

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME V

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

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FIRST CONFIRMATION SESSION

October 2, 1991

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SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

Sincerely,
S/Ronald G. Thurston
Chairman

Clerk of the House
State House Station #2
Augusta, Maine 04333

Was read and with accompanying report ordered placed on file.

Dear Clerk Pert:

This is to notify you that pursuant to my authority under House Rule 1, I am appointing Rep. John Michael, of Auburn, to the Joint Standing Committee on Aging, Retirement and Veterans. He will be replacing former Rep. Jo Anne Lapointe.

ORDERS

On motion of Representative CHONKO of Topsham, the following Joint Order: (H.P. 1401)

Sincerely,

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill to the House to make certain emergency appropriations, deappropriations, allocations and deallocations and to change certain provisions of law necessary to revise the budget for fiscal years 1991-92 and 1992-93 and that the committee report out a bill to the Senate to revise the laws governing general purpose aid to education for fiscal year 1991-92.

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

(At Ease)

Was read and passed and sent up for concurrence.

The House was called to order by the Speaker.

By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1401)

On motion of Representative JALBERT of Lisbon, the following Joint Order: (H.P. 1403)

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of Law" (Emergency) (H.P. 1402) (L.D. 1985) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1401)

Ordered, the Senate concurring, that the Joint Standing Committee on Aging, Retirement and Veterans report out a bill to the House to make the state retirement laws comply with federal law with regard to part-time, seasonal and temporary employees.

Report was read and accepted, the bill read once. Under suspension of the rules, the bill was read a second time.

Was read and passed and sent up for concurrence.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning. Representative MANNING: Mr. Speaker, I offer House Amendment "A" (H-783) and move its adoption.

By unanimous consent, ordered sent forthwith to the Senate.

House Amendment "A" (H-783) was read by the Clerk. The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

At this point, a message was received from the Senate, borne by Senator DUTREMBLE of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: This amendment reflects what the Human Resources Committee members felt, that if additional dollars were going onto the budget dealing with child abuse, child neglect, that some of these ideas ought to be put into the budget now and that some of these reports ought to be reported back to us so we will have a better understanding when we handle next year's Supplemental Budget. I hope you all support it.

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

The following Communication:

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I have a real problem with House Amendment "A." It never ceases to amaze me how some legislators still really don't get the economic hard times that we are in when they represent an amendment

December 13, 1991

Hon. Edwin H. Pert

that has a fiscal note on it — "the cost of this amendment cannot be determined at this time." How can we be presenting amendments when we don't know the cost? We certainly should not be adding dollars to this budget and I find this amendment very irresponsible because it doesn't tell us whether it adds to the cost or subtracts from the cost.

Representative Manning says that this is a reflection of the Human Resources Committee. It certainly is not the reflection of the Minority members of that committee. We feel that most of what is in here is rather redundant because there are already 16 Child Abuse and Neglect Councils being funded in this budget. They are not necessarily in each county but they certainly are geographically correct.

The Department has already agreed to do some of the things that are in this budget such as doing a study to look at the cost of administrative versus court procedures. They have already agreed to do supervisory review, they have already agreed to review the Child and Family Services. They have already agreed to do these things and I really don't think they need to be in a budget document.

The last point I want to make is, in this amendment, there is mention of leasing and purchasing computers — well, when you look at the problems we have in child protection, I don't know about you, but I think in difficult fiscal times when we have to set priorities, I am not willing to put money into computers. I want to put money into frontline workers who will address the problems that we face.

I urge you to vote against this amendment. Mr. Speaker, I request a Division.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain a few things to set the record straight. First of all, if you look at the budget that we passed back in July, we don't specify that there are 16 Child Abuse and Neglect Councils. There happens to be 16 Child Abuse and Neglect Councils but when we had our child abuse hearings, we heard that they were going to do away with 16 Child Abuse and Neglect Councils, unbeknownst to the Child Abuse and Neglect Councils though. They didn't know anything about it so the majority of the committee felt that those committees, that everybody in this room understands does a great job, at least ought to have a chance to sit down with the Department of Human Services and talk to them to find out what they are going to do without being notified one hour before the Commissioner of Human Services has a press conference, three days before we have a hearing on child abuse and neglect, that he is going to do away with them.

Second, Supervisory Review and Intake Cases — this was agreed that they could do it by policy. Well, let me tell you what we heard when we had our child abuse hearings. We heard that in the largest department of Human Services Office in the state, which happens to be in my legislative district, the City of Portland, that some of these reviews took three months, three months. I could understand three days, three weeks, but not three months. I want to set that into policy? No! I want to set that in statute because if it is that bad out there, I want them to come back to this legislature and tell us that they have a problem. If you think three months is a good time, then vote against this amendment.

The next one happens to be for reporting duplicates to referrals — we hear there are 17,000 calls to the Department. All this asks for is, how many of those are duplicates? Then we would have some idea on what we are talking about, whether we are getting calls and somebody is on record as having five calls against them — that's all we want to know — how many of those 17,000 are duplicates? We heard during our hearings that the police department calls. We also heard during our hearings that a Department of Human Services case worker said to the police department, "Well, why don't you have the school department call because that helps?"

All I want to know is, how many of these are going to be duplicates?

The next one, Child Protection Studies, is asking for the Department and the Department of Attorney General to sit down and come up with (maybe) a quicker way of dealing with hearings. This was a recommendation, not by the Department of Human Services, but by the Department of the Attorney General. They want to speed up these cases, they don't want child abuse case workers sitting in District Court for three, four, five or eight hours at a time when they could be out in the fields doing something they should be doing.

By the way, in the recommendation by the Governor, not one Attorney General's slot was added to the 1500 cases originally that they wanted to review. So, it is all right to add 95 new members to the Department of Human Services but don't add anything to the Attorney General's Department.

Automation and intake functions — the Representative from Scarborough talks about that as though she doesn't know anything about it. I got a letter from Peter Walsh who handles this department and says "This is what we are going to do, it is a great idea." He thanked us for coming up with this idea. He said in a letter to us that he is going to do it right now, starting immediately with the Lease Purchase Agreement. All this does is say that he can do it so we have some idea that he is doing it.

The 11 point action plan — we have real problems with that and we want to review that before it goes into effect. Part of that 11 point action plan called for the elimination of the Child Abuse and Neglect Councils, I have already talked about that.

The independent study on the Bureau of Child and Family Services — Peter Walsh said he was going to go out and do an independent study. He is going to hire a Massachusetts firm to do it. The University of Southern Maine has people down there who are nationally recognized, they could have handled this in the last month and a half to two months and in January we could have had a report.

This doesn't cost any money. According to the Department, it doesn't cost any money. The only thing we are talking about right now is the automation and Peter Walsh says he can do it so if he can do it, where is the cost in this? I am assuming his cost is coming out of "All Other" that the Appropriations Committee gave him last July. He has written to us and indicated that he can do it. I don't understand where the cost is.

If we are going to be downsizing government in the next financial year, some of these things will certainly help in downsizing government, if we have to do it.

I would hope that you would go along with this amendment.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: Briefly, I would have hoped that the tone this morning would have started off on a better foot. I heard the word "irresponsible" used by one member of this body directed at another member of this body. In my opinion, it is not going not going to be helpful if we use terms like that today, it will cause us to be here more than this day and into next week maybe.

I would ask members of this House to be respectful of other members' rights to disagree with ourselves. That is a democracy, we can do it fairly, honestly and justly.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" (H-783). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 69 in the negative, the motion did not prevail.

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

Representative KILKELLY: Mr. Speaker, I offer House Amendment "B" (H-784) and move its adoption.

House Amendment "B" (H-784) was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "B" to the Supplemental Appropriations Bill would consolidate all of the aeronautical services in this state into one agency under the Department of Transportation.

Part of my interest in doing this came from my serving on the State and Local Government Committee last year. At that time, we were reviewing a bill to consolidate Natural Resource Agencies into one large agency. I had been, prior to that, working on the issue of fire towers, as many of you may recall. When I was working on the issue of fire towers, I found out that the Department of Conservation has planes that they used for surveillance for forest fire lookouts and they also have helicopters that assist in firefighting.

When the Department of Inland Fisheries and Wildlife came before our committee, I asked if they had planes also and they said, "yes." I said, "What is the busiest time of year for your planes?" They said, "In the wintertime doing deer herd surveys and checking on poachers or whatever and also doing ice fishing analysis." I said, "Well, can you tell me when the busiest down to the least busiest time of year for your planes?" They said, "The busiest is in the winter and then it gets considerably less busy as the months go on so, in the summertime, we are really not that busy and we do a lot of P.R. sorts of things. If someone is up in the back woods and there is an emergency call from their family, then we will take that message up. We do those kinds of things." I said, "Do you understand that the Department of Conservation has planes and that the busiest time of year for them is in the summertime?" They said, "Yes." I said, "Well, has there ever been an effort to work together on that?" "Well no, they hadn't really made any contact."

It is amazing to me that, right now as we are here, that the Department of Conservation is paying

the pilots that do forest fire surveillance, their regular salary. Those people work year-round. The planes and the helicopters that are used for forest fire surveillance and control are (right now) locked up in the hangers because they don't use them in the winter because this is not the forest fire season. If the Department of Inland Fisheries and Wildlife has all their planes tied up doing their herd surveys and other things and a biologist needs to make a run, then they will contract out for that service at the same time that the State of Maine is paying pilots who have planes that are in a hanger.

I think it is really important that we get away from some of the turf issues that some of the Departments seem to be very much involved in saying that only their people can do certain things and find ways to coordinate services. It seems to me that this is a very logical place in which we can coordinate services. If there is a biologist that needs to go up into the north country for something and if someone else needs to go to the northern part of the state, why not have all of that information go to the Department of Transportation, develop a plan, and have one plane doing that instead of two planes doing that or maybe even three planes doing that?

What this amendment does is to put this into the Department of Transportation to report back to the Appropriations Committee on February 15th and would implement a plan in March so it gives some time to work out some of the final details.

I also think it is important that we look at contracting out some of these services. When I talked to people in the Department of Conservation about my concerns about the fact that these pilots were paid year-round and only flew in the summertime, I was told that because they build up vacation time and comp time and various other things, they needed to take that time and do some maintenance in the winter. I think that is a classic example of a service that is actually a part-time service. If it is a part-time service, then it is more economical for us to contract that out. I think in these days when we are talking about cutting services that are year-round services that are in high need, we need to really take a look at things that we can cut that will have little impact on the service that is being provided.

I would urge your support of this amendment.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in opposition to the amendment that has been offered by Representative Kilkelly. I think it was a well-intentioned amendment and perhaps it has some very basic good points to it. However, I think if you really look at it very closely that there are also quite a few problems associated with it. We talk about the Bureau of Aeronautics - I think that consists of one and one-half persons and those persons are also responsible for the ferry service, railroad programs and several other things. So, I think if you asking them to do everything that is in Section B on Page 2, you will see that it is quite a lengthy list there, and they are asking them to do that and report back by February 15th. Frankly, I think that is just not possible.

I really don't think the DOT is interested in

taking over the, shall we say, the functions of the Department of Conservation, Inland Fisheries and Wildlife, Public Safety and all that. Public Safety, DOT already controls of course. We have two planes in the State Police and we have two pilots. When those people are not flying, they are doing other State Police related duties.

If you recall last July, the Appropriations Committee asked each committee if they would come to them with recommendations of possible savings. Senator Theriault and I are the two chairs of Transportation and we went before the Appropriations Committee and made a suggestion that we should look into selling the Governor's plane. That is being taken up right now, we are securing bids on the Governor's plane to see whether it would be feasible to sell the plane and use that money to charter and take care of the services that are provided by the plane. I think on the fiscal note it says that the Department of Transportation will absorb all costs associated with required budgeting resources. I will point out to you now in case some of you aren't aware, that when Senator Mitchell and Commissioner Connors sort of toured the state here one day telling you about the new federal money that we are going to receive, there also is a requirement to get that federal money. The Department of Transportation for the State of Maine has to come up with about \$10 million dollars to match it so I hope you will keep that in mind.

Also, through the budget processing right now, the DOT has contributed I would say, roughly between \$4 and \$5 million dollars, trying to get a budget reduction.

I hope you keep all those things in mind. As I said, I think it is a very well-intentioned amendment offered by Representative Kilkelly and I certainly don't fault her for that but I really think perhaps it is not quite the time. I think if you will let us go forward and see the study that is being conducted right at the moment with the feasibility of selling a plane and chartering, whether that would save us money or cost us money. I hope you would oppose the motion at this time.

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 Farmington, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a couple of points in reference to this amendment.

It is my understanding that we no longer have a Bureau of Aeronautics, it is Air Transportation Services, and I don't think probably a name change makes a great deal of difference but one is a Division and one is a Bureau so I don't know what that does to the status of it.

I believe that we have 14 fixed-winged aircraft and 5 helicopters and it is very difficult, for instance, to schedule search and rescue on a 52 week basis and it is very difficult to geographically place these. They need to be placed geographically for the different types of services that they

perform. I also believe the Conservation aircrafts are military surplus and are owned by the federal government, not by the State of Maine, as far as I know.

If this amendment passes today, does that give us the full emphasis of law or would that have to wait until February 15th when the study is due?

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I apologize that I probably am not as well prepared for this as I should be. I have only been familiar with it for a few minutes.

I agree with what the Representative from South Portland said, that probably this is submitted with good intentions. I listened to the testimony of Representative Kilkelly and she talked about turf issue and a more logical approach. Well, I guess I would submit that those who came before us — I am not going to speak to the public safety end of this, I can't do it intelligently, I will only speak to Conservation and Fisheries and Wildlife. You are going to hear many references to turf problems here and the fact that these agencies should be together and there should be more consolidation and whatever. I am sure that the more it is looked into, the more we are going to find that our forebearers set up these agencies as being separate and there were reasons for it. Certainly she (and this is an example of it) spoke there being a need for these aircraft at different times of year. The two times a year that are the most busiest are the high forest fire danger in the Fall and that is when the Fisheries and Wildlife aircraft are used for stocking fish statewide. This is one example where you just couldn't get the job done if it were consolidated into one department and had fewer planes. There wouldn't be enough aircraft to get the job done.

I can't talk about the ownership of the Conservation Department's aircraft but I am certainly told out in the corridor that ownership is by the federal government and it stipulates its use. These aircraft couldn't be used for anything other than forest fire suppression.

Before we get too far down this path, I think we should look at the funding of this. It is my understanding that 50 percent of the funding comes out of the Commercial Forest Excise Tax and certainly if these aircraft were changed over into another department and another different administration, I am sure that these people would be here telling us that they didn't want to pay the taxes and, therefore, we would have a shortfall probably rather than gaining funds.

In all due respect, I don't think this has been completely thought out and I think a study, if in fact this is what this is, is just going to draw the conclusion that it can't work and I suggest that we vote it down right now.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would like to respond to some of the questions that have been raised. In terms of the ability that the Department of Transportation to get contracts out or put together in RFP, I think that probably would fit well into the current study in terms of putting an RFP out for the state planes.

Certainly the Department of Transportation is well-versed in RFP's as are the other departments. Right now, the Department of Conservation is contracting out for some services so many of the criteria have already been established.

In terms of geographical location, housing a department or an administrative bureau in the Department of Transportation does not mean that the location of planes would change. In fact, a contract system might have more geographic balance than the current system because, depending on how many contracts are out and where those contractors are located, there could be better coverage for the state than currently exists.

In terms of the workload and the reduction in planes and how that would keep certain work from being done, I am not proposing that at all. I am just saying that when we do have services that need to be done, that we coordinate those to the absolute maximum so that the resources of the people of the State of Maine are used to their absolute best rather than having times when nothing is being done and other times when too much is being done to get done now. If we can coordinate that and spread some things out, there may be an opportunity if one person was looking at all the scheduling that was needed for various departments, there might be a way to coordinate some of those programs and some of those services so that more could be done when one plane is up rather than just having one thing done at a time and possibly duplicating.

I think it is important to look at duplication, I think it is essential that we look at coordination as much as possible.

I appreciate the comments from folks in opposition to this but I would suggest that, on February 15th when the report comes back, that many of the answers would be there. Rather than second-guessing the people that are experts at this, it would make more sense to me to present them with an outline of what needs to be looked at.

I would urge your support.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against this amendment. If you listened to some of the debate today, you would think the pilot division of these departments is in shambles and everybody is stumbling and bumbling all over each other and nobody knows what the other one is doing. I would like to point out that the Fisheries and Wildlife Committee has worked long and hard on dealing with the aircraft division of the Fisheries and Wildlife Department to address the very concerns that have been brought up by the Representative from Wiscasset. We have gone from six or seven planes down to four planes. We have basically updated the age of the aircraft, we have newer planes, we have more efficient planes. I must point out to you that we are mandated by state law to respond to Search and Rescue. That means when somebody gets lost in a life-threatening situation, you have to get in your plane and go. That doesn't mean you have to call and check with this fellow, check with that fellow to check with that lady to see if you can go and if it is your turn to have to the plane or if it is your time to spend some time in that plane. It doesn't make an awful lot of sense in life and death situations to take away this authority.

Secondly, every warden pilot is a warden — that means that he can land a plane, make arrests, protect the resource, do all the things that other game wardens do. The only difference is, he has an extra skill, he can fly a plane. We also have game wardens that are divers. They are still a game warden but they dive, they look for people who have drowned, they look for salvage materials for different people but that doesn't mean they stop being a game warden. They are a diver and a game warden. We have pilots that are pilots and game wardens.

Another point, as has been pointed out by Representative Bailey, the planes for forest fire protection, with the exception of two, are federal government planes. Under the current law, the landowners pay half of the entire operations of that plane. If by some chance you take the planes away from the federal government, put them in a pool, and that plane ends up using 25 percent of its time for forest fire protection, that means that the landowners only pay twelve and a half percent of the total operating costs. Explain to me how that is going to save taxpayers money.

I understand the frustration Representative Kilkelly has over fire towers and the fact that we have contracted out in some areas of the state and we still have fire towers in the other but this is not the way to address that.

Mr. Speaker, I move the indefinite postponement of this amendment.

Representative Kilkelly of Wiscasset 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 less than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was not ordered.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Waterville, Representative Jacques, that House Amendment "B" (H-784) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

104 having voted in the affirmative and 13 in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, I offer House Amendment "Z" (H-808) and move its adoption.

House Amendment "Z" (H-808) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does nothing to affect any of the funds within the budget, it merely ensures that the policy set by the Agriculture Committee this Spring is followed through with and I think that is an important consideration, that we don't undermine committee policy while we are trying to do amendments here.

I would appreciate your support.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I initially have not gotten

up on any of these issues but simply to vote against them all.

A couple of things happened on the way here today, which made me wonder what we were doing and attempting to do here. The first was, as I was driving through the snowstorm, which was mostly cleared up and the roads were being plowed, I came upon a town truck plowing a state highway. It seemed a little strange but what was even stranger was when about 500 feet trailing that plow was a DOT plow with the blade lifted. That was significant to me, just as what we are doing here is significant. The local people understand better perhaps than we the plight of the state. They have looked to us in the past for leadership but, more and more, we are finding the local people are saying, "You, the state government, get off our backs, let us make our own decisions, don't tell us by mandating what we have to do, we will pay for many services beyond that which perhaps we can truly or easily afford but we will make the decision on a community-by-community basis."

The amendments, and I am among those who proliferate the paper that clutters our desks, but these amendments are to a proposal which tries to work out by compromise something that many of us don't like to accept because there are parts of it that we don't like but the Supplemental Budget, as proposed, is a compromise. It certainly doesn't share all of my views. By the fact that there are 96 amendments, it does not share all of yours but it is a compromise in very difficult times. The local people understand this but the main thing that they have been saying is, do not go up, at least in my area, and vote more burdens on the limiting and reducing job market and on the cost that I have to pay simply to survive. That is what is going on in many of these amendments. It is protecting our turf, it is formulating our ideas. That may work but if it was so difficult for 13 members on the Appropriations Committee to make that decision, can you imagine how difficult it is for 151 of us to do it here today? It will not be done today.

All of these amendments and many of them have good merits but we should consider banking for a month or two months when I assure you that we will be looking at a Supplemental Budget for FY92. I tell you that the costs and the revenues of this state are declining at a terrific rate. They will continue to. Wait until the fourth quarter income taxes are paid in this state, you will see that they have gone down more. How many of you who estimate your tax are going to pay less in the fourth quarter than you estimate in the beginning of the year? That is where the real rub is going to come and we are going to have to make that decision with, again, adjusting the budget for FY92. We had better start banking some changes.

Representative Kilkelly may have some merit to some of the provisions she proposed on sharing a plane. Somehow that may save money and I don't just willy-nilly say "throw it away" but at this time, I do.

I heard in Education yesterday 10 people stand up and say, "Cut the budget \$7 million as far as the GPA is concerned or the reduction in GPA, cut that \$7 million down to \$9 million and we will just simply add enhancers by getting rid of certain exemptions in sales tax." Some people said, "Wait a minute, we don't want to include food in that exemption, we don't want to touch that one." Another one said,

"How about heating oil?" There's all kinds of exemptions out there, many of which have to be looked at and may be looked at in an orderly fashion when we have to go to the bank again for FY92.

I tell you people, all of these amendments are simply ways to get around a serious problem that has been compromised out and if we start acting as some have already done in the debate here today, in a manner which creates acrimony among us, which delays the process excessively, then we are the fools. The people at home are telling me, and I think perhaps some of you, that we are the fox in the chicken coop.....

The SPEAKER: The Chair hates to interrupt but the Chair would ask the Representative from Fryeburg to look at House Amendment "Z" and see how his comments relate to House Amendment "Z."

Representative HASTINGS: This is an amendment to a compromise that is made to this bill. The compromise has been fashioned by the Appropriations Committee and everyone of these, including the other 95, because I understand there is a total of 96 amendments, are going to leave us in a position of the public wondering just what do we do in Augusta. I urge you not to support this motion or any motion that comes to this Supplemental Budget that has come before us. Let's go home and let us resolve in the next session any of the problems that we are going to have to address then.

This may be a good bill but when you throw an amendment on my desk 20 minutes before I have to vote on it, it becomes a very difficult bill. I cannot support any amendment to this budget that I can't and haven't had the opportunity to review and that includes my own amendment as good as I feel it would be.

I said I saw two things on the way here today. The second one was, as I came into this driveway

The SPEAKER: The Chair would ask the Representative to stick on potatoes and potato bags.

Representative HASTINGS: I saw a clown and this clown had in its paw, potatoes. It was all dressed up and painted — are we going to be the clown here today? Please vote against the amendment and all the amendments. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would encourage Representative Hastings to read the amendments from now on rather trying to understand them through osmosis.

This amendment, once more, makes no change in any of the funding items in the bill. It merely clarifies that the intent of the Agriculture Committee's policy, as established this Spring, is followed through with and that no policy that has been made a standing committee of the legislature may be changed by quirks in wording within the bill. It is not my intention to mess with the funding with House Amendment "Z."

