

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

Local Government

TABLED - February 6, 1991 by Representative JOSEPH of Waterville.

PENDING - Reference in concurrence.

Subsequently was referred to the Committee on State and Local Government in concurrence.

On motion of Representative Mitchell of Freeport, the House reconsidered its action whereby Bill "An Act to Protect Scuba Divers and Boaters" (H.P. 301) (L.D. 422) was referred to the Committee on Fisheries and Wildlife.

On further motion of the same Representative, was referred to the Committee on Marine Resources, ordered printed, and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law" (EMERGENCY) (H.P. 192) (L.D. 274) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Tamaro of Baileyville offered House Amendment "A" (H-11) and moved its adoption.

House Amendment "A" (H-11) was read by the Clerk and adopted.

Representative Cashman of Old Town offered House Amendment "B" (H-12) and moved its adoption.

House Amendment "B" (H-12) was read by the Clerk and adopted.

Representative Michaud of East Millinocket offered House Amendment "D" (H-14) and moved its adoption.

House Amendment "D" (H-14) was read by the Clerk.

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: In the spirit of compromise, what we did the other day was take some concerns that some legislators had, both from the Majority and the Minority Party, and put some of those concerns in House Amendment "D." I will quickly go over them.

In the first section of the bill, it removes the Certificate of Need language for the doctors. As the Minority Bill was originally drafted, L.D. 108, it abolished the Public Advocate's Office.

In the Majority Bill, we decided to move the Public Advocate's Office over into the Attorney General's Office. This amendment will strike that out and leave the Public Advocate position where it is right now.

When we merged SPO and DECD, we eliminated a Director of Energy Policy and Planning — we are

reinstating that position within that merger.

Under the vacant positions, we asked the Commissioners if there were any vacant positions that we eliminated that they wanted restored, and if so, to please let us know what they were.

The Workers' Compensation Commission had one vacant Legal Secretary position and that is being restored under this amendment.

On the Alcohol and Drug Abuse Prevention — when we moved that over to the Executive Department, Office of Substance Abuse, this language would move that position over as well.

On page 5 of the amendment, 5-4, under the Maine Health Care Program, the February 8, 1991 date was in there which would prohibit any new adult applicants from applying under that program. Since we will not be able to get the bill passed and down to the Governor to be effective, we are amending that so the cutoff date will be five business days after the effective date of the Act.

Section DD-5 — it is my understanding that this provision would require the Department of Economic and Community Development to assist the people in that area which I believe makes the assistance ongoing. Currently, they say they have no money so this would allow the department to use federal money, if available; if not, up to \$20,000 under the State Contingency Account.

Finally, part GG, under the 108 where they eliminated several positions and pink slips have gone out — in the Majority Report, we reestablished some of those positions. What this language will do is, any of those employees who got a pink slip will be able to go back to the position if this budget bill passes and that position is restored. They will be able to go back into their particular slot.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, I would like to pose a question through the Chair to Representative Michaud. That special provision for Biddeford was never discussed in committee. I think all of us throughout the state are having problems with the closing of businesses. You indicated "ongoing help" — what is the current status of that and do you have any report on that?

The Representative from Yarmouth, Representative Foss, has posed a question through the Chair to the Representative from East Millinocket, Representative Michaud, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer it but you would probably be better off if someone from that particular area answered it.

It is my understanding that the group of workers would like to keep the plant running and that they have made contact with the Department of Economic and Community Development but that particular department has no money available to assist them in their efforts. Basically, that is what this particular provision of the amendment is trying to do.

I think it is very important for this legislature and this state as a whole to try to keep the current businesses operating and running that we currently have. This was brought to my attention last night by the good Senator, Senator Dutremble, and that is the reason why this particular amendment is here today.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: This amendment just indicates what a disgraceful process we are embarking upon. I have particular difficulty with the provision to which the gentleman just spoke.

I will call the House's attention to the expressed language. I will read it, "Shall work with and provide resources to any group conducting a preliminary assessment of the advisability of a comprehensive study that explores the feasibility of having a company or group, including the present work force, purchase a clothing manufacturing plant in the city of Biddeford and continuing in operation." I would suggest that all of you who have unemployed people somewhere in this state immediately put together a group which would be a group that would be provided resources, from God knows where, because there is nothing to indicate that this isn't going to have a fiscal impact so we can have many groups and these groups will (somehow) get funded by this giant which we have, which is totally out of control.

We are given this amendment at the very last minute and told that it is kind of a helpful way of dealing with some of the problems that have arisen during the course of the budget debate. I suggest that it is anything but.

