find this bill on the ballot in November. Concerning your roll as legislators and I may be being repetitive for you here, I will remind you that other than the fiscal note, you see no amendments on this bill because being initiated by citizen petitions it is unalterable. As legislators, we may either pass it or not. If we pass it, the process is almost complete. The bill becomes law as signed by the Governor. If we do not pass it, the bill is not killed as we are accustomed to having happen. It must go to the public for the vote. You are faced with needing to decide on what basis you will vote, the substance of the bill or the process of enactment, mainly by this body or by citizen vote. I finally made my decision on the basis of the substance of the bill. When I read the text of the bill, I am stunned. This bill is loaded with moralistic language and cultural bias. I think this has occurred because when it comes to referencing homosexuality there is enormous fear stirred up, both of sexuality and of difference. I also think the text of this bill is bias because as a culture most of us have not yet broadened our language, let alone our thinking enough to address the possibility of two people of the same gender loving each other so much that they wish to make a public statement of commitment and have that recognized as legitimate by civil law.

I am reminded of the difference between white people and the Inuits. As a white person, I have a very limited vocabulary for the concept of snow, lots of modifiers, but not much more than the word snow. The Inuits for whom the world of snow is very important and very complex have 20 or more different words for that experience of the cold, white stuff on the ground. What I am suggesting is that our society have pressed beyond the boundaries of its language to have only the word, marriage, to