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Men and Women of the House: I am on the Agriculture Committee and I think what was done here in the Appropriations Committee was to make some technical corrections but let me say where I am coming from as simply as possible. Understand, number one, a Maine

bag is any bag that has the letters "Maine" on it a quarter of an inch or larger. That means that any Maine bag with or without the trade mark that goes down the road to the market is identified as a Maine product. For the sake of quality, which we are trying to promote, I think it would be premature at this time to take this step so I am asking you not to vote for this amendment, which is just plain too risky in terms of how it affects quality. Let's keep mandatory inspection in place for the Maine bag.

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

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would promote the shipment of inferior potatoes in a bag which the state has a considerable investment in which consumers have developed considerable trust.

The language change is a policy decision and that policy decision should be made by the Appropriations Committee. This change in Appropriations came through the audit recommendations to Appropriations and from the potato industry votes to represent every district that has potato producers serve on the potato board. The potato board would oppose this amendment and would certainly like the privilege of being involved in any such changes made. It is a dollars and cents to the producers, the potato farmer out there. He has bags on hand that cannot be inspected with the subsidy offered by the state and we will be shipping more and more inferior, fresh packed potatoes out of the state.

I hope you will oppose this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "Z" (H-808). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 86 in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, I offer House Amendment "I" (H-791) and move its adoption.

House Amendment "I" (H-791) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: Already we have heard one speech about "we should all vote every amendment to the budget." I strongly disagree. I look at this budget as is before us as a reflection of our priorities. Whereas I agree with most of this budget, some of the priorities in this budget, I do not agree with. In fact, I strongly disagree with them.

I would hope that everyone here would agree, that us passing a budget is better than cuts by Executive Order. I think what I am trying to do with this amendment is to cut further and deeper in some areas and end up decreasing the cuts in revenue sharing and General Purpose Aid to Education because, priority-wise for this legislator, it is much more important that we fund revenue sharing and General Purpose Aid than some other things that are in this budget.

One of the things this amendment does is that the furlough days will be uniform throughout the State of Maine. I want to briefly explain why this is my position. I referred just a second ago that us passing a budget is far better than cuts through

Executive Order; however, we need a two-thirds vote to pass a budget and as long as the cuts to General Purpose Aid to Education are at the \$16 million dollar level, I am very afraid that if these cuts are administered one particular way and the lower receivers vote against it, we fail to get a two-thirds vote. If they are cut another way and the higher receivers vote against it, we still fail to reach a two-thirds vote and so we do not pass a budget and education receives a much larger hit than if we can somehow pass a budget.

Five furlough days, although I don't like it, I prefer five furlough days to save \$10 million than to have Executive Order cuts or losing educational programs.

Also in this amendment, in the budget bill there is only a 2 percent cut in pay for high salaried department chiefs and deputy chiefs — I support our legislative 5 percent cut in pay and I feel as though asking them to take a 4 percent reduction in pay with the economic times that we are in is more than justified.

I also cannot agree that we will continue to subsidize the Maine Law School and the Maine Maritime Academy to the extent that we do in light of reducing General Purpose Aid to Education and revenue sharing. Let me say for the Record, the Maine Law School and the Maine Maritime Academy are both excellent institutions. I will say that again, they are both excellent institutions but I cannot see, where both of their tuitions are presently very low, the job placement for both of those institutions is extremely high, and their annual incomes are even higher so I just feel that making further cuts in those two areas and making sure the money goes to revenue sharing and General Purpose Aid to Education reflects my priority as far as where we should be putting our money and where we should not. Even with these further cuts proposed in this amendment, we still would be subsidizing, like for instance the Maine Maritime Academy, over \$6 million dollars a year. Yes, some of these people do end up living in Maine and paying taxes in Maine, but many or most do not.

I guess, at the end of this amendment, it generates a little over an additional million dollars for revenue sharing and it generates by cutting in other areas an additional million dollars for General Purpose Aid to Education. To me, that is a much higher priority item and it is the right thing that we should do.

I will add that there is one section in this amendment that is not supposed to be there. This amendment was sent to the printer's at five o'clock this morning and I am supportive of that because we needed to move the process along but there is a section in here about cutting the Canine Team at Thomaston, I told them yesterday that I did not want that in there, it is and I would be very supportive of taking that out with another amendment. I am glad it went to the printer's so we can get things rolling here but that one section was not supposed to be in there.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Mr. Speaker, Men and Women of the House: My understanding of this amendment is that it would force all schools to close whether this is fiscally necessary or not. This should be a local decision by local school boards for their own

children. Waivers will be granted to all units needing to close schools for budgetary reasons. Some have already been granted.

Maine has the shortest school year in the country, 175 days. We need to keep students in school as much as possible and if savings are needed, I urge you to consider teacher workshop days instead. I urge you to vote no.

The SPEAKER: The Chair will order a vote. The pending question before the House is the adoption of House Amendment "I" (H-791). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

8 having voted in the affirmative and 79 in the negative, the motion did not prevail.

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

Representative ALIBERTI: Mr. Speaker, I present House Amendment "U" (H-803) and move its adoption.

House Amendment "U" (H-803) was read by the Clerk.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: This amendment notes and pursues an equal amount of 5 percent costs in only codes 4,000 up to 5,999. That applies against each general fund account for all departments. This amendment possesses many unforeseen and undocumented concerns that are limited and not inclusive.

While the message of need for administrative costs are clear, there needs to be much, much more documentation. I, therefore, wish to withdraw this well-intended amendment so as to present a legislative bill through the legislative council for approval in the upcoming session. I would feel much more comfortable in documenting a concern that seems to be the key to success in many of the states and that is the cut in administrative costs. Therefore Mr. Speaker, I wish to withdraw my amendment and it is not because of any influence from Representative Hastings.

The SPEAKER: House Amendment "U" (H-803) is withdrawn by the sponsor.

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

Representative RICHARDSON: Mr. Speaker, I present House Amendment "S" (H-801) and move its adoption.

House Amendment "S" (H-801) was read by the Clerk.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: The issue that I have attempted to raise and present to this body in House Amendment "S" is the investment tax credit issue and the allocation of state tax revenues to the investment tax credits during the coming year, FY92, and as an alternative to the use of those revenues on the short-term to take them to General Purpose Aid to Education and revenue sharing. This is a freeze, it is a deferral, it doesn't take away the ultimate question of whether the state and state fiscal policy has made a wise decision in investment tax credit that provides revenue to selected businesses in certain areas who are expanding in the economy that we are in and we will gain some credits for it. As a business person I have used the federal income investment tax credits. On the federal tax code, it

can be justified and wise policy but in the State of Maine, we have set up an environment in which selected businesses who are in relatively good positions should be granted in effect this coming April the opportunity to take what remains of the investment tax credit that was in the bill that we passed last July.

My best understanding is that we had about \$12.3 million dollars at that time and we have about \$4 million dollars left in that account at the present time. My understanding is that everybody has understood in this state what a dire economic circumstances we are in and, in terms of tax policies and in selecting businesses for the State of Maine, how potentially inappropriate it would to select those businesses who are in the position of investing the state tax credits for benefits from the State of Maine. Frankly, if we were to divide money up for businesses, I would say that we would tend to pay for those who are struggling. There are a variety of mechanisms that we could use to keep the doors open, to keep people employed even if we should get in the business of tax credits on a state basis at this time.

So what I have said, which is what everybody I would think expected to be, and frankly what I understood to be as a part of this budget, but did not appear, was that the tax credits would be deferred one more year. It doesn't change the policy. I think the policy is wrong in this economy but it defers it one more year. Then what do we do with the money? Well, it seems to me that that tax policy lays right next to the fact of what we are doing to local government by cutting GPA and revenue sharing in this budget, which stands right now before this body. What does that mean? Local governments who will face the reality of those businesses closing and face the social needs at home must turn to only one place in the fiscal policy of this state and that is to the property tax system. We do not allow them the fiscal home rule that is in our Constitution. In fact, in general terms, they must turn to other revenue sources, so they must turn to the property tax.

What I have done is pose this investment tax credit as an immediate grant in this coming year and say that we defer that and take those monies right now and relieve the property tax burden that we know that is going to continue to climb and climb and climb in the present environment.

I don't want to go into my perspectives on the investment tax credit at this time, there are lots of fundamental issues that are extremely important. What I want to say (and Mr. Speaker, I request a roll call) is that we look at the weighing of the alternatives of whether we move to hand out this money now, which businesses certainly have known was of a questionable state whether we hand that money out now, this coming April, or whether we defer it one year as we have deferred it the last two years and use that money to relieve the property tax burden at the local level to a bringing of that money to GPA and revenue sharing in the \$2 million dollar increments that are divided in half and brought it to it. I will try not to get into any of the discussions related to those two separate issues. We have got to begin to recognize the impact that we are bringing the tax burden to our local governments and their problems and one way we can do it is to recognize in the reality and believing as I do that most businesses view this as essentially "found

money" come April, that we are not in the business of selecting "some" businesses for favored tax status in this environment, we are in the business of playing our financial cards as carefully and as cautiously as we can, putting our money exactly where it belongs in this environment, which is to the relief of the property tax. We simply can't afford to select our businesses, whether they be large environments or small environments to provide that "found money."

Mr. Speaker, I do request 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 Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I had a discussion yesterday with my good friend, Representative Richardson from Portland on this very issue. We have had several discussions over the years on the issue of investment tax credit. I think I can summarize our discussion by saying that I agreed with the Representative from Portland that it might not be bad tax policy to defer the investment tax credit for tax year 1992, the upcoming year, and put that money into revenue sharing or GPA but what this amendment does, and as I told the Representative, I can't support doing it for tax year, 1991, which is I believe what this amendment does, although it is difficult to tell by reading it. The Representative is shaking his head so I may have misspoken but I believe it changes the date from January 1, 1991 to January 1, 1992, which would mean the tax year 1991, it would be deferred. If that is the case, and I believe it to be, we have two weeks left in the tax year. I think we have entered into a contractual relationship with taxpayers that we shouldn't change this late in the tax season. Therefore, I would oppose this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is the adoption of House Amendment "S" (H-801). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 253

YEA - Adams, Anthony, Clark, M.; Constantine, Dore, Gean, Goodridge, Gray, Gurney, Handy, Heeschen, Hognlund, Holt, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Luther, Mahany, Manning, Martin, H.; McHenry, McKeen, Michael, Mitchell, J.; Norton, O'Dea, O'Gara, Oliver, Pfeiffer, Rand, Richardson, Saint Onge, Simonds, Simpson, Townsend, Treat, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Coles, Cote, Crowley, Daggett, Dipietro, Donnelly, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Heino, Hichborn, Hichens, Hussey, Jacques, Jalbert, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Mayo, Melendy, Merrill, Michaud,

Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Nutting, Ott, Paradis, P.; Paul, Pendexter, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Rydell, Salisbury, Savage, Sheltra, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tardy, Tracy, Tupper, Vigue, Waterman, Whitcomb, The Speaker.

ABSENT - Cathcart, Farnsworth, Hepburn, Joseph, Kutasi, Macomber, Paradis, J.; Parent, Pendleton, Ruhlin, Stevens, P..

Yes, 41; No, 99; Absent, 11; Paired, 0; Excused, 0.

41 having voted in the affirmative, 99 in the negative, with 11 absent, the motion did not prevail.

(At Ease)

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, I present House Amendment "Y" (H-807) and move its adoption.

House Amendment "Y" (H-807) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: First all of all before I forget, I would like to request a roll call on adoption.

This amendment, basically, is to delete a line in the budget that is located on 118 of the budget document. It is not a provision which saves any money to the State of Maine unless it is just a minimal amount. It was unable to be calculated. It is not a provision that ought to be in a budget document, it is the kind of thing that ought to be debated by a committee of jurisdiction. In fact, it is a provision that was debated by the committee of jurisdiction last year and rejected by that committee.

What does this provision do? Basically, it gets rid of the 300 foot law. The 300 foot law is an environmental piece of legislation that was enacted nearly 20 years ago. It is the basis of a lot of solid waste regulation in this state. It has been called to me by one of DEP's solid waste staff the single most effective enforcement tool that they have in this solid waste department. It has been used very effectively over the years to prevent pollution from solid and other waste in this state. Basically the way it works is that it simply says that solid waste should not be placed any closer than 300 feet to any classified body of water. If this piece of legislation is deleted, which this budget provision would do, it would affect nearly every community in this state. As you know, we are (right now) going through the process of finding an ash and special waste landfill in this state and this provision would currently affect that process. It would affect the siting of landfills in other waste disposal facilities from private industry to have their own landfills.

Right now, there is a variance procedure in the law, so if it can be shown that putting waste close

to this 300 feet to a stream or a body of water will not hurt that stream or body of water, then a variance may be granted. So right now, this is a burdensome provision and, as I said, is in the heart of our environmental policies. Stripping this basic environmental protection would really be a big mistake and I urge you to vote in favor of this amendment.

As I said, I would request a roll call.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The amendment before you deletes a section of the budget bill that has absolutely nothing to do with the budget. It is a policy matter and it ought to be an issue that is discussed in the Energy and Natural Resources Committee, the committee that usually deals with those issues. If it is important to someone, they can put in a bill and we can deal with it in January. I think that that is the proper route to take with this particular issue and not stick this into the budget bill. It is an issue that our committee can deal with and we will deal with it fairly when the time comes and it doesn't belong in this particular budget bill.

I hope you will all vote with Representative Treat and attach this amendment.

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 Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I am not an expert on the budget matter but when this issue was brought up as a concern, we asked the question of those who were involved in the placement in the budget and the response that I can give you is that this particular item in the budget eliminates a duplication of the law that requires two permits. I am giving you the answer that we sought and received from DEP. The only reason that it is included in this document is to prevent the necessity of requiring two permits for the same activity.

Perhaps there are those of you who spent more time studying this issue that would want to further research the matter before we immediately remove it from this document. The response that I got from the question that you raised is that it is an attempt to remove an unnecessary or duplicative mandate. That is why it was included in this, it was not a substantive policy change. It seems to me that that is the answer you seek to the question.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: If it is a duplicative part of the law and if there are two permits required, it is the role of the Natural Resources Committee to sit down and look at that issue and recommend changes to the legislature. It is three weeks before we reconvene and I don't believe that there are any applications pending for solid waste landfills before

the DEP now. There will be one later in 1992 I expect. I think the proper thing to do is to attach this amendment and let the Energy and Natural Resources Committee do its job and look at this issue of duplicative permitting (if that is the problem) when the times comes. The Commissioner comes to our committee on an almost weekly basis when we are meeting and he asks us to do things and I think if it is a reasonable request, I think the committee will go along with it. Again, I urge you to support Representative Treat's amendment.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I am quite concerned about this because actually we are dealing with a potential toxic waste dump site number 9 in the York County area and whether or not this could have ramifications, I don't know, but I certainly do wish that you would delay this action until the next session.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ketterer.

Representative KETTERER: Mr. Speaker, Men and Women of the House: I ask you to vote yes on this amendment. By doing so, you maintain the present and existing law. In this budget document, we should not have legislation of this type being put in. This is exactly the type of legislation that constituents always want to know, "why is that plugged into the budget bill? Why is that an emergency? Why can't that wait three more weeks?" Those are just the type of questions that are virtually impossible to answer for a simple reason. This amendment restores existing law. If there is going to be a substantive policy change, it should go through the appropriate committee and should be done at the appropriate time. Do the right thing, vote yes on this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "Y." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 254

YEA - Adams, Aliberti, Anthony, Bailey, H.; Bell, Boutilier, Butland, Cahill, M.; Carleton, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, Farnum, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Libby, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; McHenry, McKeen, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, R.; Barth, Bennett, Bowers, Carroll, D.; Carroll, J.; Cashman, Chonko, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Hichens, Lebowitz, Look, MacBride, Marsano, Mayo, Melendy, Merrill, Nash, Pendleton, Pines, Reed, G.; Salisbury, Savage, Small, Spear, Stevens, A.;

Stevenson, Tammaro, Whitcomb.

ABSENT - Donnelly, Duplessis, Farnsworth, Gould, R. A.; Hepburn, Kutasi, Lipman, Lord, Parent, Pendexter, The Speaker.

Yes, 103; No, 37; Absent, 11; Paired, 0; Excused, 0.

103 having voted in the affirmative and 37 in the negative with 11 being absent, House Amendment "Y" (H-807) was adopted.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, I present House Amendment "C" (H-785) and move its adoption.

House Amendment "C" (H-785) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "C" deals with the rest of this part H which is in the budget. It is another part of the budget which gets rid of the existing environmental law, it does not provide for any savings and I would request that you vote with me for the amendment to preserve the status quo.

What this does is, it says that "any project that is under the jurisdiction of LURC does not need to be reviewed under the Natural Resources Protection Act." The Natural Resources Protection Act — that kind of review is done by the DEP. This may have been the amendment that the Representative from Waldo, Representative Whitcomb, was referring to when he discussed two permits.

The way it works right now, projects under LURC jurisdiction cannot be reviewed for impasse on wetlands unless wetlands are mapped. If wetlands in that area are not already mapped, then there is no way that LURC can look at the impact of the development on wetlands. In those cases, those projects are reviewed by the DEP under the Natural Resources Protection Act. I have been told by staff at LURC that this amounts to about five projects per year that are under LURC jurisdiction which are review by DEP under the Natural Resources Protection Act. Therefore, it is not a lot of projects.

In addition, there is a provision in a separate part of the law, Title 12, Section 685b, and this provision strictly says that "it allows LURC and DEP to adhere to each other's decision so that they don't to issue two permits on the same issue." So, the issue of duplication is dealt with already in existing law. This is a non-fiscal item. If there is an argument for changing the law, I suggest that the committees of jurisdiction ought to be the committees to do that and I hope you will support me.

Mr. Speaker, I do request a roll call on this amendment.

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-785). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 255

YEA - Adams, Anthony, Cahill, M.; Carroll, J.; Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, Dipietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Hale, Handy, Heeschen, Hichborn, Hichens, Hoglund, Holt, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Mahany, Manning, Marsh, McHenry, McKeen, Michael, Michaud, Mitchell, E.; Mitchell, J.; Madeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Richardson, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Townsend, Tracy, Treat, Vigue, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, D.; Cashman, Chonko, Crowley, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Garland, Greenlaw, Gwadosky, Hanley, Hastings, Heino, Hussey, Jalbert, Lebowitz, Libby, Look, MacBride, Macomber, Marsano, Martin, H.; Mayo, Melendy, Merrill, Morrison, Murphy, Nash, Norton, Ott, Pendexter, Pendleton, Pines, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tardy, Tupper, Waterman, Whitcomb.

ABSENT - Duplessis, Gould, R. A.; Hepburn, Jacques, Kutasi, Lipman, Lord, Parent.

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

78 having voted in the affirmative and 65 in the negative with 8 being absent, House Amendment "C" (H-785) was adopted.

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

Representative RICHARDSON: Mr. Speaker, I present House Amendment "T" (H-802) and move its adoption.

House Amendment "T" (H-802) was read by the Clerk.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to request a roll call on this issue.

This amendment I think brings before the House for the first time today one of the sales tax exemptions and deals directly with some of the Human Services cuts in that connection. I want to say that right at the outset because I want to make absolutely clear that what I have attempted to do is to locate the sales tax exemption that is, to me, the most inequitable, amongst all the sales tax exemptions that are on our books, the favors that we grant through our tax system, and to link it to what I felt were the most onerous three single cuts, excepting the concern over revenue sharing and GPA, in this budget.

What I have done is select the exemption that exempts vending machine sales from a retail sales tax on their selling of candy bars and whatever through vending machines in the State of Maine. Presently you may know that some years ago, this body adopted a sales tax exemption that said that they would value those items that go into vending machines and are sold to vending machines to be valued effectively at their wholesale cost, the cost going into the

machine, not the cost coming out of the machine. Whether or not you agreed or would have agreed had you been here with that policy, the impact of that was greatly affected by the so-called snack tax that this body passed in the last session. That tax effectively said that the retail items, the kind of items that are sold traditionally through vending machines, would be taxed at the retail sale at variety stores, Mom and Pop stores throughout the State of Maine but we allow the same items, still to be taxed at their wholesale price through vending machines. The snack tax reality, and I know there are a lot of feelings about that and I have my own reservations about it but that is not the issue before us, meant that Mom and Pop stores, variety stores, people who employ people selling these goods across the State of Maine were faced with paying a retail sales tax that was essentially double, approximately double, depending upon the goods, of what the vending machines sales operators could sell it through the machines. In fact, the Mom and Pop stores, the variety stores, those people who employ people to sell these candy bars in their own establishment, are at a significant, competitive disadvantage because of the presence of the sales tax exemption for vending machines. It is unfair, it is a sales tax exemption that is inequitable and it is wrong. It is strikingly so by the reality of the presence of the snack tax in our tax codes now.

The simple reality that we are looking at here is the way in which we can relate sales tax exemptions through vending machines to the real world of merchandising of the kinds of items that are merged through them. So what I did was take that sales exemption, which would bring us about \$500,000 if we eliminated it right now, January through June, and brought that into the three most needful human service final safety net needs that are hurt in this budget.

If you look at House Amendment "T" you will see what I have selected. The Aid to Families with Dependent Children, just a piece of that has been brought in and resurrected in some of the cuts that have been impacted in that area and people with their final safety net. The low-cost drugs to maintain elderly, this co-payment provision that took away money in this budget from that need will impact on the elderly as they move to buy their prescriptions. The home base care, the long-term care, keeping people in their homes is an issue that I am sure this body is very familiar with. Those three areas generate about the revenue given and that matches off against the sales tax exemption that we have granted to vending machine operators.

One final point, one of the arguments that was made in the committee when this issue was dealt with is the difficulty of fractional pricing, pennies in vending machines. Vending machine operators and companies deal with a wide variety of variables in their costs. One of them is taxes, they do have an effective 3 percent, if you look at the retail or 6 percent on wholesale tax, to deal with now. They factor in all these costs and they round off their price to the nearest nickel and they will continue to make that kind of decision. They put a sticker, presumably on their machine, saying tax included. You don't put a couple of extra pennies in the machines for the tax after you have bought your candy bar, you have an aggregate price that is presented to the public through vending machines.

This is not a difficult tax to administer. There is a relatively finite number of vending machine companies in Maine and those companies will bring it out and they will do their pricing and they will present their candy bars factoring all the variables of costs of sugar in candy bars, location and all the ways in which they do business and they price accordingly. According right now to the tax policy of the State of Maine, we, with the snack tax as passed, are discriminating against the small shopkeeper who, in case after case as we all know in all our districts, is struggling to keep the doors open and struggling to stay in business and are now at a competitive disadvantage because of this sales tax exemption given to the machine vending operators. I want to stress that.

I picked this one specifically because I thought it was the sales tax exemption that stood out most in need of reform and I make that fiscal impact case to you. I also picked it because I recognize and I want to raise the point that there are some vital hurting areas in this budget in that final safety net which is crumbling in which our local communities are going to have to meet and I wanted to restore that money to just those areas. So, I make both an equity argument and I make a public policy argument on this budget and I urge you to support this amendment. I think it is a critically important one on this one area. Mr. Speaker, I would request a roll call.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I want to clear up one thing that my good friend from Portland said. The snack tax really had a very minimal impact on this issue because most of the things sold in vending machines were already taxed before the snack exemption was removed. Things like soda and small bags of potato chips were already taxed.