Let me talk again with respect to Section Y-4, the effective date. Section Y-4 is an example of what we do and do not do in this House. I was present at the Appropriations Committee when the question of funding of this part of the Health Care Program was discussed and there was great emphasis made about how the Commissioner of Human Services (under the language) was supposed to have some kind of power when we ran out of money, which we have apparently done, to cut off programs. There was a lot of discussion about that, especially from the Speaker of the House, who suggested that that was his understanding of the intent.

There was a question about an Attorneys General opinion that the Department of Human Services had obtained, that said it couldn't be done, it had to go through the Administrative Procedures Act on at least a three-prong basis and that there wasn't any problem with making us, as a legislature, put into a statute a concept that it could be cut off, so what do we see here today? Well, we see "business as usual" for this legislature. Here we are talking about not acting responsibly with respect to a program which apparently is out of control fiscally, if you believe the people whom I have heard speak about it, and I do. Instead, what we are talking about is curtailing that, not in the immediate future, but to see us go continuously and hopelessly farther into debt until the fifth business day after the effective date of this Act.

Ladies and gentlemen, we cannot continue to try and manage the affairs of the State of Maine by amendments, complicated amendments, complicated bills and procedures of this sort. At some point, this legislature has got to assert itself, recognize the problems, and deal with them. This procedure is not working.

Mr. Speaker, when the vote is taken on this amendment, I ask for a roll call.

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

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of the section to which the good Representative from Belfast,

Representative Marsano, just referred to is to eliminate new applicants, new enrollees, to the Maine Health Care Program who are adults prior to the time that is the recommendation of the Commissioner of Human Services. As it stands now and under the rulemaking procedure, adults could continue to be enrolled in this program until March 1st of this year.

We do not feel that that is appropriate since we need to make a total assessment of the cost of the program and to make a determination to how we are going to continue the program for adults. Therefore, we are proposing that that date be brought forward. The problem with making it February 8th is, (we all know that that is tomorrow) if this budget does not seem to be able to be passed tomorrow, there will be applications in the mail enroute to the office at the time the budget is passed and we wish to offer those applications, and only those applications, to reach the appropriate office of the Department of Human Services.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Brunswick addresses a point which, in my view, is inaccurate. If the good Representative from Brunswick had wished to have February 8th as the day for the closure of the applications of adults to that program, it could have been done with specific reference to the amendment of the law, which is already on the books. We do that all the time, we have no difficulty when we want to make a legislative intent that was supposed to be included last year but wasn't so we do it with a special bill. We don't put it in this kind of language, which will not accomplish that. I would suggest that that is what should have been done if we had been going to address this program as the Representative would have you believe that she wanted it to be done. I do not believe that that is what is intended. This is one of those kind of carrot type things that is an illusion. It has no basis. In fact, it is a way to continue to spend sums that we do not have, money that the people of the State of Maine cannot afford.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is adoption of House Amendment "D" (H-14). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 8

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Heesch, Hichborn, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau,

Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Cashman, Crowley, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Handy, Hanley, Hastings, Heino, Hepburn, Hichens, Hussey, Kerr, Ketterer, Kutasi, Lebowitz, Lipman, Look, Lord, Luther, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tardy, Tupper, Whitcomb.

ABSENT - LaPointe, Libby, McKeen, Pendleton.

Yes, 87; No, 60; Absent, 4; Paired, 0; Excused, 0.

87 having voted in the affirmative and 60 in the negative with 4 being absent, House Amendment "D" (H-14) was adopted.

Representative Carroll of Gray offered House Amendment "C" (H-13) and moved its adoption.

House Amendment "C" (H-13) was read by the Clerk.

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

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Amendment "C" changes some reorganization language in the Majority Bill (once again in the spirit of compromise) to try to make that major change we were envisioning in the Majority Report in the Department of Human Services, Mental Health and Mental Retardation by creating the Department of Families and the Department of Health and Rehabilitation.

This amendment establishes and maintains the Commission and the Governor will appoint eleven members to that Commission. The presiding officers jointly will appoint ten members. They will report back the plan to the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Appropriations and Financial Affairs on May 1st with some preliminary language on what they are looking for in restructuring and reorganization. They will come back again in December with a further plan to those committees to recognize and try to reorganize government in both the legislative branches, departments and agencies and units of state government.

I would urge your support.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, I request permission to pose a question through the Chair.