I have always had problems with this particular tax treatment. It dates back to when the sales tax was originally passed, in fact. Vending machine operators were allowed to pay a sales tax on the wholesale price as opposed to the retail price because their argument was that they couldn't recapture the retail tax in their machines because the machines wouldn't take pennies. The exemption has been there for 40 or 50 years that we have had a sales tax.

I have supported a position in committee in years past to remove this treatment and I have never really liked it so it is kind of a dilemma because I am standing to oppose my good friend's amendment, not because I find this particular exemption appealing, I don't, but because I have consistently voted all day against every amendment that has been offered and I plan to continue to do so.

The 115th Legislature, like all legislatures, will be remembered for a lot of things but I think it is going to be most remembered as "the legislature that destroyed the committee process." I don't think it is starting with this Special Session, I think it started last year or last February. A lot of you remember an ad hoc committee that we had, a lot of you remember a lot of reports that came out of committees this session and people voting for a report and the committee coming up here and voting against them up here. That didn't used to happen around here. In fact, the saying is, "that politics is the art of compromise" and the ultimate compromise

in this process has always been the budget. It is always a compromise. I have left here nine times now after we have passed budgets and I didn't particularly like everything that was in any of them and there was stuff left out of those budgets that I thought should have been in there but it was a compromise. It is compromised on the second floor and then it is brought up here. It used to be that you didn't amend a budget document after it came out of Appropriations — that obviously is changing, we have 96 amendments drafted to this budget document so I guess we are operating as a committee of the whole. If the committee process is going to be broken down and destroyed, maybe that is for the best, if we have something better to replace it with. I don't think that this process is better.

Representative Richardson said that he finds this to be the most offensive sales exemption. While I would agree that I don't particularly like this sales tax exemption, it is not my pick as the most offensive. There is 151 of us in this House and we can probably come up with 140 most offensive exemptions. We can come up with 140 most bothersome pieces to this budget and we can amend them all but that is not the process that we ought to be following in my judgment. I intend to vote against this amendment, just as I have voted against every other one and I will vote against the rest of them.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I am delighted to support this amendment. I think it accomplishes a great deal. It also does something else, it gives us a chance to look at the tax exemptions. I don't see how we can go home in good faith and tell people that we are going to make the kinds of cuts in their services that are in this budget and refuse to even look at the tax exemptions.

As to the budget committee process, if the 13 members of the Appropriations Committee are going to run this place, then let them do it and there is a great savings there if you don't have to pay the rest of us.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for coming to my feet again on this issue but I want the privilege to say one sentence, which is that this is what seems to me "rank and file" input. We are facing a monumental problem and my presumption in this is not to devastate the committee system. In fact, I think that was a major argument in some of the successes of earlier amendments, which is to endorse the committee system and I will vote that way on another one that I know is coming. But, the reality is that we need some "rank and file" input and that is the nature of what's been happening. It was a \$500,000 dollar piece of input not to attack the committee system.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: I didn't know this amendment was coming forward but it has a lot of interest to me in the sense that, having an organization in Portland that deals very heavily with the older population, it is quite obvious that we are dealing with a

population on fixed income, a population who can do nothing about rising utility costs or rising food costs and that the studies show that, if an elder has to cut somewhere, their pride will not allow them the cut on their rent, their utility bill, the phone bill, and obviously, they have to eat. What they do cut down on is the necessary drugs they take for them to maintain themselves and many of them are frail and many of them that I know of may use four or five different type drugs so they make a choice. Studies show that. They will give up two essential drugs for three that are more essential so I think we are forcing elders to make a serious choice and sometimes risking the safety of those people.

The other quick point I wanted to make was, in looking at this, this is for Aid to Dependent Children — that is a 2 to 1 match from the federal government so I think there is a net gain there. It also reflects, very strongly, on local property tax because here you are dealing with a situation if you do not have enough money in AFDC, which we now know the AFDC payments for 30 percent of those on AFDC, runs out the third week and the last week they are left without money so they go to General Assistance. General Assistance is not a match, it is taxpayers money. So, here is a net saving if you can factor that in because what we are saying there is that we have a 2 to 1 match from the federal government, we are giving some relief to the local property tax people and we are not forcing the elders to make a critical decision as to what drugs they are going to buy to maintain themselves.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I made the decision to rise today to speak against this amendment and it was not an easy one to make, partly because I am being somewhat hypocritical and I will admit that upfront.

I have supported the expenditures, all three expenditures Representative Richardson outlines in his amendment. In 1985, I also sponsored the repeal of the exemptions that he has targeted to raise the revenues that he wants to spend by those three expenditures that I support. By themselves, I support all four provisions. Placed together then placed in the budget, I do not support them.

This amendment would, in fact, unbalance the budget by over \$130,000. Unfortunately, it would not take us closer to a solution to this crisis and, therefore, very difficultly but assuredly, I must oppose it.

Representative Richardson of Portland was granted permission to speak a third time.

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Courage on a point of order but I am stunned to see that this amendment is not balanced. I explicitly asked that it be balanced and pointed out which of the three areas should be reduced to make it in balance so is there any mechanism for doing that as we stand here now?

The SPEAKER: The Chair would answer in the negative.

Representative RICHARDSON: It would be in my hope and my intention then to find a way afterwards to, of course, bring this into balance. It should have been balanced — one of the items, they placed the full amount in and it is a misprint on this, it is out of balance and I would hope that you would continue to support it, recognizing the imbalance and

knowing that there will be another amendment that would follow that would make that correction to whatever manner is available to me.

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 "T" (H-802). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 256

YEA - Adams, Aliberti, Anthony, Bell, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Daggett, Gean, Goodridge, Graham, Gurney, Hale, Handy, Heeschen, Hichens, Hoglund, Holt, Hussey, Jalbert, Joseph, Ketover, Kilkelly, Kontos, Larrivee, Lemke, Luther, Mahany, Manning, Martin, H.; McHenry, McKeen, Michael, Mitchell, E.; Mitchell, J.; Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pfeiffer, Powers, Rand, Richardson, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Tamaro, Townsend, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Cote, Crowley, Dipietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hanley, Hastings, Heino, Hichborn, Jacques, Kerr, Ketterer, Kutasi, Lawrence, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Mayo, Melendy, Merrill, Michaud, Morrison, Murphy, Nadeau, Nash, Norton, Ott, Paradis, J.; Parent, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Rydell, Salisbury, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Swazey, Tardy, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Farnsworth, Hepburn, Lipman, Macomber, Ruhlin, Treat, The Speaker.

Yes, 56; No, 88; Absent, 7; Paired, 0; Excused, 0.

56 having voted in the affirmative and 88 in the negative with 7 being absent, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, I present House Amendment "R" (H-800) and move its adoption.

House Amendment "R" (H-800) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "R" deals with Community Corrections. I have two bill dealing with Community Corrections. I am an advocate supporter of Community Corrections but I have watched the development of how Community Corrections had been handled through the budget process as recommended by the Commissioner of Corrections. It seems a lot of the Community Correction programs that have been cut are those agencies that for those programs that have

been truly privatized providing costs of about a third of what it would cost the state to give those same services. That is unfortunate but be that as it may, they are gone under this budget.

This amendment further addresses the Community Corrections contracts that were saved and these are the community contracts that are saved at a much higher cost to the state. Two of these entities that are in House Amendment "R" are the Weymouth House, which is a group home. The Weymouth House is an agency that operates to teaching family group homes, one in Jefferson for six girls and one in Bristol for six boys and these group homes, like other teaching family group homes, are affiliated with the Maine Family Home Program. That is at a cost of about \$134,000. The other agency that is there as a group home and this is an agency that operates two family group homes, the Philip Blanchette Youth Home in Eagle Lake for boys and girls and the Winterville Group Home for boys in Winterville, which is near Eagle Lake. There is also another group home in Eagle Lake that is affiliated with Boys Town, which is not a part of this amendment.

My feelings about Community Corrections is the fact that, to be able to do an effective job with Community Corrections and how we developed over the last 10 years, has been in the wrong direction. The way we need to deal with it is on the local level. It should be done of the local level that deals with the districts set up by the courts and where we have our probation and parole districts. The reason for that is that southern Maine and northern Maine, mid-Maine, eastern and western Maine all have different needs and it should be left to those districts to find out what services they need in order to take care of our people that are in the Community Corrections or go through the correctional system, whether they be juveniles or adults.

What we've got over the last 10 years is a mantling of a bunch of RP's that have been floated over the last 10 years at a high cost to us now in being able to provide these services. We have taken these services and perhaps if we need a placement into one of these group homes, we have to send that individual up there at a cost to our county. To me, it makes sense to be able to deal with it on a local level.

I say all this and I also am going to say to you that I am going to withdraw this amendment and the reason for that is because it has a potential for becoming fractious. I don't want to become fractious at this point because I think it is an issue that legitimately needs to be dealt with and I think it should not be partisan. Although it has an appearance of being partisan, I don't want that to happen because I want to leave here tonight with a budget so I guess in a matter of having my say of how I feel about Community Corrections and something that should be dealt with next year starting in January as to how we look at it at a less cost to the state, I have had my two cents. For perhaps a conciliatory move on my part and the fact that I do want to see a budget Mr. Speaker, I am withdrawing this amendment at this time.

The SPEAKER: The Representative from Hampden, Representative Richards, withdraws House Amendment "R."

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, I present

House Amendment "00" (H-825) and move its adoption.

House Amendment "00" (H-825) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I present House Amendment "00" because it has certainly gotten the eye of many members of this body. It is an issue that was before us in January when we were talking about a Supplemental Budget for FY91 and the Appropriations Committee killed it then. It was an issue that was considered again with the biennial budget in June by the Appropriations Committee and an issue that was killed then again.

It comes from our judicial family and it is a red herring that crops up every so often because judges do not like mandatory sentences. They feel that it is an insult to their intelligence and their character that they cannot, on their own, decide what the term ought to be of imprisonment for someone who has been convicted of an offense.

Ten years ago, this legislature passed some of the most sweeping and tough OUI legislation in the country. It was model legislation for the rest of the United States. To enact a budget, as is, without this amendment, we are going back 10 years at a very minimum. If you don't remember, for some of you who were here then, we used to get calls from people who were going to court — "Would you please call the D.A., Mr. Legislator, and see if I can get off from serving jail time? Can you please call so and so and help me get off? I will never do it again. I made a mistake and I am sorry but I don't want to go to jail, it is my first offense." By putting mandatory minimums on OUI, we remove legislators and politics from OUI legislation. It was one of the best moves we ever made and we removed it for the courts. If the jury or the judge found them guilty, bang, mandatory minimum. Under this law, it has to be .15 to go to jail for a minimum of three days.

There is no savings at all to the judicial department when they say that they will reduce the indigent defense account by \$50,000, there is no savings whatsoever. Why is there no savings? The reason is that D.A.'s across this state will indicate to the courts that they plan to ask for jail time of the alleged offender. They will tell the court, "Your Honor, the state plans to ask for x-number of days in jail if the defendant is to be found guilty." The judge at that point will ask the defendant, "Can you afford counsel?" If the defendant says "no", then the state will appoint counsel for him. There goes the \$50,000. There isn't a D.A. in this state that I know of (and this discussion has been going on now for almost a year) who has ever told me, "I don't plan to ask for jail time on OUI." They know that strict OUI enforcement and the progress that we have made hinges on getting the first-time offender.

There is another reason that I put the amendment in. There is a little known case that one of the D.A.'s is aware of and some of the defense attorneys in this chamber and it is called the Dowd case, State v. Kirk Dowd. It was decided by the Law Court in 1984. The issue, and let me quote briefly from the case, "Use of defendant's prior adjudication of operating motor vehicle while under influence of intoxicating liquors rendered in proceeding in which defendant was not provided with counsel, to enhance

penalty imposed on his conviction for operating automobile while his driver's license was suspended, violated defendant's right to due process of law under Federal and State Constitutions." What did the court render for its opinion? The Law Court said, and I quote again, "A prior uncounseled conviction or adjudication directly results in enhancement of the penalty to be imposed." In other words, when you have a first-time OUI and you are found guilty, the second one has an enhancement, it is a little tougher.

Continuing reading, "This result is contrary to the teaching of *Baldasar* and its predecessors that an uncounseled conviction cannot be used to enhance penal sanctions in a later criminal proceeding, and violates the due process clause of our state constitution. Accordingly, we hold that no mandatory penalty could be imposed on Kirk Dowd. The Maine Constitution mandates that the sentencing judge sentence Dowd as he would had the underlying suspension resulted from an offense other than operating while under the influence."

What that really means is that the D.A.'s don't want to have to wipe out the first one if the first one didn't have counsel. Why give them a freebie? Just a fine and a slap on the hand so it is moving the clock back at least ten years in the wrong direction. Basically, why it just gets my goat, in plain, good honest language, is that they know there is no savings. We had to pay for the cost of this amendment to have it printed when they know there is no savings, they just don't want mandatory sentences. For once, I would like them to go to the Appropriations Committee and be honest with that committee and state upfront that there is no savings, we just don't like mandatory sentences, contrary to what the people of this state want for OUI.

I move adoption of this amendment, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: My House Chair is probably going to be surprised that I get up and oppose him on this motion.

I have talked to several of the District Attorneys and there are in fact those that say that "I don't care if an OUI comes or if I have an OAS that comes as a result of a suspension of a OUI, which both have a minimum mandatory sentence, that I am going to recommend that person go to jail." The fact of it is that defeats any savings you might have in this particular bill if it reflects that bill, which is not understanding and which I will address later. The fact of it is that you are still going to have to appoint counsel because that person still has the threat of going to jail. So, that is one way, I guess, of circumventing the minimum mandatory or the avoidance of appointing indigent counsel.

It is my understanding that this \$50,000 is based on the mood and sentiment with the D.A.'s across the state and perhaps if you had a unanimous decision by all the D.A.'s in the state, that figure would be higher. The fact of it is that what we are saying with minimum mandatory sentences is the fact that they do cost money and I guess there is a policy issue that we have developed over a number of years. We are also saying that we don't have a competent judiciary to take care of who is standing before them to be able to enforce or impose the appropriate sentence.

I have a lot of faith in the judiciary and the

judges, I think we have some of the finest in the nation. I think that we have judges that are skilled, not only before they become judges but those that have been judges and on the bench for a long period of time to know what the appropriate sentence is. I think we have put them through this process appointed by the Governor and whoever the Governor was at the time, if that person was appointed, and they are still sitting on the bench because we have faith in them. I feel that it is appropriately left to them as to whether a jail sentence is going to be imposed. Whether all this can be anticipated when that person is standing before you or whether a judge can preconceive of the fact that person is going to go to jail or not, it is not up to the judge, it is up to the District Attorney.

Representative Paradis 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 "00" (H-825). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 257

YEA - Adams, Aliberti, Ault, Bell, Boutilier, Cahill, M.; Cathcart, Clark, M.; Coles, Constantine, Cote, Daggett, Dipietro, Dore, Erwin, Gean, Goodridge, Gould, R. A.; Gurney, Handy, Heeschen, Hichens, Holt, Hussey, Jacques, Jalbert, Joseph, Ketterer, Lawrence, Lemke, Luther, Macomber, Manning, Marsh, McKeen, Michael, Morrison, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Powers, Rand, Richardson, Ricker, Rotondi, Simonds, Simpson, Stevens, P.; Strout, Swazey, Tammaro, Townsend, Tracy, Waterman, Wentworth.

NAY - Aikman, Anderson, Anthony, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Crowley, Donnelly, Duffy, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Graham, Gray, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Heino, Hichborn, Hoglund, Kerr, Ketover, Kilkelly, Kontos, Kutasi, Larrivee, Lebowitz, Libby, Look, Lord, MacBride, Mahany, Marsano, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Nash, Ott, Parent, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, G.; Richards, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Skoglund, Small, Spear, Stevens, A.; Stevenson, Tardy, Tupper, Vigue, Whitcomb.

ABSENT - Carleton, Farnsworth, Hepburn, Lipman, Reed, W.; Treat, The Speaker.

Yes, 60; No, 84; Absent, 7; Paired, 0; Excused, 0.

60 having voted in the affirmative and 84 in the negative with 7 being absent, the motion did not prevail.

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

Representative MANNING: Mr. Speaker, I offer

House Amendment "W" (H-805) and move its adoption.

House Amendment "W" (H-805) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I would just like to give you a background on this piece of legislation. Last year, my good friend in front of me, Representative Mitchell, asked me to cosponsor a piece of legislation. Before the legislation was introduced, we had an agreement amongst all parties that deals with hospital mental health issues. We had an agreement with the Maine Hospital Association. We had an agreement with the Maine Department of Human Services, the Maine Mental Health and Retardation Department. We had an agreement with the Maine Commission on Mental Health, the Maine Commission on Hospital Financing — every group that would deal with this issue in the future all agreed that under the present system, right now, the Commissioner of Mental Health would approach individual hospitals such as Representative Mitchell's hospital in her area, Kennebec Valley and they would say to them, we want you to do such and such for us as we downsize AMHI or Bangor hospitals. At that particular time, Commissioner Glover would then go to those hospitals and say, we will work very closely with you and I will also work very close with the Maine Department of Human Services. At the same time, he would go to the Department of Human Services and he would instruct them that he wants a fast track CON — which you can do, it is on the books. At that particular time, he would then go to the Maine Hospital Finance Commission and say to them, I would like you to increase the development account for these particular areas and the reason why I want you to increase the development account is because we as a state need to develop these community beds in community hospitals and we, meaning the Department of Mental Health and Mental Retardation, will pay for those individual beds.

Well, the process worked fine and dandy up until the point when the Department of Mental Health said that they weren't going to pay for those beds. Who was going to pay for the beds? The people who have health insurance in this state.

Since this amendment has been put on, it has worked out, the Commissioner has gone to the Maine Health Care Finance Commission and has given them a memorandum of agreement that says, I will pay for X, Y, and Z. That agreement was put through the Maine Health Care Finance Commission, was presented to the Secretary of State's office as a rule and, as a matter of fact, is in effect, effective today.

Last week I received a letter from the Executive Director saying, "As I indicated in my letter of December 11th, the Commission voted to increase the credit to the Hospital Development Account at its meeting on December the 5th in order to permit the approval of Commissioner Ives' projects for the Kennebec Valley Medical Center and the Southern Maine Medical Center." MHCFC did exactly what was asked of them to do by the Committee on Human Resources last year. The only thing that held that up was the commitment by the State of Maine — when you downsize that institution across the river or you downsize the institution in Bangor, that the state's responsibility does not stop. The state's responsibility for paying for those beds goes to those community hospitals because if it doesn't, who

is going to pay? I know MHCFC is a very strange word to most of you people but I am going to tell you who is going to pay. The insurance companies of this state are going to pay. Now, if that isn't a hidden tax, I don't know what is.

Currently, there is on the books legislation that says that when you downsize AMHI and you downsize Bangor, the monies must flow to the community. We all know that during the 1970's when we deinstitutionalized those institutions, the money did not flow like it should have to those communities so that we would not have the problems that we are currently having at both institutions. The Appropriations Committee is well aware of that. The veterans on that committee are well aware of that amendment that was put on the budget and was put in legislation two years ago that said, when you decrease AMHI and Bangor, the monies must go. In doing what this amendment that is on the budget now is bypassing that, it is making every insurance carrier in this state who has health insurance coverage pay more. I don't think that is what we want to hear. We all know that health insurance is high enough. I think what we want to do is say that we as legislators and we as taxpayers will take care of those individuals who need to be taken care of and it is the responsibility of us to make sure that those community hospitals get paid. It currently works, it does work, it is working now. Kennebec Valley has their CON, Southern Maine Medical Center has their CON, they have the money there and, if you don't believe me, like I said I don't know why the Executive Director would lie when he writes to me and said we have increased the size of the development account for those two hospitals. So, we no longer need this piece of legislation because the department has owned up to what they said they would do and that is to pay for it. I would hope you would go along with this amendment.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: This amendment erases a portion of the budget that would allow Mental Health and Mental Retardation projects to bypass the CON process.

I actually welcome the opportunity to discuss the CON process again. As you know, we discussed this in the last session and I will continue to remind you that the Hospital Development Account is a bureaucracy that doesn't work. We presently have \$2.5 million to spend. However, we have \$37 million of needed projects that are waiting.

Representative Manning says that the dollars will not flow to the community — he is right, they will not flow to the community when they are tied up in bureaucracy.

The Southern Maine Medical Center and Kennebec Valley do have their CON, it took them well over a year. The CON process is a long and involved process that involves tons of paper work and a process that just gets tied up.

Mental health services are really under the gun to comply with the Consent Decree. There is a movement to downsize AMHI. There is no way that we can meet these needs if we tie up the process in the CON hospital development process. The Development Account was originally developed for hospital expansion and now it is being expanded to cover health care.

I ask you to vote against this amendment because it will not allow the dollars to flow to the community and we all realize the important mental health care projects that the communities have to expand and they will not be able to do it if they are tied up in bureaucracy.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: Apparently the Representative from Scarborough doesn't understand the situation out there because if she understood exactly what transpired in our committee last year, she would understand that this system works. The only reason it was held up last year because, yes, the Certificate of Need Development Account was not funded the way the hospitals want it to be funded, but now that this language has been worked out by all the parties of agreement, within three weeks, the hospitals got exactly what they wanted.

I would like to say one thing about the Certificate of Need Development Account. My good colleague over there on the other side of the aisle from Scarborough talked about how there are many projects out there that aren't being funded. Well, there are a lot of projects in here that aren't being funded and that is called the budget of the State of Maine and the same people who pay for that budget are the same people who pay for the budget dealing with Certificate of Need, they are called the taxpayers of the State of Maine. We have come up with a system that works. The system works. The Department has agreed to it and I would venture to say that Representative Mitchell, when we come back here a year from now will say that she has her dual diagnosis system and it is up and running. The system has worked and those Representatives who represent the York County area will be able to tell you that what Southern Maine wanted will work. This amendment that is currently in the budget right now that I am trying to repeal will drive three Mack trucks through the present system.

If you are going to sit here and cut and cut and cut and cut then, ladies and gentlemen, that amendment that is on the budget right now is going to add to your insurance premiums greatly. If you don't believe me, someone table this and go out and ask Blue Cross, who every single one of you in here is insured by, and find out what that cost is going to be because they will tell you that the costs will go up considerably. Just remember, if we are not going to raise taxes, we ought not to be raising insurance premiums. The Governor of this state is doing exactly that with the amendment that is on the budget right now. It is a hidden tax. Quite frankly, I haven't heard a word from the Chamber of Commerce or any people out there in the business community because they probably don't know it is on there but when they get their next bill, when their contract is up, they will know it is on there because it will go up just like in 1983 when we put mandates on for substance abuse and we put mandates on for mental health. Well, this mandate right here will make the mental health mandate look like peanuts compared to what is proposed in this budget.

I would hope that you would go along with because this does absolutely nothing with the budget, absolutely nothing with this budget. The department has agreed to do exactly what they said they would do when we left here in June. It is not going to hurt

one bit — they have already sent a written memorandum to MHCFC and MHCFC said, once they got that that they agreed to pay for what they were supposed to be paying for, then they would grant this. This has got nothing to do with the budget. I defy anybody in here to say it does.

With that Mr. Speaker, I ask for 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 Chair recognizes the Representative from Old Town, Representative Duplessis.

Representative DUPLESSIS: Mr. Speaker, Men and Women of the House: I am a little bit confused with this amendment because I thought that we already had a process that approved mental health projects in the State of Maine. That process is called Requests for Proposals.

I believe through this process that the cost effectiveness of mental health projects are weighed very heavily and that services are delivered in an effective way.

I am concerned with the Certificate of Need procedure. I am not sure with this amendment if there is a cap as to how much a project is going to cost that would need to go through a CON process, this is very unclear. I hope that you would oppose this amendment.

I also want to say that I have worked in mental health for three years and I have seen that there is a great need for people to have community services. I would hate to see the process stopped any further than it already is. I hope that you will all oppose this amendment.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Because the hospital that I am involved in was mentioned in the earlier debate, I think it important that I speak very briefly to some of the questions that you have raised.

Augusta Mental Health is obviously within walking distance of the Kennebec Valley Hospital. They have been asked upon many occasions to try to provide facilities of dual diagnoses patients. For a hospital to expand the facilities to offer these kinds of services, they must first go through the Certificate of Need. Even though I was an advocate for our hospital participating in serving the community, I never advocated circumventing the Certificate of Need because I wanted very desperately for it to be cost effective and to be done only as it faced up with the needs of other entities in the state.

All of that aside, this debate has absolutely nothing to do with solving the deficit in our budget, what we are here for today. Listening to all the confusion surrounding what is a Certificate of Need etcetera, this debate surely should wait until we come back and your committee can take a stronger look at it. It doesn't gain us a penny, it doesn't close the budget gap and this amendment simply takes out a

very important policy question from what should be our strong financial document.

I would encourage you to rethink your position about that, letting your committee look at this issue in January when you come back.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I just want to mention one thing. Representative Manning alluded to this would add a lot of additional costs. There will be no additional cost. Everything above the Medicaid reimbursement will be picked up by the Department of Mental Health and Mental Retardation from downsizing savings. I just wanted to make that clear.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "W" (H-805). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 258

YEA - Adams, Anthony, Bell, Cahill, M.; Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Gean, Goodridge, Gould, R. A.; Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hepburn, Hichborn, Hoglund, Holt, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; McHenry, McKeen, Michael, Michaud, Mitchell, E.; Morrison, Nutting, O'Dea, O'Gara, Oliver, Paradise, J.; Paradise, 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, Vigue, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hichens, Hussey, Ketterer, Kutasi, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Mayo, Melendy, Merrill, Murphy, Nadeau, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tardy, Tupper, Waterman, Whitcomb.

ABSENT - DiPietro, Farnsworth, Graham, Jacques, Larrivee, Lipman, Mitchell, J.; Treat.

Yes, 80; No, 63; Absent, 8; Paired, 0; Excused, 0.

80 having voted in the affirmative and 63 in the negative with 8 absent, House Amendment "W" (H-805) was adopted.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, I present House Amendment "V" (H-804) and move its adoption.

House Amendment "V" (H-804) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: Continuing along on a similar vein of parts of our budget document that have nothing to do with the budget and really in my opinion should be looked at by the committee of jurisdiction, this House Amendment "V" adds something

to Page 165 of the budget document. What this section on Page 165 attempts to do, and I support that, is to postpone the closing of licensed landfills in Maine. However, the people in the town of Turner that I represent have written me and because of the way the language is worded in the budget document, the only landfill closures that are going to be postponed are those of licensed landfills and there are many and the town of Turner's is one that is an unlicensed landfill but it is operating under a DEP consent agreement. The landfill is located over an aquifer, they are getting ready to close it now. Their point to me is that they should be grandfathered as much as a licensed landfill. I know there are several communities in Maine that, lo and behold, if this is not amended, are going to find themselves left totally out in the cold and I don't want that for Turner or any community.

So, House Amendment "V" just adds after the word "municipal" on Page 165, "licensed or unlicensed but operating pursuant to consent agreement" so that we do not leave out the postponing of landfill closings of many community landfills.

I would be happy to try to answer any questions. I have talked with people at DEP about this and they realize I am putting this amendment in.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "V" (H-792). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 23 in the negative, House Amendment "V" (H-804) was adopted.

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

Representative KERR: Mr. Speaker, I present House Amendment "J" (H-792) and move its adoption.

House Amendment "J" (H-792) was read by the Clerk.

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

Representative KERR: Mr. Speaker, Men and Women of the House: There has been a lot of discussion on what we are going to do with the liquor stores. This amendment moves the liquor licensing function from the Bureau of Alcoholic Beverage in the Department of Finance to the Bureau of Liquor Enforcement in the Department of Public Safety.

The amendment also allows anyone that wishes to put liquor or sell liquor in their establishments to apply for an agency store upon a fee of \$2,500.

Looking at some of the estimates that have been brought forth, if in fact we create — I say a minimum of 200 new stores with a license fee of \$2,500, we are looking at over half a million dollars in new revenue that we don't have now. As we all know now, agency stores do not pay a license fee, they are just selected and there is a ten mile radius. You can't have two stores within ten miles. What I am saying is allow the marketplace to decide where these places will be and, if these people want to put up \$2,500 and have an agency store, so be it.

There will also be inventories through these stores and I chose a number, an ultraconservative number that the average store will have approximately \$10,000 worth of liquor to sell, that's approximately 1,000 bottles. The average agency store now has approximately anywhere between 4,000 and 7,000 bottles. So again, this figure is very conservative

and brings in approximately \$2 million new dollars. There is some deductions that have to be implemented because there is a difference in pricing whether an individual buys liquor from a state store versus an agency store. So, not to fool anyone, in the long run, some state stores may be closed but the marketplace will decide that. When a state store doesn't make that profit, they should be closed. If the private sector does a better job, so be it.

I think what I am trying to do is get away from the auctioning off of state stores where only a selected few will have a license. We do not regulate other businesses that have licenses whether they be restaurants or lounges and I don't think we should do this for agency stores. This bill generates new dollars for the state and it also allows any store, any Mom and Pop operation, Shop 'n Save, IGA, anyone that wants to apply for a license, they will get it for a fee of \$2,500.

If there are any questions, I would be more than happy to answer your questions.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I stand to oppose this amendment. Just a few minutes ago, the gentle lady from Vassalboro gave a beautiful piece of wisdom. She said, "this has got nothing to do with the deficit problem in the budget" and neither does this.

This bill, in effect, puts the cart before the horse. Instead of the enforcement division being part of the liquor control, the liquor selling will be part of the enforcement division. It is like having the courts under the jurisdiction of the Bureau of Public Safety. The worst part that concerns me, it says here "annual license of \$2,500" and there would be no restrictions in the location of agency stores. You could have them in the middle of the highway or the middle of nowhere, some rat hole off some side road. They are saying they would charge 20 percent of the fee for enforcement. If you allow this to go through and have agency stores everywhere you can think of, from West Overshoe to Coburn Gore, you will need more than 20 percent to enforce it.

Last year, we had a proposal to close some of the liquor stores in the small towns that have very little law enforcement. If every little small town, anybody that can come up with the \$2,500 can get a license, what chaos you will have in the small towns on a Saturday night. The biggest problem of all is the repeal of the local referendum requirement, the small towns will not have any right to determine if you can have a liquor store in the town, no matter what size.

I am old enough to remember just when prohibition was being repealed. I was about eight years old and I saw more stuff as a result of prohibition, it was a bad scene. One of the things that they promised to the people was (I remember this very vividly) that, if we sell liquor, we will control it. That is exactly what you are taking away from the people. Now if any small town decides they don't want a liquor store in the town, according to this, they will have no choice in the matter.

I am saying that this is a bad bill. All day Sunday and part of Monday, the Legal Affairs Committee met to go over this proposal which is coming up later. If I had known that this amendment was going to be made, I would have stayed home and

watched some of the movies on CNN. My poor wife sat all alone, she didn't have a car because I had to come here but I didn't mind being around my good colleagues here but that is what happened.

This is a bad bill. This should go back to a study. To turn around and say that we will take the Liquor Commission and put them across the river as part of the State Police setup, you are going to have one heck of a mess. When you take one Director at the head of the Liquor Commission and one Director at the head of Enforcement and you make one, it has been my experience, after working 30 years for the state, that you will not cut down. You would have two sub-directors and with the present salaries that they are getting plus another Director at the top within a higher salary so I would ask at this time that you defeat this. I move that this amendment be indefinitely postponed and I request a roll call.

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

Representative KERR: Mr. Speaker, Men and Women of the House: The good Representative from Lisbon fails to realize that there is a gap in the budget of \$870,000. This is just a creative way to fill that gap.

Why should the state limit the number of liquor agency stores? If, in fact, they are closing state stores and getting peanuts for those stores, this bill still distributes, still allows the state to distribute the liquor and still maintains those controls.

As far as moving licensing into the Department of Public Safety, I only think that that is good business. They should be under one roof because if one gets a license, one should know what the regulations are and the enforcement of those regulations.

The reason that the license fee of \$2,500 was put on this was, at the present time, there are some lounge licenses that have to pay a fee of \$2,200 so I thought that was fair and reasonable that a \$2,500 fee would be imposed.

Also the good Representative from Lisbon is correct in saying that there will be a lot of new agency licenses initially. There is no question about that but then that is why we have the market place to decide. Whether or not they will be profitable, they don't have to renew that license. The reason that I use 20 percent for enforcement, to take 20 percent from the license fee for enforcement is because of that exact reason because we don't want to lose control, we want to make sure that these people who are operating do it under the law and they are inspected and regulated.

So, I don't look at this as being a bad bill, it is a creative bill and it does exactly what I came up here to do today and that is to help defray some of these cuts that I personally don't want. If I can't stand up here today and present an amendment that does just that, maybe the process isn't working. It is the old ways that got us into this position. I am new here, I have an open mind, and I am going to present any amendment that I feel will help the State of Maine. I will continue to do so.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to complement the Representative from Old Orchard

Beach for attempting to help out in what has been a difficult problem to determine what to do with the liquor stores in this state. Reluctantly, I have to oppose the good Representative's amendment, not because it doesn't fill that hole if you do not do what is currently in the Appropriations Committee recommendations to this body. It will fill that hole but it will fill that hole only with a one-time rush of money into the system through the sale of these licenses. In essence, potentially putting a liquor store in any grocery store in this state and charging that grocery store \$2,500. Now that will bring enough money to close the budget gap but, in the long run, what is going to happen to the state-run liquor stores is that they are going to go out of business because their business is going to go to the agency store that locates a mile away from them or half mile away from them and with each bottle of liquor bought in an agency store, the state loses 8 percent of the return it would have gotten had that liquor been bought in the state store. So in the long run, we are going to lose on the sale of liquor and that is my problem. The only way, in the long run, this proposal can end up saving the state money is if we sell more liquor in this state. I am fundamentally opposed in these tough budget times relying on increased consumption of liquor in the State of Maine and the State of Maine encouraging that in order to generate revenue.

I would appreciate it very much if you vote against this amendment.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The problem I have with this amendment is in the last sentence of the Statement of Fact. This amendment repeals the local referendum requirement for all liquor licenses. We are taking home rule away from the municipalities in this state once again. If we intend to do that, I would like to see it done with the committee having a public hearing so that the people back home can at least come up here and say, "Yes, we don't mind" or "No, we don't want you to do this." We have taken too many of the local control away and this is just one more and I don't think this is the time to do that.

I hope you vote against this amendment.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I only want to concur with those who have spoken in opposition to this hard fought effort to find a solution to the painful liquor store question.

Two points, one is that this is a substantive amendment and I invoke the words of the Representative from Old Town who said that we should not be dealing with substantive amendments to the budget document. This is a restructuring amendment and it also creates a new dedicated fund, which is an issue that I don't think we should be getting into at this time. So, for those reason, I urge that this amendment be killed.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Men and Women of the House: I hope that you will vote to indefinitely postponement House Amendment "J." I believe that there is approximately 78 agency and seasonal liquor stores in the state. I don't know

about the other agency stores, I only know about the ones in my district. I have one in Jackman, one in West Fork, one in Bingham, and I just think it is totally ridiculous that we are going to impose a fee of \$2,500 on these people. They are small businesses to begin with and everybody in here and members of the other body are always talking about doing something for small businesses — well, I hope that you will vote to indefinitely postpone this amendment.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Lisbon, Representative Jalbert, that House Amendment "J" (H-792) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 259

YEA - Adams, Aliberti, Anderson, Ault, 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, Duffy, Duplessis, Erwin, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heino, Hepburn, Hichborn, Hichens, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kontos, Larrivee, Lawrence, Lebowitz, Libby, Look, Lord, Luther, MacBride, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Poulin, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Simonds, Simpson, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Townsend, Tracy, Tupper, Vigue, Wentworth, Whitcomb.

NAY - Anthony, Coles, Dipietro, Dore, Dutremble, L.; Kerr, Nadeau, O'Dea, Pineau, Pouliot, Sheltra, Waterman.

ABSENT - Aikman, Bailey, H.; Farnsworth, Heeschen, Kilkelly, Kutasi, Lemke, Lipman, Macomber, Merrill, Skoglund, Tardy, Treat, The Speaker.

Yes, 125; No, 12; Absent, 14; Paired, 0; Excused, 0.

125 having voted in the affirmative and 12 in the negative with 14 being absent, House Amendment "J" (H-792) was indefinitely postponed.

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

Representative MANNING: Mr. Speaker, I present House Amendment "NN" (H-824) and move its adoption.

House Amendment "NN" (H-824) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: In the budget, prior to the

budget, since the middle of October, there has been a lot of talk about privatization. All this amendment says is before any privatization can take place in the Department of Mental Health and Mental Retardation, that Department needs to come to the Joint Standing Committee on Human Resources with a plan of how they are going to do it. I don't think this is going to hurt the budget one iota, I think it is prudent that we as legislators know — if we are going to give them money, we ought to know what their plan is. I think earlier we heard somebody talk about us going home and not knowing what is happening here. If we don't know what the plan is on privatizing, then we won't know what is happening. This will ask the Department of Mental Health and Mental Retardation to come up with a plan for both mental health and retardation and come back to committee to tell us. They have to do it by the 15th of February and they are in the process right now of doing that.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Hichens.

Representative HICHENS: Mr. Speaker, Members of the House: I would like to get up and support the motion by the good Representative from Portland. I think this is very important. I have had a lot of concerns about privatization of Pineland and I think this might take care of that problem for the time being.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker: I would like to pose a question. My question is primarily, if this amendment were in place, could it in fact or could it serve to impede actions that might be proposed or underway pursuant to the Consent Decree? If so, is it prudent of us to take action that would impede that which we are legally obligated to do?

The SPEAKER: The Representative from Falmouth, Representative Reed, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I have had a lot of discussion with the Department of Human Services and I just want to give you one example and you tell me if this can be done. Under the budget and under the talk of what the Governor wants to do, he wants to privatize the Aging Unit of both Bangor and Augusta. He wants to start that July 1st. Now on June 30th at eleven o'clock that night, somebody who is a state employee at that time comes on board or whenever, say three-thirty or four o'clock, when does that person become a private person, when does that person become a public person? Understand what I am saying, we are going to give up dealing with that hospital as of July 1st. As of July 1st, at the strike of midnight, what does that employee who is working there do? Does he or she continue on as a public employee or as a private employee? That is one of the questions that I've come up with and I think before we endorse any of these ideas of the Consent Decree that we ought to know the answers to that. I don't think this will impede one bit.

First of all, if the Governor is concerned that on July 1st that starts to take place, this gives the Departments well over four months to deal with the situation. All we are saying is, by the 15th of February, come back and tell us how you are going to

do any privatization, whether it is at Pineland, whether it is at Bangor, whether it is at the Levenson Center, whether it is at Augusta Mental Hospital — just tell us how you are going to do it. Otherwise than that, we are giving them permission to do it. By the 15th of February, I think they will have a plan.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: To perhaps expand upon the question just asked, is the intent of this amendment to, in any way, halt or disrupt the millions of dollars of contract that are now in private sector providers — is it the intent to include a summary of those? I would like to have a little clarification as to the impact on those privatization activities that have already transpired.

The SPEAKER: The Representative from Waldo, Representative Whitcomb, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, the answer is no.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "NN" (H-824). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 30 in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, I present House Amendment "BB" (H-810) and move its adoption.

House Amendment "BB" (H-810) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: When a document of this complexity is put together under such trying circumstances, it is inevitable that sometimes the language is not as clear as we would like for it to be. The amendment that I am offering makes crystal clear that the real estate transfer tax returns to its former usage in the Home Fund at the end of this biennium. It is simply a clarification and, from all discussions I have had or heard about on this issue, that was the intent of the Appropriations Committee.

Subsequently, House Amendment "BB" (H-810) was adopted.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, I present House Amendment "EE" (H-813) and move its adoption.

House Amendment "EE" (H-813) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I will begin, if I may, by reading the motion of the Education Committee that was conducted as of yesterday. "The Education Committee is opposed to cutting General Purpose Aid to local schools. We want to be on Record as opposing that flat out. But, if a cut must be made,

we recommend that the currently recommended \$16.1 million dollars be reduced to \$9 million. The \$7 million dollar hole that is slightly more than \$7 million dollars that is created by this action should be filled by adjustments to the Tax Expenditure Budget, otherwise known as tax exemptions, to be decided by the Taxation Committee." That amount of money, by the way, is just slightly over (if this is enacted) 2 percent reduction in those exemptions.

I want to emphasize at the outset as well that we are not looking to eliminate those exemptions totally, we are just saying that this potential source of funds is just as much (or should be) on the Table as General Assistance, revenue sharing, General Purpose Aid to Education and a whole bunch of other items that have been on the Table.

It is my understanding from the material that was presented to the Taxation Committee back this past Spring that nearly \$700 million dollars, over \$700 million dollars it is my understanding, but we will rough it off as \$700 million dollars, is out there in exemptions. Assuming that just half of that amount is untouchable, and we are told from different people that some of those items just cannot be touched, I don't know that I agree with that. I think there are a lot of people who feel as I do that, in fact, all of them should be looked at, everything should be looked at in this time of dire need that we have. But if that were the case, if just half of that, 2.5 percent of the remainder would bring in \$8,750,000 which would be obviously more than enough to make up the difference as a result of this piece of legislation.

I don't know who intends to get up and speak for this amendment nor do I know who is going to get and speak against it but I would assume, having heard them already in the hall and at other places, arguments you will probably hear that it is too late, that it is unfair, that it is inequitable, that we can't do it. I find those arguments to be rather hollow when anyone using those same arguments against reductions in General Purpose Aid are ignored.

With that Mr. Speaker, I would urge this amendment to be adopted.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "EE" (H-813). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 70 in the negative, House Amendment "EE" (H-813) was not adopted.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, I present House Amendment "GG" (H-815) and move its adoption.

House Amendment "GG" (H-815) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: This is an amendment that would retain the State Government Internship Program Advisory Committee. The purpose of that committee is to make the selection of student interns that work in the summertime throughout state government for a small stipend.

I would say as well, in the flurry to eliminate advisory committees, this particular advisory committee has no fiscal impact and simply is a

decision making committee.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you would not support this. We have eliminated many boards and commissions and we have purposely avoided the discussion over which has merits and which has demerits. We look at all that have an impact on the General Fund. This showed up on the list and, in response to a comment made by the prior speaker, I in fact served on this advisory committee and I would suggest that, since they meet one time a year to look at applications to the internship program, it could be done in a very informal fashion. I think to start dismantling the agreement in the budget on all these advisory boards and commissions would be disastrous at this time.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "GG" (H-815). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 77 in the negative, House Amendment "GG" (H-815) was not adopted.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, I present House Amendment "QQ" (H-827) and move its adoption.

House Amendment "QQ" (H-827) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I think we have already heard about a number of instances where we are looking at privatization of state services. I know we already have quite a few but there has already been an amendment that was adopted relative to plans to privatize Mental Health and Mental Retardation Institutions. These are only a couple of instances of the direction in which we see ourselves headed. Unfortunately, we have precious few safeguards regarding the contracting out or the selling of state services and having it provided by the private sector. This bill would provide for a safeguard, it is not a money issue, but for those of you who are concerned about the expenditure of state tax dollars and ensuring the integrity of those tax dollars, I hope you will take a moment to see what this amendment would do.

This amendment would provide that any person or corporation who is involved in the formulation of a request for a proposal would be prohibited for bidding on that contract. It is a straight conflict of interest prevention and would prevent those who would be bidding from taking an unfair advantage by being involved in a formulation of that proposal.

The second part of the amendment would provide for a disclosure and audit so that those tax dollars that went to a firm could be tracked and there could be a level of accountability.

I hope that you will support me and support this amendment.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking in opposition to this amendment for one reason. It has been brought to my attention that this amendment is a

substantive change that could be construed in a manner that would prohibit pre-bid conferences in the issuances of state contracts. I think that that is enough of an item to cause us to want rethink whether we would go forward with an amendment of this type at this point in time. So, I urge that this amendment be defeated.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would just like to clarify this a little bit. Explaining what a contract is about to a group of people who are considering bidding is quite different than being involved in a formulation of that RFP. I think we are talking about two separate issues here.

I just want to raise an issue that may cause some of you to think further about this. I don't know if any of you have read recently of the abuses in the private sector, The Psychiatric Institute of America, PIA, and some of the nationwide problems that they have been involved in — if an organization like this, which is one of the more exclusive privatization possibilities for mental health were consulted regarding this and were involved with this, I don't think many of us would be too pleased about it but then they were a sole bidder. So, I think you need to look very carefully at how our state contracts are formulated and who is involved in formulating them.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

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

It is my understanding that the second section of this action requires anyone dealing with the state to open their books to an audit of the state regardless of whether or not I do one-half of one percent of my business with the state or 99 percent of my business with the state. Is that what is intended? It would seem to read that way.

The SPEAKER: The Representative from Fryeburg, Representative Hastings, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would be more than happy to repeat what I said earlier.

This would allow for the tracking of those tax dollars that comes in a section that deals with contracts and it would allow for the tracking of those tax dollars if an agency, the company of an entity, had a contract so there can be a full accountability.

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.

Just to be clear in my mind, would this Part II of the amendment include any law firms that have contracts with any state agencies for legal help, would they be subject to full financial disclosure and audit?

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

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and

Gentlemen of the House: I commend the author of this for what is intended and there is a bit of it that is covered under Section I but what it does under Section II is, to me, a fantastic change in policy. Were it to follow exactly as it is written, I assure you that you might find the state having a difficult time getting any contracts.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "QQ" (H-827). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 67 in the negative, House Amendment "QQ" (H-827) was not adopted.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, I present House Amendment "X" (H-806) and move its adoption.