Could I ask the sponsor of this — I have tried to put this in the Majority Report context and it is unclear to me whether this amendment means that all restructuring proposals are out of the Majority Report pending results of the study or, as we discussed last Saturday, does the single page proposal — for example, where we eliminate the Department of Human Services and we eliminate the Department of Mental Health and Mental Retardation and create new departments and then fill in the blanks? Is that what this does? Does it fill in the blanks of already taken legislative action?

The Representative from Yarmouth, Representative Foss, has posed a question through the Chair to the

Representative from Gray, Representative Carroll, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This amendment deals exclusively with what was going to be the Department of Families and the Department of Health and Rehabilitation. It maintains a commission that is now called the Special Commission on Government Restructuring and it will deal only with the areas that were in the Majority Report under Section X — exclusively in those two areas.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, I would like to pose another question.

A clarification — I understand what the commission would be charged to do but my question was, does the Majority Report continue to abolish the Department of Human Services and the Department of Mental Health and Mental Retardation and recreate new departments without any of these details being worked out?

The Representative from Yarmouth, Representative Foss, has posed an additional question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: The answer to that question is no.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I rise to speak with respect to Section 2 on page 2 of this bill and again call your attention to the disgraceful fiscal policies that this House embarks upon. You will notice that we intend to create a slush fund under Section 2 and any balance of the monies that are appropriated to that commission are going to continue and continue and continue. I notice that there probably is an error (I assume) which says, "No lapse" in line 28 and I assume, at some point, the Representative from Baileyville will get his committee together and correct that so we can make sure that that money just continues to build up.

Then if you will notice in Section B, beginning at line 32, you begin to see how we want to make sure that this bureaucracy is burdened to the extent that it is possible for us to do it and they don't do that for free, ladies and gentlemen of the House.

What Section B does is it makes a mandate to the Department of Mental Health and Mental Retardation — "shall to the extent possible." No language of any sort that helps us with respect to that issue and so, as usual, this House embarks upon a course of spend, spend, spend. This amendment should be defeated as well.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: To clarify Section 2, the reason that these funds are not lapsing is because, as you know, the fiscal year expires June 30th so we are asking the commission to continue their work and to report back so we can make some policy decisions for the next biennium. They will not be reporting back until December of 1991, which would be in the next fiscal year of this state.

Representative Whitcomb of Waldo requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is adoption of House Amendment "C" (H-13). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 9

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Cashman, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Kutasi, Lebowitz, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Morrison, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Whitcomb.

ABSENT - LaPointe, Libby, McKeen, Pendleton.

Yes, 94; No, 53; Absent, 4; Paired, 0; Excused, 0.

94 having voted in the affirmative and 53 in the negative with 4 being absent, House Amendment "C" (H-13) was adopted.

Representative Strout of Corinth offered House Amendment "F" (H-16) and moved its adoption.

House Amendment "F" (H-16) was read by the Clerk.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I present House Amendment "F" today in good faith on the part of the citizens of the State of Maine.

For the last two or three years, we have heard from our superintendents and our municipal officials that we need to do something about the mandates, either defer them or do away with them.

I understand very clearly what I have heard today that there may be some problems with this amendment. Let me say to you, if this amendment is adopted, trust me people that it can be worked on. I have been here long enough to know that when we pass legislation and we put amendments on they may not be

correct. It is a very good possibility, I am not an attorney, but there may be some legal questions on this amendment. Fine, if that is true and we adopt this amendment, I am sure somebody here in this House that has more legal knowledge than I do can offer an amendment at a later date to correct this.

I will tell you this much, from where I am coming from, the people out there want this amendment and I would ask that we have a roll call when the vote is taken.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, I would like to pose a question to the Chair.

I am very confused about this amendment. It starts out with school budgets and ends up dealing with salt sheds. I don't see how they go together. You can't vote for one without the other?

The SPEAKER: The Chair would advise the Representative from Mexico and all members of the House to look at the title of this bill, Bill, "An Act to Make Supplemental Appropriations and Allocations for Expenditures of State Government for Fiscal Year ending June 30, 1991 and to Change Certain Provisions of the Law."

The Chair would advise the Representative and members of the House that anything can go in here, including the kitchen sink, and anything dealing with the titles of Maine state law, in any order which the legislature chooses to do so.

Representative LUTHER: You have to vote for both together?

The SPEAKER: Correct.

The pending question before the House is adoption of House Amendment "F" (H-16). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 10

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, Dipietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hastings, Heino, Hepburn, Hichborn, Hichens, Holt, Hussey, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pfeiffer, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro,

Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Coles, Gray, Handy, Heeschen, Hoglund, Jacques, Kerr, Luther, Michaud, O'Dea, Pineau, Richardson, Simonds, Simpson, Treat.

ABSENT - LaPointe, Libby, McKeen, Pendleton.

Yes, 132; No, 15; Absent, 4; Paired, 0; Excused, 0.

132 having voted in the affirmative and 15 in the negative with 4 being absent, House Amendment "F" (H-16) was adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendments "A", "B", "C", "D", and "F." Sent up for concurrence.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, I move that the House reconsider its action whereby L.D. 274 was passed to be engrossed as amended and I request a roll call.

Mr. Speaker, Ladies and Gentlemen of the House: As most of you know, we debated this issue in depth for several hours on Saturday but I would like to make a couple of comments.

Despite having worked together in a committee since December 26th to find some middle ground, many, many issues still do divide us in the budget. Several are minor and probably would fall into place if the larger issues could be resolved but fundamental, philosophical differences still do remain. I would like to briefly describe my primary two objections to this Majority Report.

First is the funding source, which would recover any restored cuts and I perceive that as a raid on the General Purpose Aid to Education and it is really unacceptable for two major reasons, the first of which is to postpone the need to cut, thus making our biennial problem that much bigger. I am concerned about the cash flow problem at the beginning of the next fiscal year.

Although there has been much discussion about the lukewarm support of Maine Municipal and Maine School Management, I know that Maine Municipal is hoping that we would repay the \$44 million during the next biennium, which means we would have to do 25 payments in 24 months. I also understand that the superintendents would hope that we would make payments in 12 months. I know that that is not the intent of the signers of the Majority Report but I do think that the superintendents and municipal officials out there would prefer it that way and I don't think any of us really believe that we have an extra \$44 million in the next two years.

I also think an equally important problem is that, in the Majority Report, it does not make any real long-term significant cuts in entitlement programs, which have spiraling costs and I think will eventually bankrupt this state. Also there is no attempt in here to really deal with the long-term costs of the Maine Health Care Program and we all know that that cost is spinning out of control. In fact, what really concerns me at this point in time is no one can even define what that future cost is. I think that is fiscally irresponsible. We also believe there are further cuts that could be made in the Legislative Branch and the Judicial Branch so, for those reasons, I hope you will vote against

engrossment.

Subsequently, on motion of Representative Foss of Yarmouth, the House reconsidered its action whereby L.D. 274 was passed to be engrossed as amended.

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

Representative MAYO: Men and Women of the House: I wanted to rise today to address two issues that I believe are fundamental to this debate. First of all the funding source — there have been a lot of people coming up to me since the last time we debated this for an explanation of the funding source and I wanted to give one more for the Record in case there is anybody else out there that still had some nagging questions.

The Majority Report would delay to the first day of July the June payment. There was some discussion about when the June payment was going to be made and I have yet to see any language from the Commissioner but I understand it was to have been made by the 19th of June. We provided language in the Majority Report to allow school districts to accrue that payment back to this fiscal year. They will get in effect 12 payments this fiscal year and 12 payments the next fiscal year. In other words, they will be made whole in terms of their total payments that are due them. In addition to that, we provide for language in the Majority Report that gives to the school districts an additional \$880,000 over and above what was previously appropriated for the school funding this year to make them whole for their lost interest income in effect because the Commissioner of Education, by her Order, and this legislature by changing that last date, are moving the payments. \$880,000 is to make up out of their lost interest to cover the costs that they incurred because those checks were delayed. The school districts are made whole completely with the Majority Report.

In the Minority Report, though that last payment is not shifted from June to July, they are losing the interest income that they would have gotten normally if Commissioner Bither had not issued an Order and withheld those checks for ten days under her Order for five months, 50 days. Let me say that again, the Majority Report is putting school districts whole, leaving them unhurt by any actions of this legislature with respect to this.

Let me speak briefly as well about the point that has been made over and over and over again about cash flow. Yes, it is true that the cash reserves of the state are low in the first of the month but I submit to you that that is the state's problem, it is the state's budget that is in a mess and we shouldn't attempt to balance the state's budget on the back of the school districts by delaying their checks for ten days or any other means. Yes, it may be difficult for the state to borrow funds on the first day of the month to pay that \$44 million but that is a cash flow problem, it is not a budget problem, it doesn't affect anything beyond that. Let me make that perfectly clear, it is a cash flow problem. As we all know, the state has been experiencing a negative cash flow for some period of time. It does not change the number of checks that the schools will be credited for in each of the next two fiscal years, the one that we are in now and the one that is coming.

As I explained in my remarks before, this problem only becomes a problem when God does the final audit, somewhere way out in the future, way, way beyond when any of us here or any of our children are going to