House Amendment "X" (H-806) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I have thought that I would offer no amendment until those were passed.

This particular amendment is similar to those that have been adopted. It simply clarifies what is already in the Act to the landfill closures. If you look on Page 165 in the Supplemental Budget bill, you will see that this simply extends the date from the middle of the winter where no landfill is ever going to be closed on December 31st to July 1 of next Fall. I discussed this with DEP and they assure me that in reality that is exactly what happens.

The second part of that simply requires the DEP, in setting aside the waivers which we have granted by statute, to document the evidence as they claim that they would normally do. This landfill mandate that is waived by the budget bill affects over 150 towns in this state. It also affects many more who put their waste into those. By giving it until July 1st, you do get two town meetings to vote on money that you are going to have to raise so you can raise half of it this year and half of it next year by simply giving them the time to do this under tough budget constrictions for the towns.

I urge you to simply adopt this as realistic and the balance of it is simply clarifying the language that is already in the budget bill.

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

Representative COLES: Mr. Speaker, Men and Women of the House: I don't have much objection to the extension of the date, I think Representative Hastings made a fair statement on that but the rest of it, particularly the part that says "extraordinary" does cause a lot of problems. The present law apparently reads that it must propose an immediate hazard to public health or the environment. I am not sure what "extraordinary" adds to that nor am I sure how anyone defines the word "extraordinary." What I do know is that, when landfills are leaking, they are leaking into drinking water and if we want to limit the threat of our drinking water to only some sort of undefined "extraordinary" situation, we are going to incur an awfully lot of additional expense down the line providing alternative drinking water for people.

Again, the point has been made by many amendments today, this amendment is not a budgetary issue, it is

an issue which if the Representative wishes to pursue it, he should, and I hope he would, pursue it in front of the proper committee of jurisdiction.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: The previous gentleman just brought me to my feet when he said this is not a budgetary issue. It may not be a budgetary issue for the State of Maine but it is a budgetary issue for the towns across this state.

I think the good gentleman from Fryeburg is absolutely right when he said that we ought to give them until July instead of December 31st. There are a lot of towns out there that are in the process of going through this right now and we are one of them. If the state wants us to complete our closing plan, then give us the money. If you can't give us some money, then you ought to extend it.

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: To clarify what has gone on, what the committee decided to do, as some of you who have municipalities whose landfills must be closed at the end of this month, was to extend the date until December 31, 1992 to give the municipalities that extended time frame. We also decided to refer this issue to the committee of jurisdiction. It does have an impact to municipalities. I feel very strongly that the Appropriations Committee, now that I am a member of the Appropriations Committee, should not be meddling with policy issues that other committees should deal with. They have done it to a great extent in the past and continue to do it. Although you might agree with this particular issue, that is fine, but there might be an issue later on down the road that you might not agree with that has no fiscal impact to the state and that might not be fine. We did give an extension for a year. The original proposal was for (I believe) a couple of years but we decided that the committee of jurisdiction should deal with that issue and not the Appropriations Committee.

I will tell members of this body, if you don't keep an eye on the budget, you will continually see amendments that have nothing to do with the budget. All we will deal with is particular projects or interests that members of the Appropriations Committee or leadership feel very strongly about and they will stick it in the budget. That is not the place for these types of amendments. This is not the only issue, there are several issues in the budget that has nothing to do with budgetary matters that we are dealing with. Whether you like this one or dislike it, it should not be in the budget and neither should some of the other matters that are in the budget.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I thought that I was trying to make a clarity to that which I found very muddled. If you look at Page 165 in the Supplemental Budget, you will see exactly what I mean.

I discussed this with the DEP and I asked them exactly what they understood was immediate hazard if you had landfill that was out there built on permeable soil types such as sand and gravel deposit

areas. They said, "Yes, that would obviously create a hazard because it undoubtedly is leaking and is probably going into somebody's ground water somewhere." I will tell you that probably 98 percent of the landfills out there are built in this manner. These are old landfills that the state is trying to close down. It costs hundreds of thousands of dollars to close them. The state is telling us on the local level to close them. They say that they will pay 70 percent, you go out and fund the whole thing and come back to us when you have funded it and we will pay you the 70 percent. Baloney, the state doesn't have a dime to pay for these local groups, not a dime. Yet, we are mandating here. This is a tax issue, just as the GPA is, just as General Assistance.

This simply clarifies those that are going to have to be closed, regardless of the labor because there is "extraordinary" — there is an extreme hazard. I want those closed, we all do, but those which sit there because of their location and probably to some degree cause a problem, we are going to be able to get this waiver until the summer of 1992.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: If I may on this horrendous day, the Energy and Natural Resources Committee looked at extending the deadline and we talked about the language which is in Representative Hastings' bill and that would be that the burden of proof on the town that they are not polluting, understanding that there is a cost to that.

What this amendment does is put the burden of proof on DEP that there is pollution so the cost is on DEP. There is not much left of DEP so I have got to assume that probably there will be no proof on either part, that the landfill is polluting or not polluting.

The questions I asked and I haven't got an answer yet is if the town does, indeed, take advantage of the deadline extension and the town's landfill pollutes, who will pay the damages? If it affects people in the town or people in the next town or the town after that, if it enters somebody's water supply and affects two or three towns, will that town be financially liable? The best information I have is that, yes, they will be, 100 percent. The taxpayers in that town will pay.

The second concern we have is that this mandate that Representative Hastings talks about is not something that the Maine Legislature and the Energy and Natural Resources Committee just thought up all on their own. There is a new piece of federal legislation that came down from Congress that is going to affect the quality of water statewide. My understanding is, if someone suspects that a town's landfill that has gone by its deadline for whatever reason and is polluting groundwater, they get hold of the feds and the feds will come in and make sure that doesn't happen. I guess that's probably okay too because the federal government isn't going to listen to any excuses on why you polluted town water, they are just going to take action and the town is going to pay the bill. So, as long as those two things are clear in my mind, I don't really have any problem with extending the deadline because I understand what the towns are going through but I don't want anyone

to go back believing that DEP has the money or even has the inclination, I imagine, to go and check on one of these landfills to prove that they are contaminating. They will wait until the contamination starts bubbling up in somebody's sink when they drink water and I guess by then it is going to be too late. But, if the people in the town are willing to assume that risk and assume that liability, I guess that's okay.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "X" (H-806). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 60 in the negative, House Amendment "X" (H-806) was not adopted.

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

Representative KERR: Mr. Speaker, I present House Amendment "CC" (H-811) and move its adoption.

House Amendment "CC" (H-811) was read by the Clerk.

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

Representative KERR: Mr. Speaker, Ladies and Gentlemen of the House: We have all acknowledged today that the economy is bad and probably is going to get worse. What this amendment does is rescind state stipends granted to employees with the exception of those employees in the Augusta Mental Health Institute and Bangor Mental Health Institute and Pineland Center. So what we will be doing for the first five months of this year, there will be a savings of \$89,987. Those savings will go towards the municipal revenue sharing appropriations and next year's savings, and I took the total because I think we shouldn't just be looking at the effect on just the General Fund, because in 1993, the annual state savings will exceed \$800,000. In the General Fund savings, it will be \$210,000. Again, I don't think that these stipends are necessary, there are plenty of people out of work and, for those who feel they need a stipend and they can't live within the salary that they are getting, they can leave. There is a thousand people out there that will apply for that job. I can't stand here in good conscience and tell you that they warrant a stipend so that is why I would urge you to support this bill.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, I would like to pose a question through the Chair, please.

I apologize for having to pose this by the way. In the normal course of things, I suppose I would have been out back and speaking to the sponsor to get clarification but because of the rush of which we are doing these, I feel absolutely mystified by what stipends we are talking about. What are state stipends as opposed to salary as opposed to anything else? Who is getting stipends? What is the amount? How much are they? What are they for? Any clarification would be helpful.

The SPEAKER: The Representative from South Portland, Representative Anthony, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Old

Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Ladies and Gentlemen of the House: During the committee process at the State and Local Committee, we reviewed some of the computer personnel that is employed by the state and others. The amount of some of these stipends exceed \$7,000. The average stipend for these individuals is about \$1,500. The reason that they were given these stipends years back was so the state could compete with the private sector. I think that time has long gone, we have to correct that impropriety and I just think this is a prudent measure to start now to reduce state spending.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, I would like to ask for further clarification. I gather then that state stipends is a technical term meaning payments over and above salary? Is it defined anywhere in law and does it only apply to the computer personnel that you referred to?

The SPEAKER: The Representative from South Portland, Representative Anthony, has posed additional questions through the Chair to anyone who may respond if they so desire.

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

Representative KERR: Mr. Speaker, Ladies and Gentlemen of the House: It doesn't just apply to those individuals. What this stipend has done and it really is compounded because when people got their salary increases, whether they be 7 percent or 3 percent, they would get those and then on top of that, they would get a stipend.

I don't think we can afford these types of payments any longer.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "CC" (H-811). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

21 having voted in the affirmative and 69 in the negative, House Amendment "CC" (H-811) was not adopted.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, I offer House Amendment "N" (H-796) and move its adoption.

House Amendment "N" (H-796) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Men and Women of the House: What this bill does and I will give it to you in a nutshell and then go to explain it just a little bit further is that we have department in state government called the Bureau of Human Resources. In essence, that is personnel in state government, they are responsible for all the hiring of state employees.

What I have done with this amendment is I have kept a certain amount of funds in Personnel within that Department and their responsibility would be to have the hiring responsibility given out to the various agencies for hiring employees and the reason for that is that it is my feeling and my experience being in state government this three years in the legislature but also prior to that is that there is a lack of sensitivity as to who in fact are actually hiring. There is no one-on-one until you get to some

stage in the process by getting on the register. I am not saying that it works and it does work but it is very costly, very expensive and what I am saying is that you can probably accomplish the same thing in a much more efficient manner.

This is a substantive change but the reason why I am doing it now and I feel that it is necessary is that it also has a savings by a cut in state government. The savings is approximately \$316,027. I am dividing those funds to be appropriated one-half to the GPA, General Purpose Aid, and one-half to municipal revenue sharing and that amounts to \$158,000 to each of those budget items.

The other concern that some people may have is the fact that, by having our current structure, is that we are mandated by federal government to have a uniform hiring policy and we have one based on our current structure. This agency would not totally become defunct until 1993 and their responsibilities are in two parts, first to provide a manner in which you would have an orderly transfer of those responsibilities to the various agencies, be it education or whatever, and how to do the hiring within the agencies but it leaves it up to those agencies to hire their own personnel.

Secondly, it requires in that interim transfer that the existing agency would have to come up with a new hiring policy that would meet the federal guidelines and they would come back to the 116th Legislature with recommending those changes so that this body could then look at those changes and make sure that they are in order.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will oppose the amendment before you. I have looked at this and read this amendment with some interest the issue of the Personnel Department in the State of Maine or what used to be the Personnel Department. It was in fact until a study was done by the State Government Committee in 1985 or 1986 that analyzed the State Personnel Department for its functions and recommending in 1985 and 1986 that it be changed to a Bureau of Human Resources. At that time to be effective in 1987 so we are talking about a Bureau that has only be intact for a relatively short period of time. It was designed to be service agency. Prior to that point, the Personnel Department was, at several times, part of the Governor's Cabinet and there was always an element of chasm between state employees and I think of the Administration because of that. When the new Personnel Department became the Bureau of Human Resources, one of the major points of that was that it should become a service agency for state employees and not in spite of state employees. In fact, we have barred the Human Resources from being involved in any portions of collective bargaining so that employees would recognize the Bureau of Human Resources as their Personnel Department and not the Administration's Department.

In that law, they attempted to and have attempted to deal with several problems that have occurred over the years, the problem of the registers. If you go apply for a job now in state government, over the years you had to fill out a register, everything was done manually, nothing was on computer, nothing was automated, several recommendations were made in the

areas of the changing of registers and certification systems. They have computerized many of the systems, the payroll systems and the personnel systems, much more so than they ever have in the past.

They have done a great job with the personnel evaluations that were never being conducted and, frankly, still aren't to my satisfaction in state government. Actually if you look at the report in 1986, it suggests that they take a planned, positive approach toward decentralizing many of the functions and they have begun on that approach. In fact, they do think there is areas in state government where they can do more direct hires from an agency level and that there are more areas where they can decentralize but, frankly, in the last year and a half, the decentralization agenda has been overshadowed by our financial crisis and most of the time that the Bureau has spent has dealt with the demands of furloughs, shutdowns, hiring freezes, retirement plans and they have really kind of derailed their ability to do the types of decentralization that I think many of us would like to see.

My concern with this amendment at this time is that I don't think they are ready to do it. I think I may support something like this in a year or two, once we have a plan in progress to implement this on a regular basis, one that is thought out, not one done just for the sake of money. I think that is well-intended because I think we are all trying to find money wherever we can and the earnest part of the problem that a lot of us have with these changes is that in our desperation in search of money to resolve a six months crisis is that we begin to undermine some things that are really going to help our state to recover in the long run. I think in this case my concerns have been some of the concerns that Representative Richards has referenced.

I understand the transition clause that he has put in here dealing with the report back to the legislature but we do have a merit system in place and to the extent that we allow individual agency departments to be hiring around state government without some sort of controls, you do jeopardize that merit system. The reason that we have this system in place is to ensure some equitable treatment to avoid the cronyism and nepotism that took place in the years past. It is important that when we are attempting to change classifications or reclassifying employees that there be an identifiable, impartial function someplace in state government that is not necessarily within a specific agency so that those classifications can be done fairly and impartially without doubt.

I am a little concerned still, however, that one of the positions also being abolished in this is one of the state affirmative action coordinator positions. It is very important now when you are dealing with the federal government that you don't put yourself in a vice of not being able to maintain your records for affirmative action on a regular basis to the extent that you are decentralizing your hiring throughout various state agencies. You tend to jeopardize your ability to maintain those records and to ensure a progressive affirmative action policy.

I think it is well-intended, I think it may be a year and a half ahead of its time. I do favor decentralization in many areas but I think it has to be planned and I think the Bureau of Human Resources, by its charge by the State Government Committee in

1986, through its implementation in the last couple of years, is heading in that direction. I think this is just a little premature and I would encourage you to oppose the amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is the adoption of House Amendment "N" (H-796). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

6 having voted in the affirmative and 97 in the negative, House Amendment "N" (H-796) was not adopted.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, I present House Amendment "FF" (H-814) and move its adoption.

House Amendment "FF" (H-814) was read by the Assistant Clerk.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Men and Women of the House: What this bill does is does away with the Maine Waste Management Agency. Probably if Hampden/Hermon was not selected as a site, perhaps this might not have been my issue but I was infused into this process because we were on one of the selection sites just as anybody else that was one of the original 22 sites probably became more interested in this issue.

I stand here before you tonight with at least news from the residents of Hampden/Hermon and the surrounding communities that the agency has taken the Hampden/Hermon site off the consideration and for good reason which we have been saying for the past three or four months.

I guess you might say that perhaps I should sit down and that it is no longer my issue. But, after thinking about this and saying, "Well, I'm off the hook," I have got to think that as myself as a Representative, not only of my district but of the State of Maine, and what I need to share with you as why I feel that this agency is something that (1) we can't afford and (2) I don't think is carrying out the mandate that we gave it as the legislature. I share that because of the experience I have had over the last three months in watching the agency go through the process.

We originally started out with 22 sites in this state and we readily came down to about 18 and then we came down to about 6. These sites were selected by aerial maps by drive-by's and by information from communities and by looking at soil maps. In large part, a lot of impetuous decisions were made and I can't really fault that but the fact is that we gave this agency by March to be able to come up with a site. So, if in a year's time at a great expense to this state, and that is also funded by funds from fees that we imposed, is that we now come to the point where you are stuck with about 6 sites. We are narrowed down now, I believe, to 3 sites, Alton and Biddeford. Arundel, I believe, is the other site.

The problem is that when the first criteria for selecting a site is that you have to have a certain amount of ground. As the process went on, that became less of a criteria so you had Hampden/Hermon being treated different than other areas that were selected and excluded because of the size. It came down to the Hampden/Hermon area and it became really evident today, I guess, that there was only roughly 2.6 acres of the required 50 acres to take care of putting in a special waste landfill site. That cost

us \$80,000 to convince them they were wrong. It is not that they came forward and presented evidence that would be the next stage in selecting a site and have the DEP take it over to then do that extensive study. What their role is is that they got to present, if I put it in legal terms, "clear and convincing evidence" that the site we are going to select is the site and now we are going to spend valuable tax dollars to now spend millions of dollars certifying that site. We also are going to give the communities \$300,000 to also monitor that process.

We were brought to the point of convincing them, not based on "clear and convincing evidence" we give it to them, it came to the cost of the communities. Alton, which is a relatively poor town, raised, not out of monies that they had, raised \$20,000 to convince them that they are wrong. They still haven't convinced them because they are still on the list. Arundel and Biddeford currently have a lawsuit involved in this whole process criticizing the agency of what they have done for selecting criteria and they have spent close to \$100,000. I can't begin to tell you is that the cost of ultimately for litigation to this thing is going to run into tens of thousands of dollars, if it comes push to shove.

We have seen a number of amendments that came through here, one dealing with the 300 foot setback and that would have made it easier to pass that site in our area and given the recognition that all landfills leak and the agency recognizes that.

I guess I can from A to Z criticize why the Hampden/Hermon site was not the appropriate site and why the system is flawed but that probably is not too productive. The real thing is, is can we afford an agency that expends about \$3.2 million (at this time) when we are considering needing those monies to educate our children and also to relieve the property tax dollars on our towns. That seems to be the issue at hand.

What this amendment does is it takes what I thought originally \$1 million (I was told) in FY91-92 and divide it up 50/50 to GPA and revenue sharing. I learned today that that \$1 million dollars is spent so we are going to take that \$1 million dollars and that agency is indebted themselves and we are just going to pay that right out now. They are also encumbering on funds for 1992-1993 and will continue to encumber funds for 1992-1993. The potential savings that we have 1992-1993 are roughly \$2.8 million dollars. I have designated that in 1992-1993, those funds are split 50/50 to go to the GPA and to revenue sharing. I have also indicated that \$500,000 would go to the Department of Environmental Protection for recycling efforts only and that is to provide education. I don't think it is enough money for grants but I think there are a lot of things that we need to do as far as taking care of our waste stream. Number one is recycling and trying to develop markets, trying to provide a forum in this northeastern region so that we have other states that will also go along with us in realizing the severity of this problem so we can have an impact on manufacturers, consumers, so we can provide healthy, creative, patient ways of how to deal with the waste problems, which is not done crammed in one year.

By the way, when we passed this legislation, if you recall, SLF, Sawyer Landfill in Hampden, Maine, which is one peak is that we have about six months left. So, there is a big urgency to pass this bill

through because of that time limit. Well, to my reluctance and to a lot of swallowing in our community, we have extended the cost of the crisis we are experiencing in this state five years. We have extended that site five years. We have provided patience in the process to come up with some creative solutions as to where we can locate these places. We have also learned Norridgewock has potentially another ten years so that is 15 years of waste that we have so that we can come up with some creative ideas. I think everybody here, not only in this process here but back home, knows that the agency has a lot of flaws. The fact of it is that it is too expensive to run and there is a better way that we can take care of this problem with siting.

One of the things and one of the last things I have to share with you and another reason which really prompted me to bring in this legislation and if this does not prevail, I guess legislation next time around, is the fact that we are elected as State Representatives and, as you know, in the Constitution, we are determined to be a republic. A republic form of government in our democracy is a fact that we elect people to represent the voice of our people, that gives that social contract. With that, when we go home and we give the responsibility and the authority to the various agencies and groups that are to implement what we have passed here in legislation, it is not to say that they then turn and become sort of a monarchy or some form of government where the law comes above and you regulate and demand down on people, trained people. What it is that those agencies have to carry out our intent with the same reflection in the voice of those people given the guidelines that we have given them. My criticism of the agency and perhaps many agencies is that we have given them those responsibilities but when you hear quotes coming out of this agency that "Well, we sought it in Hampden/Hermon and we sought it in other areas, populated areas, and the statute doesn't provide for people. It provides for everything else but people. The quote was from one of the people on the siting board, in fact I think the chairman, that "Well, it if it out of sight, it is out of mind." If you think about that for a minute, that is really offensive — "ought of sight, out of mind" — that means, I am going to put the garbage in your backyard and the reason why I am putting it in your backyard is because if we hide it someplace, you are not going to think about it and you are not going to have a problem so I am going to train you to think about the problem and that is how we are going to take care of it. That, to me, is not what our Constitution is all about, that is not part of the social contract that we have a responsibility to enforce here in state government.

I think when we go on after this amendment and other bills is that we have to critically look at those types of things that are coming out of state government and make sure that they are reflecting the voice of the people.

My last pitch for this bill is the fact that in this time of crisis, I think we can't afford to have this agency go more in debt. The urgency for a solution is not there. We have next year and the next two years to come with creative solutions to be able to deal with how we take care of waste. What it means next year is that we have roughly \$2.8 million dollars to go to education and GPA. We also have some funds reserved, \$500,000, that will advance the

recycling effort which is a priority in the bill to begin with which is all transferred in this bill. That survives intact.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, I move that House Amendment "FF" be indefinitely postponed.

Mr. Speaker, Men and Women of the House: I wish that Representative Richards would have put the share of his concerns with the Energy and Natural Resources Committee through the normal procedures and submitted a bill to the council so that we have (in three weeks) when we reconvene in the Second Regular Session and at that time the committee would look at it and decide whether his ideas had any merit or not.

The amendment abolishes an agency which the Energy and Natural Resources Committee worked long and hard on. I was on the committee at the time and we were here for 28 days, I believe, and we tried to do a good job. Clearly, Representative Richards doesn't think that the job we did was perfect and he is probably right but I think there were two things that the committee had in mind then. We felt that we shouldn't have a society that was falling its own nest, that we should take care of our waste and that was one of the things that we were looking at and, more importantly, I think the committee felt that the people who have to live near those landfills which the state will build should have the assurance that the decision to build the landfill would be a fair decision. I believe if this amendment is passed that the operators of any future landfills that the Department of Environmental Protection, and I might be wrong because it is a long amendment, would also be the licensing agency and we didn't think it really looked good to have the operators of landfill also be the licensing agency.

Most importantly, I think this is a substantive piece of legislation, it is an important amendment, it changes an awful lot of substantive law, it doesn't have anything to do with the budget and the legislature is going to reconvene in a few weeks and you can put a bill in and send it to the committee that has jurisdiction over this policy and we will look at it at that time. I don't think it is appropriate to be putting in major bills to abolish agencies in a special session when we have a budget bill before us.

I hope you will vote against this particular amendment. I don't know that there aren't some good ideas in here but I don't think it is the appropriate form to discuss them.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I wish you would tell that to the towns of Alton, Biddeford, Arundel, Buxton, my few towns, Representative Lebowitz' town who have spent \$80,000. We are not rich, we are going through the same problem that everybody is in this state but the fact of it is that — is this one more good idea that we have come with, and it is, because I think we have learned a lot in this process a very expensive lesson, but why perpetuate the problem? Why not get rid of it now and take lessons that we have learned and do something that will take care of what our problems are in recycling and reducing the amount of waste that we have in a stream and not exacerbate the problem by perpetuating an agency that is not working and will continue not to work because of the type of

problem that this is? So, this is a budgetary matter. The fact of it is that it is costing us lots of tax dollars, dollars that can go to education and also in reducing the amount of property tax burden that the taxpayers are ultimately going to have to face.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I represent a district which is the last district in southern Maine to have a special waste landfill on the list and the landfill would be sited in the heart of the town that I have lived in all my life so I do speak in defense of my community. However, I think the people that I have listened to in my community who have concerns with the Waste Management Agency are primarily concerned with the Office of Siting and the siting process, the site selection process for the special waste landfills and not the rest of the functions in that agency. The rest of the agency has done a commendable job in trying to promote a rational approach to dealing with solid waste is this state and what we really need to do in dealing with the problem of siting is, go back to the Energy and Natural Resources Committee when we come back in session, and revisit that issue in a rational way and not merely with an axe as we would do here in eliminating the whole department, the whole agency.

My community has benefited extensively from the expertise of the Waste Management Agency in the area of recycling and waste reduction and I don't think the people in my community would want to give that up and give up what potentially they could get in the future from that agency that most definitely would not be available from DEP with the proposed transfer that is in this amendment.

I would hope you would support indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Plourde.

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I only want to make a couple of comments here.

My district also is involved with the siting of this special waste landfill. It has become a very, very emotional but also a very costly venture. We are here to solve a budget problem and this is part of it.

We created another agency to deal with solid waste issues. We already had a department, DEP, to deal with that but yet we had to create another agency which is costing us millions. Yes, as my good Representative from Arundel has stated, maybe they have done a good job but all we are doing is asking DEP to be responsible and save some money but still carry on the same goals that we are seeking so, therefore, I ask you to oppose the indefinite postponement.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: This bill — there are two points I want to make about it. One is that it makes a significant policy change, it removes the ban on commercial landfills in this state. When that ban was enacted several years ago, this House and representatives from all over the state were avid in trying to get that ban enacted. There were four or five sites along the New Hampshire and York County

and various other proposals around the state and people were really up in arms that commercial landfill operators would come in and import a lot of out-of-state waste and make a big profit at the expense of Maine people and Maine's environment.

This bill would wipe out that and make that change. That is a major policy change and it ought to be done, as Representative Mitchell said, after due consideration and discussion.

I personally am ready to think about that idea. I also am ready to think about the other major changes this bill does by wiping out the disposal operations, wiping out the state's role in siting and building landfills. Again, those two things are tied together and they are a major change from existing law. Do you want to make that kind of change so hastily, particularly as any budget impact in this bill will occur after next July 1st, three months after our Second Regular Session would have finished? So, any impact from this bill on the budget won't occur for six months from today. It seems to me, therefore, totally unnecessary to consider this matter today when we could take it up in the Second Regular Session and have exactly the same impact if we wish as if we had adopted this today.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, My Learned Colleagues: I was one that worked hard to have this agency inaugurated. It isn't working, it is not working. Every day that it is in existence, it is costing us money. We haven't got the money to support it, we are going in debt more and more all the time and I am amazed by some of the actions taking place.

I don't represent the town of Buxton but let me tell you what happened in the town of Buxton — the town of Buxton has spent about \$100,000 to prove to that agency that the site that they picked was not suited. For goodness sakes, if they went down there and looked the place, they started with 300 acres, they got down to less than 30 acres and then, when they went ahead after the consultants and engineers and everybody else had spent a lot of money, they determined that the big 11 loop powerline went right across to the 30 acres that was left. For heaven sakes, how long are we going to allow this to happen before we say, "Enough is enough?"

Now we should be recycling — wonderful thing, we worked hard, I have worked hard on it, I spent three hours downstairs Monday on the logo that they are going to use for recycling. Now when we talked about recycling last Spring in the bill, we talked to them that the northeast states were working together to get a program and we directed them, more or less, to say, "Let's keep in mind what the Northeast states are doing." Oh no, they want to go right ahead and go way above that. So my goodness, gracious folks, they are not even listening to us.

They took 50 miles from the plans that were for these sitings, we never told them 50 miles, this is the kind of action that is going on. Maybe these other two fellows are right, that maybe this should be done on a bill but if we are going to get a bill, we had better get on it before they spend another million bucks for nothing.

I urge you not to indefinitely postpone it but let's pass this thing and get rid of that agency.

The SPEAKER: The Chair recognizes the

Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Members of the House: I would like to stress that I am not here to criticize the 114th Legislature for enacting a comprehensive state solid waste management plan nor am I here to dismantle and criticize the Maine Waste Management Agency. All people involved at the time made the best decisions that they were capable of making, given the status of the issues and the available monetary resources that they had. I think that those resources, as the good Representative from Hampden has said, have run out. The policy of solid waste was and still is changing rapidly in this state and throughout the country.

I am here, however, to say that we have witnessed enough. In the past three years, this policy has not improved the handling of the waste in this state. I would like to look back for a second and go back a few years and reiterate why the State of Maine undertook a statewide waste management agency policy. Maine was being threatened as becoming the solid waste landfill incinerator of New England and the landfill speculators were knocking on our doors promising the disposal of waste at an impossible low cost and I think the people that are in the area of Biddeford/Saco, York County were approached by MERC and, at the time, they sold the communities in that area, the 33, that we would be able to dispose of our waste at an approximate cost of \$8 a ton. Today, that cost exceeds \$40 a ton and continues to rise. That is a budgetary matter. Maybe not at the state level but I can assure you at the local level it is.

Municipal landfills, true, were poorly sited and improperly operated. We were and still are polluting our surface in ground waters while putting off the cost of proper disposal to some time in the future which we continue to do here and we have done. Where are we today? We have effected stringent and comprehensive landfill regulations to ensure that new landfills will not be detrimental to our environment. We have effected a recycling and waste reduction program which is the most ambitious in the nation and that is something we can all be proud of.

While it may not meet our initial goals, it is certainly going to reduce the amount of waste which must be disposed of. It certainly has created better effort among our citizens with respect to waste. We can look proudly to the successes in waste management, we have modified, we have altered our life-styles, communities have made the difference, communities are recycling.

I don't think we can look proudly toward our policy though with respect to waste disposal. How ironic that several communities along the central Maine coast have now opted to truck the municipal waste to Rochester, New Hampshire where waste management has their landfill. We have created the same problem with our boundaries which have forced communities from our neighboring states to send their waste to Maine. Other communities have no option but to truck their waste halfway across the state to an incinerator. We have shut down or prevented the construction of commercial landfills so that after this year we will one commercial landfill capable of handling special waste.

I believe that the Maine Waste Management Agency has the proper controls in place for commercial and municipal landfill siting designs constructions in

operation. Let us allow responsible private enterprise back into the state to site and operate commercial landfills. Let us give local government clear options for the disposal of municipal solid waste in order to keep their costs down and let's save precious revenues by getting the state out of the landfill business.

I urge you not to support the indefinite postponement of this amendment.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: I remember the day that we voted the solid waste bill in and I am no Einstein but I said at the time, in my opinion which is a humble opinion, that we are taking on too much, too fast and we would pay for it sometime because we wouldn't be able to keep up with the processes. What has come to pass is not my predictions but the thing we have taken on is so enormous but at the same time, I think it would be a mistake for us here tonight to accept this bill that would chop it off tonight. I think what should be done is, when we are in session next year, that the appropriate standing committee would look into the complete solid waste bill because there are a lot of good things in it. We shouldn't chop out the good things and I think what should be done is that the proper standing committee take its time and go through it, it took an awful long time to organize it, let them come up with a proper solution and then testify before that committee with your concerns.

I encourage you to go with the indefinite postponement motion.

Representative Richards of Hampden 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 indefinite postponement of House Amendment "FF" (H-814). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 260

YEA - Adams, Aikman, Aliberti, Anthony, Ault, Bell, Butland, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Daggett, Erwin, Farren, Foss, Gean, Goodridge, Graham, Gray, Gurney, Handy, Hastings, Heeschen, Hichborn, Hوجلund, Holt, Jacques, Ketover, Kontos, Larrivee, Lawrence, Lemke, Libby, Luther, MacBride, Mahany, Manning, Marsh, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Norton, O'Dea, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pfeiffer, Pineau, Pines, Poulin, Pouliot, Powers, Rand, Reed, G.; Richardson, Ruhlin, Rydell, Saint Onge, Simonds, Simpson, Skوجلund, Small, Stevens, P.; Stevenson, Swazey, Tannaro, Tracy, Tupper, Wentworth, Whitcomb, The Speaker.

NAY - Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Bowers, Carleton, Carroll, J.; Clark, H.; DiPietro, Donnelly, Dore, Duffy,

Dutremble, L.; Farnum, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hanley, Heino, Hepburn, Hichens, Hussey, Jalbert, Joseph, Kerr, Ketterer, Kilkelly, Kutasi, Lebowitz, Lipman, Look, Lord, Macomber, Martin, H.; Merrill, Morrison, Nadeau, Nash, Nutting, O'Gara, Ott, Pendexter, Pendleton, Plourde, Reed, W.; Richards, Ricker, Rotondi, Salisbury, Savage, Sheltra, Spear, Stevens, A.; Strout, Tardy, Townsend, Vigue, Waterman.

ABSENT - Crowley, Duplessis, Farnsworth, Hale, Marsano, Mayo, Treat.

Yes, 83; No, 61; Absent, 7; Paired, 0; Excused, 0.

83 having voted in the affirmative and 61 in the negative with 7 being absent, the motion did prevail.

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

Representative GOULD: Mr. Speaker, I present House Amendment "LL" (H-821) and move its adoption.

House Amendment "LL" (H-821) was read by the Assistant Clerk.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let me say what it doesn't do, it does not change anything that the Governor's bill did. It still removes the Comprehensive Planning, the money is exactly the same and so on.

What it does do is, if a municipality decides that it wants to go ahead with Comprehensive Planning, it develops rules which are identical to what the law had previously, it develops the rules by which any municipality who chooses to go ahead with Comprehensive Planning must play. The purpose for doing this is so that no municipality will end up with two or three hundred different types of comprehensive plans. This will lend stability for municipal officials, it will lend stability to developers, it will lend stability to anyone who is dealing with Comprehensive Planning.

I just want to reiterate it does not mandate any municipality do Comprehensive Planning. It just simply says that the town of East Overshoe decides to do municipal planning, these are the guidelines by which the town of East Overshoe will do its planning. That is the only change and if anyone has any questions, I will be glad to answer them.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "LL" (H-821). Those in favor will vote yes those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 56 in the negative, House Amendment "LL" (H-821) was adopted.

(At Ease)

The House was called to order by the Speaker.

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

Representative KILKELLY: Mr. Speaker, I present

House Amendment "RR" (H-828) and move its adoption.
House Amendment "RR" (H-828) was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment proposes to make changes in the current requirements for Teacher Certification. The bill that is before us has already eliminated the requirement that teachers, in renewing their certificates, have a support team process available to them. It also has eliminated the money that was appropriated previously for the support team. We are left with a requirement that someone complete six hours worth of courses over five years.

What I am proposing is that each person currently holding a valid teacher's certificate would merely have that extended for five years. In doing that, we would not need to have as many people in the Division of Certification in the Department of Education because the process has been significantly reduced.

At the beginning of this budget, the Certification Division had twelve and a half positions. By removing the support system requirement, there were three positions eliminated, which left nine and a half positions. I am proposing leaving two and a half positions to deal with new teachers who would need to go through a certification process and to eliminate seven positions. By eliminating seven positions, there is a savings in this particular cycle of \$92,000 and that \$92,000 is then appropriated to the Committee on Aging, the Committee on Mental Health, the Commission on Women and one position at the Maine Youth Center in Education, a guidance position.

My concern is that all of the choices that we need to make today and however long it takes are choices between, not what we would like to do and what we don't want to do, but choices maybe between lots of things that we would like to do and how we are going to make those choices. My concern is that, in a full year, it will cost us more than \$200,000 to monitor and to see if teachers have in fact taken six credit hours of courses. I am not sure that that is the best way that we can spend \$200,000, I think that could be a very strong initiative. There are going to be local systems that are going to continue to have a support system available. There are going to be local systems that will have other requirements in place. That is fine and I believe that is the way it ought to be. In doing that, we then have money that is freed up to look at other things.

I believe that the Committee on Aging is essential. Elderly people need a voice, elderly people need to have their needs represented and as we have a population that is aging and a higher percentage of our population that is aged it is more important that we understand what the needs are and how our system needs to change in order to meet those needs.

I think the Commission on Mental Health is also important because we need to be aware, again, of the changing needs of people that are dealing with mental illness and other issues and we have to, I believe, have advocacy in place if we are going to be responsive.

The Commission on Women — I think advocacy is important and those needs need to be represented.

The Maine Youth Center — I am very concerned about the cuts in education at the Maine Youth Center and as we look at what it is we are doing and the focus that we are trying to put on education, we should not be forgetting that there are children incarcerated and those children have just as much right to education as anyone else. I think it is important that we go in that direction so I would urge you to support this and to allow us to make those changes. I quite seriously do not believe that the quality of education will be impacted in this state by making this change. I do believe that we will have an opportunity to put to a much better use and to a much more efficient use the money that is available.

I would ask for a roll call, Mr. Speaker.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not support this amendment for two basic reasons, one is what it will do to teachers who are looking for certification within the department. Also, because I would hope that you would not restore state bureaucracy. We have heard discussion tonight about the needs of the elderly, women and others who are mentioned here. I hope you will read the amendment carefully because there is not one direct service for women or the elderly. These are advocates at the state level, this is not home based care or other services for the elderly, this is restoration of state bureaucracy.

I would like to speak very briefly about the education cuts. The Appropriations Committee was very sensitive to many in both caucuses who wanted to eliminate some of the bureaucracy in the Department of Education. In this area of the Division of Certification, the Department proposed to deappropriate one position cut, we have cut two more, they are down now to 9 positions. If we eliminate 7, contrary to what was stated earlier, the department probably will not be able to certify any new teachers in Maine, which puts those who are now in college and teacher programs, at a serious disadvantage. You should know that candidates for new certificates are required to pay a fee for those certificates and the legislature has anticipated revenues of almost \$500,000. Those revenues would be lost to the General Fund.

There are several other functions provided by that certification division. Current statutes provide teachers an opportunity for adjudicatory hearings as a result of tentative and denial of certification or also revocation there will be no staff to respond when those adjudicatory hearings processes. It would eliminate placement services provided for teacher candidates in school districts which teacher fees are charged and that revenue would be lost.

I would suggest to you that we are losing in two areas through this, we are losing services for teachers and we have already cut in that division and we are also restoring state positions for advocacy which also fall in the whole area of boards and commissions which do not provide direct services, it is not payment for direct services for the elderly and there are other interest groups and this is a faulty amendment. I hope you will reject it.

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 less than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was not ordered.

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

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

Is there a process by which a count could be taken on the roll call request?

The SPEAKER: The Chair would answer in the negative.

The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House: I rise to speak in favor of the amendment as presented by the good Representative from Wiscasset, Representative Kilkelly. I believe that there are two purposes behind any amendment that has been presented in this process today, as frustrating and seemingly as ineffective to many of us as it may seem to be.

Those two purposes are, I think, not only the idea itself that appears on paper before us but how that idea fits into our fundamental idea of what government is, what it should be doing and what it should be doing for who and how we should be paying for it.

I think the eventual idea is to build a budget that at least two-thirds of us can agree with. For that reason, I think this amendment before us helps to do all three of those things. It would save, as Representative Kilkelly has pointed out, three advocacy groups.

I would like to take a quick look at how it would do it and indeed why we should even bother to do it for them. It would do it by these three groups having, on their own, proposed ways that they shall share office space, share telephones, eliminate duplicative payroll persons, have one person do all of that material. Small things that amount to some big savings when you are starting with a small budget to begin with which is what exactly these three advocacy groups are doing.

Now, why should we bother to do it at this stage of the budget process and at this stage of our evening? Well, one of the recommendations that appears in the Commission on Government Restructuring, the large report which we received (at least I did) in the mail at our homes last night, refers to abolishing most of these agencies and replacing them with one single Office of Advocacy. That Office of Advocacy is based upon a New Jersey model which was cited in testimony at the hearings and which has been embraced in the report.

I went and got some material on this New Jersey model. It just arrived, I have it here, I did not have the opportunity to display it and have it copied for you. The New Jersey model, as near as I can tell, fills an entire eight and a half by seventeen inch xeroxed sheet with small tiny boxes of the bureaucracy that it has created to deal with the present advocacy services covered by less than ten people in three agencies in this state. Because of the speed with which we are working tonight I have had to do a quick count, but I count at least 56 different slots that appear on the organizational

chart of the New Jersey model Department of Advocacy, which is what has been proposed to replace in January, if we pass the law, the things that we may abolish tonight, if we pass the budget unamended. Replacing three agencies with 55 slots from a New Jersey model, not a state I would first turn to for examples of very much, does not seem to me to be progress especially when it seems that these three agencies have come together and proposed, as appears in this amendment, exactly the kind of innovative thinking we have been asking for in all of this process. They have presented us complete with exactly the kind of consolidation we have looked for. They have done precisely the things we have been yearning for, cutting duplicating bureaucracy and doing it in ways that are quiet, easy, and small. It saves three entities whose track record, I think we can all be proud of individually, and as legislators, I am sure we can find its track record present in our own communities.

My own district happens to be the tiniest in the state which will tell you it is, therefore, the most crowded in the state, bar none, probably every single social service agency in Maine has a presence in the district I happen to have, either an office or a client. If I focused alone on the things done by the Maine Commission on Aging, you would find that created by that agency in recent years are these familiar programs. Out of that agency emanated the work that resulted in the home-based care program. Out of that agency came improvements to the low-cost drug program. Out of that agency came the Elderly Tax and Rent Refund Program Improvements, which eventually grew into what we know today as the Circuit Breaker Program. Eliminating the one agency (and I have chosen only one out of three to speak about that has done so many of those things) does not seem to me to be progress if all we are replacing it with is a big "IF" that maybe if we embrace another part of another report in another half of this session, we are replacing it with a New Jersey model involving, at the best, 55 other slots. That is not progress.

I think it is progress to embrace and reward the innovative thinking that we have been asking for all along, which these agencies have presented and which is in the amendment that now sits upon our desks.

These three groups spend very little on office staff and paper stuff, they emphasize people work. They focus directly on their clients. They have done so a long time, they have worked quietly and they have worked well and they have not been here complaining to us. They have come up with an answer and set it on our desks. I think these are answers and services we are going to need now more than ever, no matter what kind of budget we pass tonight. I have cited some of the things offered by the Commission on Aging.

I would remind you of the services offered by the Commission on Mental Health as all of us must realize that, as deinstitutionalization continues by court order and by legislative order, more persons formally resident of mental institutions in one form or another are going to become our neighbors in our towns, in our streets, next door to us, with all their special needs, with all the special understanding that is going to entail.

If you thought there were problems before, abolish all these agencies, continue the deinstitutionalization and then try to answer your

constituent requests for help.

It seems to me what we have before us is a very simple way of doing the very thing we have been asking for all along. The answer is on our table, the need is before us back in our own communities and for that reason, I urge you tonight to support the motion on the floor, the amendment presented by the Representative from Wiscasset, Representative Kilkelly.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I rise to address these concerns because my constituency continuously have surfaced a way that we should be responsible in this legislature in addressing their needs because they have no advocates. I think you have heard me make that statement before in reference to some of the elderly, some of the commissions of advocacy.

I look at this and I say to myself, why are you getting up? Why do you want to face another experience in futility and embarrassment and failure? But, I feel obligated to at least make a plea to this body for the miserable amount of \$92,000 or \$94,000.

I understand the process — the sponsor of this amendment, Representative Kilkelly, identified where it should come from. That is the difficult part, hitting an area that is very sensitive but she had to identify some way to get this money.

The Committee on Aging is very, very close to me because my dear wife was very strongly involved for 20 years with the elderly in providing services for them. I have been very close to that community.

The Commission on Mental Health — do they have to come up here again and put on a display like they did the last time, which tore your heart strings and mine to make a plea for themselves?

The Maine Commission on Women — I feel pretty good about that because the last time I convinced this legislature or partially feel as though I were responsible for asking you to support this particular commission. In jest I said, how can we refuse such a strong cause coming from an element that seems to always be in the forefront trying to fight for a cause and I felt very strongly for the Commission on Women and I still do.

I have met my obligation to my constituents by rising here today but I also feel that it is another one of these areas of futility and failure again. I am a realist, that is why I withdrew my previous amendment to this body.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: As Chair of the Education Committee, I knew absolutely nothing about this bill until I just read it now. I have many concerns with it. We have dealt with the professional and provisional teaching certificates in the bill in 1985. With the professional certification, we did away with the support teams and we have gone back to the old style of having everyone certified every five years by getting six credits. They have to check through and it has worked for many, many years but we must keep the professional standards of teachers up. To say that teachers, for example, didn't have to stay abreast with all the changes in math and science and so forth and reading and things on the elementary

level in the next few years, I think would be a terrible mistake for our professional teachers. I would be opposed to doing anything of this nature to the professional standards of teachers.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, when the vote is taken, I request a roll call.

The SPEAKER: The yeas and nays have previously been denied.

Representative Kilkelly of Wiscasset was granted permission to address the House a third time.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct or offer for your attention that on the fiscal note, there is an error. It says "the result in the estimated loss of General Fund undedicated revenue of \$138,000" and there is no loss in revenues. That was an error that in the original version of this was in fact corrected but I guess not corrected on there because there is no charge currently for active teachers to pay to be recertified, so there is no loss of revenue on this.

I would also, if I may, address some of the issues that the Representative from Yarmouth has raised. My concern is that we are talking about advocates and that is true, those are not necessarily direct service positions but, at the same time, my concern is that teacher certification folks are also not direct service positions and that if we need to be making the difficult choices about where we are going to be putting money, be it administrative dollars or direct service dollars, then we do need to make choices. I believe that the choices that are outlined in this amendment are reasonable.

I would also like to point out that the changes that have already been made in this budget — the support team concept for recertifying teachers is gone, that requirement no longer exists. The money also no longer exists. With both of those gone, we are left with a requirement that says you must take six hours of courses in five years. If that is left to the local people to make that determination about what they want in terms of their teachers and their teachers continuing education requirement, I believe that it is better left in their hands and that way we are able to reduce the bureaucracy in the Department of Education.

I urge your support of this amendment.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: At times, I know we are all uncomfortable with fiscal notes but I do want to stand up on behalf of the staff in the Office of Fiscal and Program Review. They do not lightly put amounts in fiscal notes, it is carefully factored and, if they say there is a loss of undedicated revenue, there is a loss of undedicated revenue. I think if we go back to our earlier discussion, two people in that department will not be able to keep up with the new certification certificates and that will be an obvious loss in revenue since they do pay for each of those.

I do want to underscore again that we are not using this money for direct services for the elderly or women or for people who have mental health problems, we are simply refunding and restoring the Augusta bureaucracy.

The SPEAKER: The Chair recognizes the

Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hate to belabor this but right at this moment we have a bill, L.D. 882, sitting on the Governor's desk dealing with certification. We worked on this all last year with subcommittees with the Committee on Education and there are just a couple of things that we have got to get together with the Governor and Commissioner Bither to make the thing go. To do anything with certification for professional teachers, I think, is a great mistake.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "RR" (H-828). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 80 in the negative, the motion did not prevail.

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

Representative MANNING: Mr. Speaker, I present House Amendment "MM" (H-823) and move its adoption.

House Amendment "MM" (H-823) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Although this amendment did more than I wanted it to do and the Speaker said that he didn't want these to be corrected, if you do away with the Committee on Aging, which the budget does, if you do away with the ombudsman. I have looked at this budget and I don't see where we are dealing with an ombudsman. If we don't have it in statute somewhere, then we are in jeopardy of losing the Older American Act money. That money must have an ombudsman. The ombudsman is the person who many of you who have complaints about nursing homes call up and that person investigates the complaints about nursing homes.

Somewhere along the line we need to have an ombudsman. There is nothing in this budget that I could see where we have an ombudsman, nor do I see language talking about it. Therefore, we need to be able to address that problem.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Just for the information of the House, DHS does fund a full-time ombudsman with federal funds.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Could the gentleman from Waldo show me in the budget where it does that?

The SPEAKER: Representative Manning of Portland has posed a question through the Chair to Representative Whitcomb of Waldo who may respond if he so desires.

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that question is, no I cannot. I will have someone else do that for you though if you wish.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Until we do that, I think somebody ought to table this because, if we don't have an ombudsman under what the statutes call for under the Older Americans Act, we are going to lose about \$70,000. I would suggest that maybe the Representative from Waldo table this and tell us exactly where they are.

The SPEAKER: The Chair would advise members of the House that if we were to table this, it tables the entire bill.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, I withdraw my motion and would speak briefly about that. I don't want to hold up this amendment but I think it is important. I have been hearing all day long about losing money and I think we need to know where the ombudsman is going to be. So, in the spirit of compromise, I will withdraw that but I would hope that between now and when we come in tomorrow morning that somebody shows us where the ombudsman is.

Subsequently, House Amendment "MM" (H-823) was withdrawn by the sponsor.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, I present House Amendment "II" (H-818) and move its adoption.

House Amendment "II" (H-818) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "II" is my Christmas present to the people of the State of Maine and to the people of my district. What House Amendment "II" does is take a look at our state seal, the top of our seal says "Dirigo," which translates to "I lead."

This legislature has, in the course of the past five years that I have been here, dragged its feet repeatedly on its own budget, how it handles its own affairs. Until this legislative body can take responsible actions for our own legislative budget, legislative expenses and legislative procedures, we can't expect the rest of state government to follow suit.

This amendment, for those of you who have been around since the 113th, is no stranger. What this will do is will shorten the session, the amount of time the legislature is in session, also reduce the legislative salaries, saving money for the people of the State of Maine. If this were to be adopted by this body — it was drafted incorrectly in the Revisors Office, there are two sections that would have to be amended. First, the second session would not be a \$7,500 salary but instead \$6,000. The other amendment would be that all the savings that would be realized would be transferred to the revenue sharing.

The other cuts in the amendment regarding legislative full-time staffing is the Maine-Canadian Legislative Advisory Office.

The other section of this amendment deals with the limitation of leadership terms for both the Speaker of the House and the President of the Senate, limiting them to two consecutive terms. As the Speaker had admonished, I will keep this brief as to what the amendment to the bill before us will do and I urge your support.

The SPEAKER: The Chair recognizes the

Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I don't hesitate in the least to rise on this issue. I have had discussions with the good Representative from Paris, Representative Hanley, about this issue over the years and I am sure we will have many more in the years to come.

Representative Hanley said that he looked at the state seal and saw the words "Dirigo," "I lead" — I want to make it perfectly clear to this body that the Legislative branch of government was the only branch of the three branches of government that met the deficit reduction target specified by Governor McKernan, the only branch. We in fact exceeded that deficit reduction target by three percent. If you would like to know what the other branches of Government did, I will be glad to read that into the Record. The Judicial Branch of government did 72 percent of their target and the Executive Branch of government 60 percent of their target.

I am not ashamed to serve in this institution and I am not ashamed to defend it. I do it on a regular basis, as many of you know. At some point, I grow weary of the continued attacks on this institution, suggestions that we are giving Christmas presents to our constituents are somewhat ironic when you consider what the whole budget does and when you consider the amount of money that this amendment would generate.

I want to point out that the Maine-Canadian Legislative Affairs Office will be abolished effective July 1st. That was an agreement that was struck at the leadership level.

I would also like to point out that this legislative session will be compressed simply by the fact that if we do not compress it, our budget will be exceeded, there will be no money to pay the bills.

I am not sure whether the term limitation as specified in the amendment is germane to the title of the Bill but I won't push that point.

I would simply ask all of you in this room to not take the easy step to vote for something that may look rather sexy back home, but in fact is an unfair burden placed upon the smallest branch of government, above what the other two branches of government have done.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "II" (H-818). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 101 in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, I offer House Amendment "KK" (H-820) and move its adoption.

House Amendment "KK" (H-820) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: This document, the Appropriations bill, probably more than any other document that we deal with here in the House of Representatives, reflects our priorities, our view of what government is all about. When I reviewed this document, I found that there were two areas where I

simply cannot accept the suggestion or the unanimous proposal of the Appropriations Committee without at least stating what I believe is a different point of view and I believe more accurately reflects certainly my own views and I hope the views of many of you, namely I don't believe we should be cutting revenue sharing and I don't believe we should be cutting General Assistance and AFDC at this particular time.

As to revenue sharing, my views really are that revenue sharing consists of a kind of compact that this body has with all the cities and towns in the state, a compact that has existed for some 20 years. We have never altered it. We have altered the educational funding formula but we have never altered the level of sharing of state sales tax revenues pursuant to the revenue sharing formula. I don't think we should start now. I believe that that revenue sharing compact is essentially that and to try to alter that, to reduce what we share with the cities and towns, is really to ask for a tax increase, a tax increase that would be done back home at the municipal level in property tax. I don't support a property tax increase and I am hopeful that the majority of this body will agree with that and will support me as a result.

The other area that I found to be troubling was General Assistance and AFDC because, at this point in time, when this state is hurting so badly, I don't think the poorest of our citizens can absorb the cuts that we are asking them to absorb. It is not many dollars for AFDC recipients, it can be as little as \$20. For General Assistance, it is more like \$100 a month out of \$700, that sort of range typically. I don't believe that those people can absorb those sorts of cuts and so I set about to say, what can be done to make it possible to restore those funds?

What I proposed with this amendment I am not thrilled with but, quite honestly, I find them better than the idea of cutting revenue sharing and General Assistance and AFDC. Mainly what I have done is I have removed the sales tax exemption for all non-profit institutions. I used to work for a non-profit organization and I hate to see that sort of thing happen but I believe if we are going to be dealing with critical things, we have to take some critical steps and that is one of them, I believe. The two sales tax exemptions that I leave are for hospitals because to take away that sales tax exemption would be to simply push up the cost of hospital care. The other is meals in schools because that didn't make much sense to take that one away.

I also removed the vending machine sales tax exemption. We discussed that earlier. Those things together produce approximately \$3.7 million dollars.

I also removed the investment tax credit at \$4 million dollars. I don't like doing that but, like I said, it is the question of choosing among bad alternatives and I firmly believe we breach agreement with municipalities unless we restore revenue sharing to the full level.

Finally, I have removed the sales tax exemption for interstate telephone calls and access. I don't like doing that either and I recognize that it affects commerce and this is a time when we should be trying to protect that but, again, it is a question of priorities and I believe that what I present to you totally reflects my priorities and I hope it does yours. I ask for your support.

Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the

Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I rise on this nice, snowy day to kind of bring you some good news that I received this morning here at the State House. I was in Majority Office when a certain Mr. Thomas Sepial flew in from Mobile, Alabama. What he gave me was news that I don't consider good news for my area. I live in Winslow, Maine and that is home for Scott Paper. He told me, at this time, that presently they have plans for removing two machines from Scott Paper for a total of 250 jobs. Given this good news, I said, "What can we do to help you? We have people in the House that understand business and work to try to keep business in the state?" He said, "This is done — outside forces are causing this." After going through this discussion for awhile, I don't want to bore you with all the details, but I did say to him, "Some people in the House presently are thinking in terms of removing the investment tax credit. Is this something that you are concerned with, that the company would look with disfavor upon?" He said, "Right now I have somebody here that will give you the information on it. We have \$17 million in Hinckley and \$14 million in Westbrook and \$4 million in Winslow, all this would be affected by eliminating the investment tax credit."

I tell you, we cannot afford to do these things. Any time that we remove these exemptions, we are taxing the people at the lowest possible level, they are all going to pay. They are going to pay through loss in jobs, they are going to pay through taxes on their machines, they are going to pay. Nobody else pays, corporations do not pay taxes. I ran a corporation for 20 years and I can give you secrets that would curl your hair. You don't pay taxes as corporations. You can bypass them and float them by and that is exactly what's happening.

What I ask you to do is consider the jobs of our people.

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 "KK" (H-820). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 261

YEA - Adams, Anthony, Cathcart, Clark, M.; Farnsworth, Gean, Goodridge, Gray, Gurney, Heeschen, Hognlund, Holt, Joseph, Ketover, Larrivee, Luther, Mahany, Manning, McHenry, McKeen, Michael, O'Dea, O'Gara, Oliver, Pfeiffer, Rand, Richardson, Simonds, Simpson, Skoglund, Stevens, P.; Treat, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Heino,

Hepburn, Hichborn, Hichens, Hussey, Jacques, Jalbert, Ketterer, Kutasi, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, Martin, H.; Mayo, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlman, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Whitcomb, The Speaker.

ABSENT - Chonko, Handy, Kerr, Kilkelly, Kontos.
Yes, 33; No, 113; Absent, 5; Paired, 0;
Excused, 0.

33 having voted in the affirmative and 113 in the negative with 5 being absent, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, I present House Amendment "P" (H-798) and moved its adoption.

House Amendment "P" (H-798) was read by the Assistant Clerk.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, Men and Women of the House: This amendment has no net fiscal impact on this bill but it promises to something about the occurrence of child abuse in this state. It also backfills \$250,000 into the revenue sharing hole.

I would like to tell you what it does functionally in this amendment as it affects the bill. It removes \$700,000 that is in this budget bill from the Department of Human Services in a couple of different areas. The first is some \$330,000 or \$340,000 projected for foster care for some 50 to 75 kids for three months of this year. Let me point out that, in this instance regarding the \$700,000 I am wishing to remove, none of this money, none of these services, nothing would happen with this portion of this bill until April. So, we are not looking at anything I wish to remove that is in place at the present or promises to be in place until at least April. That April date is a wee bit misleading also, once we look at this in the context of the plan that was presented to the Human Resources Committee, a plan that in January we will go back to review with the Department of Human Services and try to come up with some better system to prevent and intervene in child abuse situations in this state.

The other thing that it does is it removes about \$363,000 in new caseworker and administrative positions that would be added also at the first of April. This money then that I propose with this amendment to move into an area where one might imagine in keeping with the seasonal spirit suggested by the good Representative Hanley, this really would be a Christmas present to a number of us. The number of us might be those that you would view as very poor, very much addicted to alcohol and other drugs, very much female and very much pregnant. I can't think of a better population at this time of year or any time of the year to try to do something immediately for, rather than imagining that on April 1, with the addition of new staff positions, somewhere we are going to do anything.

I propose with this amendment that we take care

of a number of problems relating to this population in taking that \$700,000 and, first of all, replacing three probation officers that have been cut from this budget. You would say, what would a probation officer, for Pete's sake, have to do with this population for whom we are creating a Christmas present? Probation officers, as it turns out, probably work more closely, more immediately, more effectively with this population than all the social workers and all the agencies that we are funding for millions and millions of dollars. Nobody have I heard through this whole day here or throughout this whole hassle over the budget has suggested that we do anything about replacing those probation officers. The three that were cut, I think they are all identified in the Bangor area and you, of course, know that nationally it is recommended that probation officers carry a client caseload of approximately 75 people. In the State of Maine today that averages 150 to 180 and we are wondering why nobody is keeping an eye on some of these people who get into these terrible situations. To replace them would cost \$60,000, the next place to put this money in would be to replace the money that was cut from the Office of Substance Abuse to the tune of \$118,900. This money, oddly enough, wiped out the only free-standing residential treatment program for women in the State of Maine where a woman could go who has no money in her pocket. That is the Crossroads Program up in Windham. It has been there for some 11 or 12 years, there may be some difficulties with their client population census there now but that is not the point. The point is, there is nothing after this cut takes effect for those women. I know something about those women because those women that we work with through our shelter program and our family transitional housing program, we have absolutely no place for them to go, once Crossroads folds its tent.

The next part of it is recognizing a problem area that none of us have seemed to want to bite off because it is too darn big to chew on and that is the fact that there are pregnant women who are abusing substances and where would they go in the State of Maine? Crossroads might be a place where they could end up but it is not going to be there. I am proposing the addition of \$261,000 to that RFP package that would go out to residential treatment services for women with an emphasis on pregnant, poor, substance abusing women.

The next parcel that we have added in there is to replace the Medicaid co-payment for substance abuse services, a pitiful amount which carries with it a whole lot of other signals as to how ineffective the system must be. Out of all of the monies appropriated, some \$4.1 million dollars by the Office of Substance Abuse for community contracts, only about 10 percent of it is Medicaid matchable. That means that 90 percent of those funds are going to clients in this state, substance abusing people who are above that poverty guideline, a question we certainly want to ask ourselves down the road, by replacing this less than \$10,000 guarantees that that co-payment would in fact be there.

I want to support this notion that this is worth doing and certainly those other programs are worth doing that are proposed in the budget once a plan is developed and presented to the Human Resources Committee and run through this legislation process. I am taking my lead from the findings that we were presented by the Department of Human Services in

September or October as a result of the rape of a baby, a six-month old girl in the City of Portland. We sat through three days of hearings dealing with the findings of the Department of Human Services, which came under some amount of scrutiny following that rape. On September 23rd of this year, a six-month old girl was allegedly raped by a 17-year old cousin in Portland. This is finding number one of seven in the report that came to our committee from the Department of Human Services. Of these seven findings, four of them specifically deal with substance abuse as an underlying problem which is getting in the way of the Department dealing at all effectively with these people.

This is part of the first finding with an explanation following the statement of the rape which reads, "The only way this tragedy might have been avoided was if there had been in place an early intervention program." Now the significance of that is that the \$700,000 proposed by the Department and included in this budget does not include anything which remotely resembles an early intervention program. Yet, by their own finding, that is the only thing that could have prevented this rape.

The second finding states, "Furthermore, if all of the information had been reviewed and analyzed and a caseworker assigned in this rape, the caseworker's involvement would probably have focused on the adequacy of housing, adequacy of the child care plan and the mother's substance abuse."

The fourth finding states, "The case under review is one of an increasing number of cases involving death or serious injury to infants and young children in Maine."

The fifth finding, "The case under review is one of an increased number of reported cases of family violence and abuse of drugs and alcohol, which places the children at a greater risk of harm."

The third finding states, "Because of the changing nature of child abuse cases, which increasingly involved heavy drug abuse, homelessness and other types of dysfunctional life-styles, there is sometimes a lack of understanding the most appropriate and effective course of legal action to protect children."

The four findings out of seven zeroed in on the root causes that the Department of Human Services identified as underlying the rape of that six-month old baby girl in a condemned building in Portland. Not to mention, folks, because I haven't been involved in the details of this one, just read it in the press like the rest of you, the three month old dead child in the City of Lewiston who at postmortem was found to have had 23 fractures in place. This women, the other people that I am talking about, these are folks who fit if we are going to do anything about early intervention, the only identifiable way of preventing this, then we have got to figure some ways to intervene. There are some commonalities in all of these instances reported as relating to these cases and that is massive, long-term poverty, substance abuse or homeless life-style and nobody willing or able to intervene early enough.

I ask you to support this amendment. It promises truly to bring a Christmas present to at least those kids who might not get raped and killed.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Ladies and Gentlemen of the House: The legislature would be establishing a dangerous precedent by denying (for a second time) a DHS request for expanding child protective services. The first denial was in the Second Session of the 114th when we failed to establish funding to establish the Bangor model, which was a community-based approach to child protection. This eliminates the \$700,000 recommended to immediately fund the child protective services. This is a reduction of the Governor's original \$2.5 million dollar request. Without this money, 750 seriously at-risk infants and children will go unprotected.

As the economy continues to deteriorate, abuse and neglect continues to skyrocket. Without some significant and good faith continuing effort, Maine runs the risk of joining other states such as Illinois in being subject to class action suits.

After the Governor and the Appropriations Committee have identified funds and have supported the need, it would be unconscionable for this legislature to turn our backs and walk away from this problem and these children in desperate need.

I would like to make just a few comments relative to Crossroads, which is the women's detox program. The utilization of the residential beds in this program was 33 percent. There has always been a lack of referral to this program and there has always been ongoing problems administering the program effectively. It is being terminated because it is not effective. There is a new program being designed that will concentrate on outpatient services which will also increase the number of clients served at a lower cost. Besides the federal funds available, the state money will be allocated from the OSHA budget. Women clients have resisted using residential treatment and are inclined to use outpatient services.

I ask you to vote against this amendment.

Mr. Speaker, I request the yeas and nays when the vote is taken.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I just want to speak on this bill because I feel so strongly about it. There was a comment made that there will be no net fiscal impact in this bill but I would remind you that it will have an impact on the kids in this state who have been identified as at risk. The child protective package that we have in the Appropriations bill will help 750 children who are already identified as at risk.

Mention was made of earlier intervention — what better investment in early intervention to help those children we already know need our assistance? To me, this is the most vulnerable population we have. This is what government is about, these children have nobody standing up for them. I think it is bizarre that anyone would consider raiding these child protective funds for any other purpose. I would think even municipal officials who hope that we cut nothing out revenue sharing would hope that we would not raid child protective funds to reduce this cut in the revenue sharing.

I hope that you will vote against this amendment.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, Men and Women of the House: I don't know about the Bangor model

specifically that Representative Pendleton referred to but I can tell you about a model up in Bangor and that was the one that heralded in the Portland Press Herald a few weeks ago where the Department of Human Services, operating for one entire year without a signed contract, whizzed away \$1 million dollars on 12 kids placed in foster care. Now you would say, "Maybe that is a difficult population to deal with" and I would agree with you that it is. Another thing that I would suggest though is that 50 percent administrative fee is a wee bit high. I didn't talk to those people. I asked the folks from the Department, "Couldn't you do better than 50 percent?" They said, "We are working on it, we will see if we can get a signed contract." So, if that is the Bangor model that we are imagining that \$336,000 is going to buy a 750 kids services for, then I just missed something in the mathematics there. To suggest that we are raiding this fund, this wonderful approach that takes place immediately on April 1st is confusing to me.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: It is clear in this bill that we are talking about frontline caseworkers who will go into these children's homes for direct help. It muddies the issue to talk about administrative cost in some Bangor agency, this is not what this proposal is all about. Yes it is starting in April because we told the Commissioner that we couldn't afford what he needed but we wanted to do something but I would suggest to you that we won't have any money in April to do it. To suggest that we take it now and reconsider, if someone has an idea that the state will have \$700,000 or more in April to put toward child protection, I would like him or her to identify that now.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to get involved in this debate but I guess my blood pressure has gone up since I first presented House Amendment "A" and it got defeated by this House on that.

We had two days of hearings, we also had hearings in Bangor and Portland the next night. We allowed the public to come and speak. You know, the ironic part about this whole budget process back when it was \$2.9 million is the only person or persons telling us that we need this money the way it is being described is the Department of Human Services. The frontline people that we talk about are also the people who provide services for the Department of Human Services. At the Portland hearing, we had a former caseworker who happened to take Commissioner Ives one day (when she worked in York County) on cases. She left state service because she was pregnant, wanted to have her baby and not go back to work and she has been out only a very short time. I asked her, "Where would you put the money?" She said, "I would not put it in additional caseworkers." This is a caseworker saying this. I know you don't want to hear it but we hear from caseworkers, we hear it from providers, we hear it from everybody else that this is not the proper place to put it. Look at the system before you throw money away.

I want to talk about one other thing. The Commissioner, as we all know, says there is no problem, the Department of Human Services did

everything right. Then all of a sudden, he comes up with this 11 point plan and in this 11 point plan, he was going to hire one police officer in the City of Portland because this rape case happened in Portland. He was going to give the City of Portland enough money to hire one police officer. Our Police Chief, and everybody in this room knows him because he has a pretty good reputation and on some things, he is right and on other things, he might not be quite as right, but he said that it was ironic that they want to give me a police officer with this hand and with revenue sharing, take 10 away. Now that is what we are facing back in Portland. The Department wants to give us one police officer and, on the other hand, Sam Shapiro isn't going to sent us enough money and we are going to have to lay off 10 police officers.

This whole system has got to the point where one of the recommendations in Committee Amendment "A" was to have an independent study. We would have it done, hopefully, by the time that Representative Foss does have to look at this. She does have a hard job when she is in Room 228 because she does know what next year's budget is going to look like but we ought to have some answers.

You want to talk about money? I will tell you where there is money, that Department over there has had the chance to get twelve and a half percent rebate money on drugs from the pharmaceutical companies since last year — ask the Department how much they gotten? Zero!! There was a pharmaceutical representative up here yesterday and I asked him — zero! The State of New York is getting twelve and a half percent, why aren't we? Why aren't we? We should be asking that question. The Appropriations Committee ought to be demanding that the Department of Human Services hire a full-time pharmacist, either that or get a consultant on board so we can get that twelve and half percent rebate, not only to Medicaid but for the low-cost drug program and for the monies that we spend in mental health and mental retardation.

The other thing — you want to find money? You speed up the fact that there aren't that many nursing homes in this state that are Medicare certified and that would give you some money but they are sitting back and they don't have the staff. Now I don't blame Elaine Fuller because that woman and the staff that she has tries as hard as they possibly can but if you want to get some money, you ought to put a little more people over there so they can bring in that money.

I guess the questions we need to be asking is, are we throwing money away? Are we just throwing money at this problem? That is the question that I think we all ought to be asking ourselves tonight. I don't disagree that those people who are caseworkers have a very tough job, it is probably the toughest job in state government. When you have to take a child away from the mother or the father, it has got to be the toughest job in state government. The questions that we got and the problems that we saw after two days — I might say that that might be things that I saw and quite frankly, I was hoping that they were the same problems that every member of the committee saw, but that is why the recommendations in Committee Amendment "A" were asked for. They were not allowed to be put into the budget earlier because we shot it down.

I would hope that you would realize that when we speak against that, we are not speaking against

children because when you have the Child Abuse and Neglect counselors and say, "Don't do what they are saying," when you have other advocates come up and say, "Don't do what they are saying," when you have former child abuse caseworkers coming up and saying, "Don't do what they are saying," when you had the City of Portland saying, police officers who deal with this on a daily basis saying, "Look at the system before you really throw more money into it." When you have the Portland Police Department call up and make a complaint and the intake worker says, "Well, why don't you have somebody in the school department call up and maybe it will be more important if they call also." You know what Detective Rich told me? I have known Detective Rich for a long while and the man does not lie. He said when the Portland Police Department calls up on child abuse, they are on the low end of the totem pole because they don't believe what the Portland P.D. says. Now, that is pretty interesting. There are only two P.D.'s in this whole state that have the ability to investigate murders, one is Portland and one is Bangor. That is how sophisticated the Portland P.D. is and when they were told, why don't I call up — I work for Portland P.D., I am Bill Rich or I am Judy Rich, no relation, and they say, "Why don't you have somebody else call?" How many people have to call when a law enforcement agency of this state calls? You got to have the grandmother, grandfather, school department, doctors? By then, maybe we will send a case worker out. Those are the reasons why the majority of the committee on Human Resources had real concerns about this money. We need to take a hard look at this. We were hoping because the department — it wasn't us — Peter Walsh said he wanted to have this study. He was going to go to Massachusetts and have this study. Representative Clark can tell you we have national experts right down at 96 Falmouth Street in Portland, called the University of Southern Maine and they could have had a pretty good study done before the Appropriations Committee made the final decisions next year. Those are the unanswered questions that we got in two and a half days of hearings.

Representative Gean doesn't do this lightly. That Representative probably deals with people that none of us want to deal with. He doesn't do this lightly. I hope you listened to what he had to say, he deals with the people who are the abusers. I hope I have put some questions in your head and realize that the Human Resources Committee does not do this lightly either.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I would just like to get this discussion back on track in dealing with the issues in Amendment "P."

I would like to allude to the Portland Police Department comments that Representative Manning alluded to. The first one is, when all the people are sitting in the room had no idea where this rumor came that the P.P.D. do not get any respect through the Department of Human Services and in fact what was asked was, if anybody knows anything about this, we certainly would want to know. That seems to be a rumor that certainly nobody in DHS that we were dealing with knew anything about. I hope that that got taken care of in the right way.

It was alluded to that Commissioner Ives was going to fund a police department position, that is not my understanding. The work that was happening in the 11 point program that we have been talking about was to establish a volunteer program in conjunction with the Portland Police Department called ACES which stands for All Children's Emergency System. What it would be is a community-based volunteer program and DHS was not funding a police position.

The last comment I want to make refers to what this funding would help do. Now when the department gets referrals or calls that children are being abused, they have to siphon out the worst of the worst of the worst. And, if they can get more frontline workers, the one change that they would make knowing that infants and young children are the most vulnerable and are usually the most seriously hurt, what this would do is, if they can have more frontline workers, they would investigate and check out all calls that come in, children under age one.

Again, I ask you to vote against this amendment.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: If someone expects to vote for this amendment, I really am concerned with the allegation that I heard that those of us who don't vote for it aren't concerned about children. The truth is, if we look at a large number of child abuse and neglect cases in this state in the last year, in the last ten years, if we look at them in this nation, what we will find is that parents who are chemically dependent cannot take care of their children. This bill says, rather than have a caseworker who goes out to the house and says, "Gee-whiz, I guess you are chemically dependent," this bill says, "Gee-whiz, you are chemically dependent, let's provide some resources so that you can come back and be the parent that you want to be." This is a very pro-child, pro-family amendment. It provides for direct services to children and their families as opposed to providing for someone who will analyze the services that they need.

We heard from the Representative from Yarmouth earlier tonight about how we ought not to be putting money into advocacy, we ought to be putting money into direct services and that is exactly what this amendment does.

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 "P" (H-798). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 262

YEA - Adams, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Heeschen, Hoglund,

Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Mahany, Manning, Martin, H.; McHenry, McKeen, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Powers, Rand, Richardson, Ricker, Rotondi, Saint Onge, Sheltra, Simpson, Skoglund, Strout, Tannaro, Townsend, Tracy, Treat, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Cashman, Chonko, Clark, H.; DiPietro, Donnelly, Dore, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichborn, Hichens, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, Mayo, Merrill, Michaud, Murphy, Nash, Norton, Nutting, Ott, Paradis, J.; Parent, Pendexter, Pendleton, Pines, Plourde, Pouliot, Reed, G.; Reed, W.; Richards, Ruhlin, Rydell, Salisbury, Savage, Simonds, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Tardy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Handy, Swazey, The Speaker.

Yes, 72; No, 76; Absent, 3; Paired, 0; Excused, 0.

72 having voted in the affirmative and 76 in the negative with 3 absent, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, I present House Amendment "WW" (H-833) and move its adoption.

House Amendment "WW" (H-833) was read by the Assistant Clerk.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: This amendment I spoke to you about last evening in Joint Caucus restores a veterans counselor in the Department of Defense and Veterans Affairs. It is a frontline worker for sure. If you look at the amendment, you will learn that the Agent Orange and Atomic Veterans' Commission has ceased to exist, its work is finished, the hearings have been held, questionnaires have been sent out and the work of the commission is over but the counselors work is not over. 150 families were left hanging when this position was cut out. We need another counselor in that department very badly for the veterans. Both the House and Senate Chairs of the Veterans Committee have agreed that this is a good way to restore this veterans counselor who will deal with other veterans as well as atomic and agent orange veterans.

The first deappropriation was recommended by the supervisor of that department and then the two positions that are eliminated are, I suppose some would say, Augusta bureaucrats - I don't call them that but they are not frontline workers or one planning and research associate out of three and one business manager out of two in the Department of Defense, Maine Emergency Management Agency. So, this is approved by the chairpeople of the committee.

I want you to understand it is something that is important to know that our veterans have suffered through these cuts rather badly since July through December this year. The bureau was reduced by 11 staff members from 23 to 12. The veterans financial assistance has gone. This means a lot of elder veterans are going to have to go to General Assistance and that isn't going to be very helpful

this year. I hope you will help us get this frontline worker there for our veterans.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I appreciate the sincerity of author of this amendment, however, I feel the need to speak against it and to raise a couple of points in regard to the swapping of positions or the attempt to eliminate some positions in order to restore others. The action that the Appropriations Committee has taken is a moderate step seeking a balance between services that are provided in this department as in all departments. The changes that are advocated in this amendment would, for example, hinder services to veterans that are provided for the Maine Veterans' Cemetery. The suggested elimination of a position or substitution of a position would impede a position that is 50 percent federally funded. I raise these kinds of topics, not because I understand the subject very well, but because I have been informed that the amendment that we have creates problems instead of solving them, so I urge the defeat of the amendment.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative O'Dea.

Representative O'DEA: Mr. Speaker, Men and Women of the House: I would add my name to the list of people who hadn't intended to speak today during this process but I just couldn't help but look at this amendment and think back to last year at this time when everybody was excited about Desert Storm and supporting the troops and everything else. I think it is ironic that we forget so quickly. These people served us well in the past and we should restore this position.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "WW" (H-833). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 56 in the negative, House Amendment "WW" (H-833) was adopted.

(At Ease)

The House was called to order by the Speaker.

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

Representative FARNSWORTH: Mr. Speaker, I present House Amendment "UU" (H-831) and move its adoption.

House Amendment "UU" (H-831) was read by the Assistant Clerk.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: We are almost at the point of being able to actually finish this process of hearing amendments and vote on a budget. My concern is that we have a choice therefore of voting on this budget, but if we don't vote for the budget or the budget

doesn't pass, we face the fact that the Governor will feel compelled to cut the restricting allotments of \$45 million across various programs and agencies including 13 percent supposedly reductions in revenue sharing and General Purpose Aid.

The bill that we have before us for the budget also has major cuts in General Purpose Aid and revenue sharing. I consider both the budget and the alternative that we have so far of the restriction on allotments that the Governor, I believe, would feel compelled to do to be absolutely unacceptable and also unnecessary. I say unnecessary because I believe that we have an alternative to either of those two and that is what I am proposing in this amendment "UU."

If you haven't already, you should be getting a handout that summarizes what this amendment includes on one sheet of paper that has a single spaced paragraph at the top and a list of the things that I am removing from the budget bill.

In the interest of time, I am not going to go into my reasons for removing but I would be glad to explain anything on this list if people would like more information.

The point I want to make is, even removing this entire list which totals \$42 million and leaving intact everything else that the Appropriations Committee has done through enormously hard work, we still have \$53 million worth of cuts and savings in this budget bill. I could vote for this budget bill. I would like to vote for a budget bill. I believe most legislators would like to be able to say, yes, I voted for a budget bill and I have done something about this and I have done it through the process using what Appropriations was able to come up with. I also believe there isn't a legislator in this building that, if we had a choice, would say, "Oh, yes, I want to vote to cut revenue sharing in the middle of the year and I want to vote to cut GPA right in the middle of the year. It is for that reason that I am insisting to you that this is an alternative. It is an alternative because what the Governor's only recourse would be if we don't have a budget agreed to by the legislature, this restriction and allotments, is really a cut in spending that is based on the one certification that we have to date about the lower revenue. In other words, it has been reported that the revenues are lower for the third quarter. The amount that the Governor would cut in his curtailment order would be roughly one half of what we need to save for the rest of the year. We had an original budget of \$105 million. Some of that is put over into the next FY93. I am only dealing with FY92 right now and I am not touching that.

I will just explain that the Governor has already issued a curtailment order last month which saved \$22 million so we could subtract that in effect from what is needed from the \$105 million and that leaves us with, I think, \$80 something million, and a little over half of that is \$45 million which is where the estimate comes from of what he would be cutting.

He has described this curtailment mechanism, this restriction of allotments as a blunt instrument because it was never designed for that and he is right. I don't believe he wants to use it anymore than any of us would like him to use it. It is a very blunt instrument and it has been reported that it would result in 13 percent cuts to municipalities in revenue sharing, GPA, and to some agencies of state government, so nobody wants the alternative of

that blunt instrument being used.

I submit that this amendment "UU" is a scalpel to replace the blunt instrument and it in fact cuts out \$53 million where as the blunt instrument of the curtailment mechanism only cuts out \$45 million. It still leaves us with a balanced budget such as it is because it is balancing for the amount that has been announced to be in deficit the third quarter. The reason that I have not replaced the rest of what I have cut out, the \$42 million that this list represents, with any other revenues or with any taxes right now or with even any other cuts is because I think we need to act reasonably quickly. We need to act on what has been done and agreed to by the Appropriations Committee but we need to do it without taking hasty action that will really hurt our municipalities, especially when in about two weeks we are going to come back in here and we are going to find out that we have another \$150 million deficit for the fourth quarter, we have another problem for fiscal 1993 because that budget is based on an estimate 5 percent gross in revenues. So, in my opinion, we are facing for the biennium a \$300 to \$400 million problem. To think that even if we agreed to vote for the budget tonight that has been presented we have balanced the budget is really just pretending to balance a budget because it isn't any more balanced than it is this minute.

I do think though that what we give ourselves a choice of doing if we adopt House Amendment "UU" and cut that which we agree to that is not controversial and does not affect property taxes by cutting municipalities in the middle of the year that we give ourselves the option of coming in in January and looking at the entire budget problem all at once, using all of our committee process, all of our resources as legislators and the full attention of the legislature because we will be in regular session. I know myself of many, many cuts that legislators have suggested in the last few weeks have not been able to be processed through the committee process through Appropriations and I think there is a lot more cutting that we can do before we have to go to property taxes.

I also believe that when we are talking \$300 or \$400 million dollars that there is no way that we cannot look at the entire revenue picture before we solve our problems if we are going to be responsible. I don't think we can do that in this Special Session.

To my mind also, no legislator is served by having one series of property tax increases now, another one in January or February when we are looking at the bigger picture and then possibly another one next year. I think it is time to say to municipalities and school districts that you should all expect at least a 10 percent cut next year, fiscal year '93, but we are going to do everything we can not to cut your budget in the middle of the year and raise property taxes. We are going to do everything we can to cut state government and to take care of the problem at the state level on an emergency basis, which is what this is. Municipalities, like a lot of state agencies, spend their annual budget not necessarily evenly. Many of them have already spent a lot of their budget and this is a far different impact to cut in the middle of the year than it is if we can tell them in advance that we are going to do it next year.

It is true that I have put on this list a few

things that I personally have, as Representative Anthony said, are my priorities and perhaps you don't agree with all of them, but over all, my goal was to take the three major items, General Purpose Aid, revenue sharing and General Assistance that I believe will most directly affect municipalities and take them out of the budget. I believe this is an alternative, this is a scalpel and I would ask that this legislature seriously consider this and allow us to work together in January on the entire picture of our budget problems and give our municipalities some chance to plan for what is coming.

Mr. Speaker, I would ask for the yeas and nays.

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 Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Men and Women of the House: I hope you will not accept this amendment because this amendment really doesn't solve our problem at all. It just puts it off and makes it larger for January. We will not have a budget in January or February, probably not until March at the earliest.

Furthermore, as you look at the list that was presented to us by the Representative from Hallowell, on most of these items, the members of the Appropriations Committee did not agree to make those changes.

I hope today that you will pass the budget as you have it on your desks and without this amendment. I think we should be making these budget decisions ourselves here in this chamber. We should not be putting half of them off, we should be taking the responsibility now. Furthermore, I do not think that we should be leaving our decisions to be solved by the Governor. I believe that that is not our job, it is not right for him to have to act for us so I hope today that we are going to act.

Furthermore, the people of the State of Maine want us to act. The Appropriations Committee held citizens meetings before we began to work on this budget and we asked people in Portland, Bangor and Presque Isle what they wanted us to cut from this budget. Those meetings were well attended, they were very well attended in all of those municipalities and people did come and tell us what they wanted to cut. We, in many, many circumstances when possible, put those ideas of our constituents into this budget.

In the budget everyone is having to take a share of the cut. I think that is fair. Our goal was to reduce the cut to revenue sharing and the cut to General Purpose Aid just as much as possible. As you know, we started with a figure of \$30 million for revenue sharing and we got that down to \$12.1 million. We started with a figure of \$21 for General Purpose Aid and we reduced that to \$16.1 million. I feel that it is difficult for anyone to take a cut but I think that we all have to share in this and I think the municipalities and the schools have to share too. It is hard but they have to cut services and programs along with the state. It is a united

effort.

These are difficult times that we are in. This morning when I woke up, I had the radio on and the announcer said that General Motors was laying off 6,400 people and they were closing two plants, that is the situation that is existing in this nation. We have businesses right here in our own state that are closing. We have people who are being laid off and so we really are dealing with a serious situation. I think these are times for us all to work together, to make sure that our state is steady and that we are fiscally sound.

So tonight, I hope that we are going to pass the budget as it has been presented to us. I hope you will not accept this amendment, which is really not solving our problem completely at all.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: This isn't exactly the amendment that I would like to be supporting tonight but I have to tell you that all day I have thought about this and the proposal that came out of the Appropriations Committee I cannot support. I am going to tell you that right up front. Whether this amendment is on or not and that proposal is put before us, with \$18 million dollars, Representative MacBride, in revenue sharing, not \$12 million, I want the facts straight, it is going to be an \$18 million dollar cut to the municipalities. Over the last month, as a member of the policy committee of MMA, we have had meetings to discuss this issue. We have taken a position (up until today and still as of tonight) that we would not support any cuts in revenue sharing. The reason for that is that we have already taken a cut and with the economy the way it is, with the 5.1 percent that we are receiving, we are receiving less money each month right now than we did a year ago. Any cuts in the revenue sharing program is an automatic property tax increase back to the property taxpayers in your districts.

There are some items in this amendment that I wish weren't here. It is my feeling, and maybe I am wrong, if you don't adopt this amendment, you may go out of here without any compromise. I could be wrong, I have been before.

One thing that I told Maine Municipal many nights ago and many days ago was, if we could get a commitment from the Chief Executive of this state that would assure us that after July 1st, revenue sharing would be restored, we would take a different position. We have not had that assurance. Our fear is that if you do any suspension at this time that revenue sharing, and I repeat revenue sharing, will be gone after July 1st. If I am wrong on this, come back and tell me in July. That is our fear.

There are various ways that you could make options, I think, to municipalities on the revenue sharing program. Years ago, we lost the federal revenue sharing over a period of four years. They did it to us in a way that we could adjust our budgets. The problem that we have today, at this particular time (and that is why I am going to support this amendment) is that we have municipalities that are on fiscal year, July 1st to June 30th and you have municipalities that are on January to December. The first one, July 1st to June 30th, you have municipalities that have earmarked their revenue sharing program and they would have to make adjustments this year to balance their budget to

get through until June 30th. Those other municipalities that end their year in December are in a little easier situation because we can go to March town meeting and we can make our adjustments. The problem is, as I see it, trying to cut revenue sharing right now and not giving us any assurances, we don't know what to do in 1992. I repeat again, and I say this to the Chief Executive if he is listening to me tonight, "Give me the assurance in writing that revenue sharing will be restored after July 1st at the present levels and I might consider some reduction in revenue sharing."

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you all oppose this amendment. It was well presented by Representative MacBride our opposition to it and our feeling is, if we can't make these cuts now, why would anyone think we could make them in January, February, March or even April, May or June? We are moving with an amendment like this to fill in the gap with curtailment cuts by the Governor. As Representative Farnsworth mentioned earlier, he cannot do it in as a refined way as we can. We don't have a \$53 million problem, we have \$105 million dollars problem.

As I sat here now, we all have for 12 hours, for most of this day, I began think that somehow a sense of unreality in this building, we don't have a fiscal crisis, we are talking about computer terminals, landfills and all these other things — I think we had better think about those people who work for Scott Paper in Winslow and others who are losing their job in the private sector.

I was disappointed yesterday when I heard that WGAN in Portland took a news poll and asked their listeners, "How many of you think that legislators will go to Augusta tomorrow and put together a responsible fiscal package?" One hundred percent voted "no." That may have been the only time they have ever had a unanimous vote. You know, that really isn't funny because many of us have sat here day after day after day trying to face up to the fiscal crisis that this state is having.

I can appreciate it when Representative Strout says that they want an assurance, I would like assurance in my budget at home that I am going to be safe in July — wouldn't you? I think we face an economy now with a lot of uncertainty.

We in committee discussed with Maine Municipal how to put together for them for planning purposes an 18 month package. Of course, that assumes some cuts in fiscal year, 1993 and they didn't want to discuss it. They don't want to discuss it this year. I would suggest to you my municipal leaders have said that they will understand, they will take their share of the cuts but just soften it as much as possible. I think we have done that. I think \$12.3 or \$12.1 million from \$30 million is a pretty good cut.

I think this amendment that everybody should be very clear that this legislature, if it is paralyzed now on that remainder from \$53 million to \$105 million, is not going to find a great flurry of action in the next four months. We are moving toward having the Governor curtail allotments in General Purpose Aid, in revenue sharing and the fact that these are controversial means that they will never pass in this body.

I urge you to reject this amendment.

The SPEAKER: The Chair recognizes the

Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: There is no question that we face a fiscal crisis, we all know that. What things are acceptable to do when you face a fiscal crisis — can you steal money? The problem is that revenue sharing money is not the Governor's money to take and it is not our money to give him, it is municipality money.

What we could do is look at the tax exemptions, which is certainly what we should do.

I urge you to support this amendment.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DIPIETRO: Mr. Speaker, I would like to pose a question to the Chair, if I may.

The cut on aid to schools is \$16 million dollars. Have they decided who is going to take what percentage for a cut or is it going to be across-the-board cut?

The SPEAKER: The Chair would answer that there has been no decision made.

Representative DIPIETRO: So we are voting on something that we really don't what the outcome is going to be?

The SPEAKER: The Chair would answer in the affirmative.

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

Representative STROUT: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Yarmouth, Representative Foss.

Has the Chief Executive inquired an opinion of the Attorney General that he can make allotment cuts in the Maine revenue sharing program?

The SPEAKER: The Chair would answer in the affirmative and that request is affirmative.

The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to clarify because it wasn't clear to me whether Representative DiPietro was suggesting that in this amendment we are, in fact, voting to cut the GPA and I wanted to make sure that people understand that this list is to remove cuts from the budget so if we vote for this amendment, none of these cuts will happen.

I also wanted to comment to Representative Foss from Yarmouth that it is very sad that people would agree that they don't believe we would make responsible cuts but I honestly believe that this state is not ready for the state government to pass its problem along to property taxpayers. I think when you talk about the crisis that what we are going to do to property taxpayers, if we pass this budget, is going to be a much greater crisis than what we can imagine at the moment.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, just to make sure that I and everybody else understands, and if I say anything that is wrong, will somebody correct me — this bill pertains to the third quarter and it would eliminate (for the time being) any cut in General Purpose Aid or revenue sharing or General Assistance, etcetera, etcetera — is that correct?

The SPEAKER: The Chair would answer in the affirmative.

The SPEAKER: The Chair recognizes the

Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, My Learned Colleagues: I have said from the outset that I would not vote for a decrease in the revenue sharing of the towns. However, I cannot vote for this amendment because they have put back too much money. If they would take out the revenue sharing and let us handling revenue sharing after the first of the year, I would consider this very, very strong.

I talked to three superintendents of schools this morning in my district. They said, "For heavens sake Mr. Lord, please, please give us a budget so we know what we are going to do so we can make our cuts if we have to. Don't come out of there with no budget and let the Governor cut us by 13 percent. We just can't stand it, we have stood it one month but we can't stand it another two or three months." So that is the predicament I am in.

I think if we could take and pass everything except revenue sharing and come back the first of year, possibly we could find some way of taking care of the cuts in the revenue sharing by the committee action. I cannot, in good faith, vote for this total "UU."

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "UU" (H-831). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 263

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Cathcart, Clark, H.; Clark, M.; Crowley, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Hale, Heeschen, Hichens, Hوجلund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; McHenry, McKeen, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Richardson, Ricker, Rotondi, Saint Onge, Sheltra, Simonds, Simpson, Skوجلund, Stevens, P.; Strout, Tammaro, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Coles, Constantine, Cote, Donnelly, Duffy, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Gwadosky, Hanley, Hastings, Heino, Hepburn, Hichborn, Jalbert, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Mayo, Merrill, Michaud, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Pouliot, Reed, G.; Reed, W.; Richards, Ruhlin, Rydell, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tardy, Tupper, Whitcomb.

ABSENT - Handy, Paradis, J.; Swazey, The Speaker.

Yes, 80; No, 67; Absent, 4; Paired, 0; Excused, 0.

80 having voted in the affirmative and 67 in the negative with 4 being absent, House Amendment "UU" (H-831) was adopted.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent: