

# 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  
Index

**FIRST CONFIRMATION SESSION**  
October 2, 1991  
Index

**SECOND SPECIAL SESSION**  
December 18, 1991 to January 7, 1992  
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**SECOND REGULAR SESSION**  
House of Representatives  
January 8, 1992 to March 9, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE  
SECOND SPECIAL SESSION  
3rd Legislative Day  
Friday, December 20, 1991

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Bruce Hudson, Highland Avenue Methodist Church, Gardiner.

The Journal of, Thursday, December 19, 1991, was read and approved.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

Bill "An Act to Exempt from Sales Tax Snowmobiles and All-terrain Vehicles That Are Registered Outside the State" (H.P. 1406) (L.D. 1988) which was passed to be engrossed under suspension of the rules and without reference to any committee in the House on December 18, 1991.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-506) under suspension of the rules and without reference to any committee in non-concurrence.

The House voted to recede and concur.

By unanimous consent, was ordered sent forthwith to Engrossing.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Make Technical Corrections to the Laws Regarding Withholding Tax on Real Estate Transfers (H.P. 1407) (L.D. 1990)

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

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Stevens.

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

Is it the intent of the law in this particular document to have the buyers of real estate take any affirmative action to determine whether or not a partnership in Maine as a resident partnership or foreign partnership and whether or not they can rely on the representation of that partnership in this transaction?

The SPEAKER: Representative Stevens of Bangor has posed a question through the Chair to any member who may respond if they so desire.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: The short answer to the the question from the Representative from Bangor is no.

The attempt here is, when we passed the law here last year, we failed to define what is a resident partnership. We exempted from the requirement of the new law residents of the State of Maine and corporations domiciled in the State of Maine but we did not define what a resident partnership was. The section of this bill that the Representative refers to is merely an attempt to define a resident partnership and at a closing that partnership would simply sign a statement declaring that they do meet that definition but it doesn't require any affirmative action from the buyer.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, was ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Exempt from Sales Tax Snowmobiles and All-terrain Vehicles That Are Registered Outside the State (H.P. 1406) (L.D. 1988) (S. "B" S-506)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

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) which was passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807);

"BB" (H-810); "NN" (H-824); "BBB" (H-839); "CCC" (H-840); "JJJ" (H-854); House Amendment "UU" (H-831) as amended by House Amendment "A" (H-849) thereto; Senate Amendments "A" (S-479); "F" (S-484); "H" (S-486); "J" (S-488); "T" (S-499); "X" (S-504); "Y" (S-505); Senate Amendment "C" (S-481) as amended by House Amendment "A" (H-856) thereto; and Senate Amendment "N" (S-492) as amended by House Amendments "B" (H-855) and "C" (H-857) thereto in the House on December 19, 1991.

Came from the Senate passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807); "BB" (H-810); "NN" (H-824); "CCC" (H-840); "JJJ" (H-854); Senate Amendments "A" (S-479); "F" (S-484); "H" (S-486); "J" (S-488); "T" (S-499); "X" (S-504); "Y" (S-505); "DD" (S-517); Senate Amendment "C" (S-481) as amended by House Amendment "A" (H-856) and Senate Amendment "A" (S-516) thereto; and Senate Amendment "N" (S-492) as amended by Senate Amendment "B" (S-515) thereto in non-concurrence.

Representative Chonko of Topsham moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do not recede and concur and that we are able to insist. The motion to recede and concur takes precedent over the motion to insist but why should we, the House, submit ourselves to whatever the other body wants? We spoke yesterday and we spoke loud. I realize that what we sent over was not totally correct but we could correct it. I just feel if we recede and concur, we are putting ourselves in a position where we are going to say to each other, we have no choice but to vote for what we have. We do have a choice, we do not have to recede and concur, we can still work on this and make it right, vote for something that is right. That is my feeling and I hope that each and every one of you can look at this and try to work it out. I know we could and if we can't, let's adjourn and go home.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: I was going to get up and make the motion to insist and I realize that the other motion supercedes this one, but I would say to the House, I urge you to vote against this motion, to give us a chance to make the motion to insist and send it to a Committee of Conference. I believe that we still have a lot to do, a lot that can be done and I urge the House to defeat the present motion.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: There are probably several individual pieces of this budget bill that would force one to reject the whole thing. It is not that hard to do. I think what we need to do here is quit trying to be under the illusion that we have more time. There is no more time, this is the last bit. We either have a budget or we don't and it happens right here.

This budget might not be the greatest document ever crafted but it is a heck of a lot better than the alternative of saying, "sorry, we couldn't do it"

and then passing the buck over to the Governor. The people of the State of Maine are looking at us. The people of the State of Maine are counting on us to do the right thing. They don't really want us to pass the buck to the Governor. I believe he doesn't really want to do his curtailment order, so who are we trying to kid? We can either recede and concur and have some sort of a budget knowing that it might not have been the greatest thing that we ever did or we can just say, "Sorry, we failed."

In my mind, I really don't want to advocate that responsibility and I don't think you do either. There are many things in this budget that make a lot of sense, a lot of programs that we really care about. One of them happens to be welfare related, GA. If we don't have a budget, some of the great compromises that were made will be a moot point, there will be no GA so there is nothing to worry about there. There will be \$30 million dollar cuts to revenue sharing and I am certain we don't want to see that. I have a hard time swallowing \$12 million. At this point, on one side of the ledger we have the belief of many and I include myself, that we have a moral responsibility to revenue sharing but, on the other hand, we have a \$12 million gap and that is real money. If we don't accept the \$12 million cut, which I really don't want to do, then we end up with a \$30 million cut that we had very little, if anything, to say about. We ended up with some fairly drastic cuts in GPA, a lot worse than where we are right now.

I am asking you, I am almost pleading with you to really think this one through and say, do we want to have something to do with the decision of the future budgetary concerns of the State of Maine or are we just going to pass the buck?

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I wish to gently disagree with my honorable colleague because voting to recede and concur is not the right thing, it is the wrong thing. Does this body have any say in state government? That is the question we are going to answer here today. We have made it abundantly clear that we do not want this budget the way it is. Twice it has come back to us. We have not had a chance to vote on revenue sharing alone. I don't know why "AA" wasn't offered but it was not. Unless we have a chance to vote on "AA", we have not had a chance to vote what our constituents have told us to do.

I urge you to please reject the motion to recede and concur.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: The first comment I want to make is a response to the Representative from Saco. I, for one, and maybe the only one but doubt it, am tired, sick and tired of being under the pressure of what the Governor is going to do in this particular case. I think the experience has shown very clearly that by waiting for the Governor to take action and the advisors that have given him the poor advice that has put us in the situation we are in has left us in a situation we are in at this point in time.

The comment was made that this might not be the best document, I would say never have truer words been spoken.

As far as time goes, we have not been allowed the

time. The majority members of the legislature, you can call them rank and file or whatever, have not been allowed the time to do the job that we have. I believe we should defeat this motion and give us just a little bit more time. As far as the people of Maine go looking for us to do the right thing, in my judgment, we are doing the right thing.

Where is it written that only those who are supporting this motion on where we are today are doing the right thing and those who are opposing it somehow are acting irresponsible, as it was said the other day, which I took offense to then and still do now, are somehow not doing the right thing? In my judgment, the people of Maine want us to do the right thing and they want us to do that after we have had enough time to put input into it. I submit to you that we haven't. Maybe in the future, finally rank and file and even the press doesn't understand that there are rank and file people that they have never bothered to talk to, have no conception of what they are thinking and maybe they should spend a little bit more time on that particular item.

If ever there was a case where two wrongs do not make a right, this is the time. Just because the Governor and his advisors have put us into this situation, the economy itself is bad and of course we all understand that, never should we as a legislature just turn around and decide that we have got to blindly go along with it. If we could defeat this motion, I truly believe there are many of us who have been working on other suggestions, I think there are people in this House that have other suggestions but we just haven't had the time. We have been under the gun again just like we were a few months ago. I can't believe we are under the same type of a gun but we are.

I ask the membership of this House to carefully consider this motion that is on the floor at this point in time. Can you truly say that if you vote for this motion and go back to the citizens that you are going to run across in the shopping centers and church and whatever other function that you did the very best you could? I will not be able to tell a school board, municipal officials, anybody that I meet with, that I, who they expect to do, have done the very best that I can. I say there is still more time. The curtailment, if that has to be, then I am prepared right now and have been since I came back here, to go home without a budget if that is what it takes. Just to vote for the budget because someone says we are under pressure is not in the best interests of the citizens of Maine, not your constituents and not mine.

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

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: We are the House of Representatives and we do represent in a far more accurate degree, I think, the people of this state than any other institution in this government or any other part of any given institution in this government. Up to now, the overwhelming majority of this House, which most closely represents the people of the State of Maine, have voted not to pass this piece of legislation as it has been sent back to us.

I think that the question was fairly put — does this House of Representatives mean anything in the governmental process? That is a fair question. It seems to me we are being asked to act as a rubber stamp in this very unique and critical situation. I

am not willing to do that, certainly not at this juncture or any other juncture. I want to see some movement in the direction that the majority, the overwhelming majority, of this House thinks. I want to see some movement toward us, some meaningful, substantial movement. That hasn't happened yet in my judgment.

Something has been said about the committee process in the past few days and how somehow or other because we are expressing our will and reflecting the will of the people that we are undermining the committee process. I don't want to pick on anybody here at a time when we are trying to be diplomatic and so on but it seems to me that the committee process was a de facto in spirit interfered with when a certain person said, unless we get a unanimous decision out of the Appropriations Committee, we will not call in the Representatives of the people. As a result of that, I think that the Appropriations Committee was under undue pressure to report out of committee a compromise that it otherwise would not have reported out. That is point number one.

Point number two, this is the committee right here, the committee of the whole. All decisions of every committee comes to us for final approval and there is a reason for that. What that means is, any decision of any committee is not final until it is subjected to the scrutiny of this body and the other body to our criticism, our probing, our amending process and then, ultimately, either to that approval or disapproval, we have the final say in the committee process because we are the committee of the whole and we represent the whole state. I don't think we are undermining the committee process in this situation. If anything, I think we are reinforcing it by asserting our general will here. So I say, let's stick to our guns and let's have a more reasonable approach to this issue, let's see some movement in the direction of the peoples house, then I will be ready to consider the passage of a budget and only then.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Men and Women of the House: Do I like this bill? No. Is it a perfect bill? No, it isn't. I can assure you we are all going to be back here in a few weeks to deal with a much, much bigger problem than we have here today. You will all be here, you will all be in your committees and we are going to be looking to you for some guidance in that direction.

The speaker before me made reference to not having an input in this process. If you take your calendar today and look at it, there are 43 amendments that have been put on this bill. I honestly feel that we have given you an opportunity in this process. I urge you to vote for the recede and concur.

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

Representative HICHENS: Mr. Speaker, Members of the House: This morning I spoke to a reporter from one of our local papers, gave him an update on what was happening and he said, "Representative, I understand you were one of the six Republican renegades who voted against your leadership and the Governor?" I said, "I voted my conscience. I didn't realize that I was being a renegade. I wasn't voting against the Governor. I wasn't voting against my leadership. I was voting the way my conscience led

me to."

Outside of the Speaker of this House, I have served in the Maine Legislature longer than any other person. In those 21 years, I have always tried to vote my conscience. One year I had headlines in the paper, "Senator Hichens Jumps the Ship" and I was opposing what most of my party members were in favor of at that time. It didn't bother me and it didn't bother me yesterday and the day before when I voted the way I did. I have searched my conscience today and through the night and I feel that we have come to the point where we have to make a very drastic decision. So, I feel with all due respect to everyone in this House that I should have to change my mind and go along with the motion to recede and concur.

Representative Macomber of South Portland requested a roll call vote.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: As you probably can well expect, I am going to speak against voting for this bill at this time.

The good gentleman from Saco said that this is our last chance. Don't believe that. I have been here a few years and I have heard this story said a number of times, "This is your last chance." Well let me tell you, if you want to do what is right, you will vote no today, then you will have another chance. If you want to do what is right today, you won't vote to cut Maine revenue sharing to the municipalities. If you will vote no, I will guarantee you that sometime this afternoon or evening, there will be more amendments come and there will be amendments that may make you feel better than what you do right now. This is not the right bill that we should be voting on.

I know what this bill does to my municipality as far as General Purpose Aid. I haven't said it before but we are in a district that receives 83 percent and yes, that is going to hurt to be cut \$16.5 million but we can't stand to have two cuts. The other cut is revenue sharing which does 25 percent to my budget. We have got to make some movement here to try to adjust that downward somehow. There are other towns that are going to be hit just as bad as we are.

If we can vote no and do as the good gentleman from Westbrook said, insist and ask for a Committee of Conference, I believe that the members of this body as well as the other body will work out an agreement that is going to be much better for all of us that we can go home with and be much happier, be much prouder of.

The best motion at this time is no.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This noon I received a phone call from the most critical constituent I have got and that is my wife. She said, "Why don't you people make up your mind and get home?" She is getting rather anxious, I only have one car, she's got some money and wants to spend it.

We have been here long enough. For the last two or three days, we have seen more amendments here that have nothing to do with the budget. I am getting a little sick and tired of it. I am 66 and I don't want to die sitting in my seat and that is about what we are doing.

As far as the Committee of Conference — in the last eight years, I have seen it time and time again. The big hang-up here is revenue sharing and GPA. For 25 years in my hometown, I have served ten years on the school board, nine years as a selectmen, a member of the planning board, a member of the board of appeals, a member of the budget committee and I think this is a two-way street. They are talking about revenue sharing and GPA, it is a two-way street where there should be an effort on the part of municipalities to see what they can do. I have seen no movement in my town to try to do something. Fine. We came out of revenue sharing and I have said for years that revenue sharing should be based and given to the towns after the tax rate is settled, not before so you can buy all the tonka toys that they need, a pickup truck for everybody. I was on the school board when the educational funding formula came out. In Lisbon, we were tickled because we had lost two factories and the tax rate went down five mills. I was on the school board and the superintendent and I were really tickled but the town manager on the municipal side went up five mills on his budget. There has to be cutting on both sides and there is only one way that you are going to make them start cutting and using the money wisely, we send the budget out and say, we have done our share, now you do your share. That is why I say I intend to vote to recede and concur. Let's get this out and let's get back home and tell our constituency that we have done something. That is all I have heard for the last two months, "When are you people in Augusta going to do something?"

This so-called Committee of Conference, with all due respect to my good friend from Corinth, they are going to end up split again because when you get seven people, you are going to get seven different opinions. That is what I have heard here for two or three days. If they don't get it one day, they try another amendment the next day which had nothing to do with the budget. I came here with the hope of going back home with a budget. We are not having a budget — you have games being played by some people. You have got people trying to set up power bases which I don't think is the time, wait until the next election comes around.

I say again, let's get a budget out there and tell the people at least we have done something.

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

Representative REED: Mr. Speaker, Members of the House: I have sat here for a long time and it is not business as usual in this country with General Motors closing 21 factories and laying off 72,000 people. I think we should really realize what is going on in the world, not just Maine. There are a lot of people out there that want a budget and my people tell me they want me to come home with a budget. My town managers (and they are only doing their jobs) are saying, we don't want to see cuts in revenue sharing, so I voted against my leadership so far, but my people in my hometown and my town managers in all my towns have said, "Bill, if you have to, bring home a budget. Even though you have to cut revenue sharing, we will probably learn to live with it, but whatever you do, bring home a budget." That is what I am going to do.

I urge you to vote to recede and concur.

Representative O'Gara of Westbrook was granted permission to address the House a third time.

Representative O'GARA: Mr. Speaker, Men and Women of the House: In regard to the remarks made by one of the previous speakers about communities not doing their job, I don't know where the Representative from Lisbon Falls community is, but let me give you a quick example of what is being done in one community. I know for a fact that it is being done by communities all over this state. In the City of Westbrook, they have already, as a result of anticipating — I submit to you that, if the people who should have been anticipating a few months ago had anticipated as well as the communities have done, we wouldn't be in this mess but in the community I represent largely, although I do represent a part of Portland, the City of Westbrook has reduced their work force by 8 positions, eliminated their capital improvement budget, eliminated funding for the paving program, froze most of the budget accounts and negotiated minimal wage increases for our employees. These actions allowed us to actually reduce our budget over the previous year and as a result, we have no flexibility. I submit to the Representative from Lisbon that Westbrook is just one example of many, many, many communities who saw the problem coming and made an attempt to do something. As a result of doing their share, they left themselves no room for what is being submitted here.

From the school committees point of view, the school committee in the City of Westbrook saw the financial problems coming and they capped all budgets at ninety percent of the total allotment with no department being allowed to go over 50 percent without approval from the superintendent of schools. They took that ten percent and, using the expression people like use here lately, they booked that ten percent as protection against what they saw coming. So, I submit to the Representative from Lisbon and I suspect that there are many other legislators who could get up (maybe they will, maybe they won't) and relate to him similar stories as this.

That is another thing I am tired of hearing, that communities aren't doing their job. I also was a municipal official as the Mayor of the City of Westbrook for ten years and as people may or may not know, in the City of Westbrook, the Mayor is in fact the chief cook and bottle washer, directly involved with the budget, directly involved with union negotiations and I know what municipalities have done. Having been a teacher and having been involved in negotiations and budgets, I know what the education communities are doing and I am also sick and tired of hearing that.

Let's face up to reality. The Speaker of this House said in a caucus a few weeks ago — and I listened to him and I believed him — that we should face up to reality, know what the realities are. I don't believe we have been given enough time yet to know exactly what the realities are.

I urge the members of this body to defeat the motion on the floor, let us move to insist and ask for a Committee of Conference because I believe there are people in this body and in the other body that can, now that we have come to this point, sit down and come out with a compromise that we can all go home with.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: I rise to urge you to vote against the motion on the floor.

The other day there were a number of illusions to history that were made. One was made in response to statements by the gentleman from Belfast when the Speaker took the floor to make statements in regards to the role of the legislature historically. I would like to add to that.

In colonial times in this country, particularly in Massachusetts Bay Colony from which the State of Maine ultimately derived, deputies to the General Court (representatives) were viewed then as "attorneys for the people." They were sent to the General Court to represent the will of their people. I don't think that is a quaint notion, I think that is a very instructive notion and it is certainly one that I am trying to abide by today and I think all of us are so trying.

I don't really think that I would be a very good attorney for my people in Westbrook if I voted for this budget as it now stands because I wouldn't be listening to the people in Westbrook and I wouldn't be responding to the people in Westbrook and their pain and their suffering and their concerns.

The other gentleman from Westbrook has already described how the City of Westbrook has already attempted to respond to this crisis. They want us, on the state level, to do a lot more before we pass it onto the cities in the form of property taxes because that is what it is going to be, it is a tax shift. It is a shift of basic responsibilities.

Reference was made earlier, I forget by whom, to blackmail but I would like to mention that I lived 43 years before I was blackmailed by anybody, anybody at all. It seems like last December I have been consistently blackmailed by the Governor of the State of Maine and I don't enjoy it. I am not sure that voting for this would make me feel very happy and I am not going to.

I think it is time that this legislature stands up and acts like a legislature and asserts its proper historic role and that role isn't to be a rubber stamp, isn't to submit to blackmail. We have had one of the most intriguing and running examples of why we have to go along with this kind of philosophy as far as the Governor is concerned and what he is going to do — stop him, unless he will kill again — I don't buy that.

I agree with the wisdom of Representative Strout, I hope you all do. This place isn't the "Last Chance Saloon." If we vote against this, we will be back, we will have a chance. I believe that sincerely and I hope the rest of you do as well.

One final thing. I actually give lectures for a living, I am paid to do it. I am paid more than I am to give lectures here, I might add. Being up here now, I am depriving my students of grading 120 final exams, but we are sort of doing our final exam up here. I realize that and they do. One thing that I have gained from all of this is a lot of empathy for my students. They have to sit through lectures every day but those lectures only go for about 50 minutes a shot. I have been sitting up here hearing lectures on how to be responsible and how to do the right thing since last December and boy, do I have empathy for those students. I can see how they do the kinds of things they do and I guess I am going to do the same kind of thing today because I am going to urge you to vote against this motion and against the lecturing. Be creative folks, I know you can come up with a budget.

The SPEAKER: The Chair recognizes the

Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those rank and file that was very frustrated over the process. In fact, I was one of four in our caucus that said I wanted to come back and deal with these issues and be part of that process. As you know, our caucus overwhelmingly voted to have the Appropriations Committee go back and come up with a budget and they did. I have got to say in hindsight that probably it was the better decision because number one, it did happen and number two, the argument that was made in our caucus is that it provides a nucleus, some cohesive element to deal with that will at least provide a structure, a basis for us to then come in and be a part of that process. I took part in that process. The way I took part in the process is by my six amendments, two of which I presented. Ninety-six others all took part in that process. We can totally frustrate the process by having it kick back and forth house to house and we could be here another week.

Representative Lemke said, we will be back — I can just hear the public out there when we go home saying, "They're back." What else can we do, we can't reach agreement now but if we ever reach an agreement, will we continue to spend money? We waste the next two weeks to say that we can't reach a budget and be well paid for that period of time that we are down here.

I guess there are a lot of things I have got to swallow with this budget but I am going to go along with the budget. I am going to lose some money to GPA in towns like everybody else. I am representing my district by saying that I could be up here saying, let's go ahead and continue to kick this thing back and forth and keep on putting on "UU" and all the other amendments which are very well intended. I think what we have learned out of all that process is that the rank and file have spoken. We are going to be back here in two weeks dealing with a lot of those same issues. A lot of things dealing with cuts that were very unpalatable a year ago, we are going to have back, they are going to be that much more palatable for us to deal with and come up with creative solutions.

One of the things I am proud of in what we have done so far in this last week, 99 percent, is the fact that we have in some basis acted like a town council, more like a selectperson process that we have throughout the state and we have said, to heck with politics. The rank and file has done that, that is what I am really proud of. I also want to be proud to go home and say that we are going to be back here in two weeks — we aired a lot of issues, we know we have to cut state government, we know we have to come up with creative ideas, we know that we couldn't make those decisions now because perhaps they are too impetuous, we want to do it right. I would like to see the Maine Waste Management Agency gone, you all know that. It was a very surprising vote in this House. I believe as a result of all that, we are going to look at that agency and things will be for the better next year.

I got up this morning and I was going to wash my clothes this morning, by the way, because I had no clothes. When I went down to the laundry room, they were washing sheets and I couldn't wash my clothes. I can tell you I try to think of some creative solutions and I guess being in a budgetary mode I

said number one, I don't have any underwear and said, I can get away with that because they can't see it. Well, that is the budget — there are a lot of things there that we can agree that we can analogize that with. The other part of it is that I don't wear a bow tie so I went down to the ugly tie room only to find all these wide ties, ugly ties, this is the least ugly but I hate bow ties — I am wearing a bow tie. I am going to go home with a bow tie and that is an analogy to the budget as well. But, I am going to go home to my folks and say, at least we came to an agreement, we have a budget. We are going to be back here in two weeks and going to do some fine-tuning and things that the State of Maine would like.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Frankly, as this debate started, I wasn't sure how to vote and now I know. If I may, I would like to share it with you because I see a lot of question marks and furrowed brows. Maybe by thinking together, which we have needed to do for a long time, we can come up with a reasonable compromise. It is not in January, Representative Richards, that people are talking about dealing with this budget, it is today. If you vote against recede and concur, it is not a vote to postpone until January, until after the holidays. Certainly that would not be my vote.

As one legislator — and I am amused at all the references that have been made to all of us, rank and file has been elevated to a third party. We have Republicans, Democrats and rank and file. I don't know what I am anymore but I am the individual from Vassalboro and I care deeply about this budget just as Bill cares about his municipalities and I know he is right. I care just as deeply about my schools. Even if you are on AFDC, you need a good education.

The budget that is before us now was the first step in a compromise, one which very dedicated caring men and women made their best effort to give under unrealistic parameters. They gave it to us and without that, we would have had no basis for this debate. We are beyond that now but the one thing that this Representative from Vassalboro has not had a chance to vote on and which I want a chance to vote on is a compromise. House Amendment "UU" is not acceptable. This body voted for it but I am not sure you would have voted for it on final enactment. I heard that in half the speeches. You wouldn't have voted for it because you know and I know we have to make some cuts, even revenue sharing and even education. The principles before us have to be not killing the future, not killing our kids, not killing our towns, but there is not a person in this room who doesn't know that you can't walk out of here with everything that you want. I know it and you know it.

I am sorry it is already two o'clock on Friday. I had hoped we would be at this point yesterday morning and I am sorry I voted again for "UU" last night after it had failed so badly in the Senate. I did because I thought it made some sense when we had more time to come back and deal with it. It is not a realistic alternative and we know that. The next thing for us to do is to be honest. Weeks ago, I said and many of you did too, the biggest holes in our budget are revenue sharing and GPA. You cannot restore them 100 percent unless (1) you are willing



to raise taxes and I have not seen that here or (2) you are willing to absolutely devastate any programs in state government, I haven't seen that either. We restored half the things we tried to cut. So, it is time. Not January, Representative Richards, but today. So, I am going to join those people who are asking us to vote against recede and concur. Very reluctantly, I am going to vote against insisting and asking for the Committee of Conference because I want to be sure that that committee comes back with a real compromise because I haven't had a chance to vote on anything that I think represents the people in my hometown. So, I will vote on that motion but I am counting on the people who are on that committee to listen to those of us who don't belong to any group or any leadership or anything else who want a compromise vote and we haven't had it yet.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Men and Women of the House: I think that most of us have known for two months that this thing was coming up. We have all had a chance to write to the Governor, I have had a chance to speak to the Speaker, I have had a chance to speak to our leaders and those leaders over there and I didn't. We have all had a chance to have our word in this budget and most of us have not done it. I am reminded of the television commercial "Where is the beef?" My commercial is, "Where is the money?"

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would urge people to recede and concur for the simple reason that people have already moved beyond, both the budget that is before us and "UU." There have been a number of people, I have been working with one group, I know there have been other people in other groups and I think there are many more than one proposal here that we can work things out with the other body, with each other, but we need to have the context with which to do that.

It is absolutely unacceptable to me, having had two votes in this House. I agree with Representative Mitchell that not everybody was ready to enact the budget with "UU" on it necessarily but I think that everybody here voted for it when they did because it reflected what they would like to be able to do if they could, which is not to shift \$30 million plus worth of the state's budget problems to property taxpayers. We can do better than that and we can do it today. We can't do better than that if we don't vote against the recede and concur motion and then move on to insist. I would ask that you give us a chance.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have lectured for more and I have lectured for less than that which I get here in the House. However, I have never lectured to a more important subject or with people that I respect anymore than I do you people. Without further equivocation, I would like to say that this is a time when, if the process will go on and yield a budget, then I would give that process another chance. When I voted, I did vote to move the process on for several of the amendments simply to get it out

of this House, to get it over to the other body, to have that exchange take place. I am driven by a time schedule of my own. I know, having just come from a temporary superintendent's position that by tomorrow the computers need to spin out the subsidy information that will put into place those checks around every school system in this state. I want that to come from a budget that this body, this legislature passes. What I am going to do now is to give the process another chance by voting against the motion but with no idea of putting off that time that we have have a budget because I really want those subsidy figures out there. I want them on a lesser scale than we would force the Chief Executive of this state to do by the limited options he has in that area. I don't want that cut to be nearly over four times as great as it would be under the plan before us now.

If someone thinks they can make it better, I would applaud that and I would be voting for that providing we don't throw something else so far out of whack. I think we can do this in the short-term, have a budget and then be back and make those other changes at that time. I wish we could have a ladies and gentleman's agreement that, if this process goes forth, we pledge ourselves to a budget before we leave here and before we make the impact on those schools and, consequently, the communities in both GPA and in revenue sharing. I think that is the agreement we have got to strike and in that spirit, my vote will go against this motion.

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

Representative Hوجلund: Mr. Speaker, Men and Women of the House: It is very hard for me to get up and speak today because I have not planned what I want to say, I am just going to tell you how I feel. I honestly don't think I can vote for this today simply because my good friend across the aisle, Representative Mitchell from Vassalboro said, we had to raise taxes in our local area, if I understood her — or we haven't talked about taxes. If I misunderstood, I apologize, but talking about taxes, there is something I want to tell you, Portland has had a re-evaluation this year and they raised all the taxes they could possibly raise. We cannot take a cut in GPA, we cannot take a cut in revenue sharing. I am sorry, I personally feel we have nothing more to share with this House, this state. I wish there was something else I could say. To some of the experts on this side of the field, you talk about abuse on the welfare system, the low-income system — what about the abuse on the bureaucracy because the federal government allows you to have money for matching funds instead of making it for equal amounts of money for \$20,000 here and \$20,000 matching face, to have a director — no, you go 40/40 so that, to me, is the upper class doing an abuse to the system too.

I personally feel that I am sorry, I have to go against it because my schools are going to have 70 teachers out. We will have to close down a school. There are 15 homes in my surrounding area, not across town, that right now are not on the market but they are going to lose their home because the mortgage and property tax supercedes their income. It supercedes mine, I cannot afford to live in a city that I represent. In 1984 when I came here, I came from rock bottom to top of the line, lived very comfortable. As of today, I can't afford to live in

my city and you say we can do a little bit more? I am sorry, we can't. Take it from another source, I don't know what it is, but I think we need the time to figure it out. If I have to take a cut, Roland Ives can take a cut. I am just flabbergasted. I wish there was a lot more I could say but with the way I feel, I am sorry, I have to vote against 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 Representative Chonko of Topsham that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 272

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carroll, D.; Carroll, J.; Cashman, Chonko, Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichborn, Hichens, Jalbert, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Marsh, Mayo, Melendy, Merrill, Michaud, Nadeau, Ott, Paradis, J.; Parent, Pendexter, Pendleton, Pines, Pouliot, Reed, G.; Reed, W.; Richards, Ruhlin, Rydell, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

NAY - Adams, Aliberti, Anthony, Bell, Cahill, M.; Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Heeschen, Hoglund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, Martin, H.; McHenry, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Richardson, Ricker, Rotondi, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tammara, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

ABSENT - Boutilier, Carleton, Handy, Kutasi, McKeen, The Speaker.

Yes, 56; No, 89; Absent, 6; Paired, 0; Excused, 0.

56 having voted in the affirmative and 89 in the negative with 6 being absent, the motion did not prevail.

The SPEAKER: The pending question before the House is the motion of Representative from Madawaska, Representative McHenry, that the House Insist.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: I do not want to make a long statement but certainly I urge the House to support this motion and call for a Committee of Conference which I guess goes along with it.

I have to say one thing to the members of the Appropriations Committee which I didn't say before.

I hope and pray that not one member of the Appropriations Committee feels that because of this position that I or anybody else has taken any particular offense to what they have done. I have the highest regard for the membership. I have worked with many of those members and maybe I can speak for all of us when I say that we feel that the Appropriations Committee has done an amazing job and the best they can. We don't necessarily have to agree with all of it and we hope we can do something just a little bit better.

Mr. Speaker, if I didn't ask, I move that the House ask for a Committee of Conference to be added to Representative McHenry's motion that the House Insist.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, a parliamentary procedure question. Would not the motion to recede and then allow the House to then put on amendments and repeal the amendments that have already been accepted in the House take precedent on the motion to Insist?

The SPEAKER: The Chair would answer that the motion to recede would be in order.

Representative MCHENRY: Mr. Speaker, I move that the House recede.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I wish to oppose that motion because I don't think this body is the proper place to work out a compromise. I think it is a compromise that is needed and it involves the other body as much as this body. So, for us to recede and start adding amendments and send it back, is just going to prolong what I see as a fruitless activity. To me, a Committee of Conference makes much more sense as an opportunity to really get down to the real issues. There are real issues that separate this body from the other and there are a variety of proposals out there to deal with those. I don't believe trying to do it as a committee as a whole makes as much sense as setting up a Committee of Conference and allowing that group to do it. I will be voting against the motion to recede and I request a division.

Representative Gwadosky of Fairfield requested a roll call vote.

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 Representative McHenry of Madawaska that the House recede. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 273

YEA - Coles, Duffy, Luther, Macomber, Marsano, McHenry, Parent, Powers.

NAY - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Cahill, M.; Carroll, D.; Carroll, J.;

Cashman, Cathcart, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hastings, Heesch, Heino, Hepburn, Hichborn, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Mahany, Manning, Marsh, Martin, H.; Mayo, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb.

ABSENT - Bell, Boutilier, Carleton, Chonko, Foss, Handy, Kutasi, McKeen, Small, The Speaker.

Yes, 8; No, 133; Absent, 10; Paired, 0; Excused, 0.

8 having voted in the affirmative and 133 in the negative with 10 absent, the motion to recede did not prevail.

The SPEAKER: The pending question before the House is the motion of Representative O'Gara of Westbrook that the House Insist and ask for a Committee of Conference.

Representative Michaud of East Millinocket requested a roll call vote.

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 Representative O'Gara of Westbrook that the House Insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 274

YEA - Adams, Aliberti, Anderson, Anthony, Ault, Barth, Bell, Bennett, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Hanley, Hastings, Heesch, Heino, Hichborn, Hichens, Hoglund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, Mahany, Manning, Marsh, McHenry, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra,

Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Bailey, H.; Bailey, R.; Bowers, Butland, Donnelly, Garland, Greenlaw, Hepburn, Jalbert, MacBride, Macomber, Marsano, Martin, H.; Mayo, Parent, Pines, Reed, G.; Whitcomb.

ABSENT - Boutilier, Carleton, Chonko, Foss, Handy, Kutasi, McKeen, Small.

Yes, 124; No, 19; Absent, 8; Paired, 0; Excused, 0.

124 having voted in the affirmative and 19 in the negative with 8 absent, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent:

#### SENATE PAPER

##### Non-Concurrent Matter

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) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807); "BB" (H-810); "NN" (H-824); "BBB" (H-839); "CCC" (H-840); "JJJ" (H-854); House Amendment "UU" (H-831) as amended by House Amendment "A" (H-849) thereto; Senate Amendments "A" (S-479); "F" (S-484); "H" (S-486); "J" (S-488); "T" (S-499); "X" (S-504); "Y" (S-505); Senate Amendment "C" (S-481) as amended by House Amendment "A" (H-856) thereto; and Senate Amendment "N" (S-492) as amended by House Amendments "B" (H-855) and "C" (H-857) thereto and asked for a Committee of Conference in the House on December 20, 1991.

Came from the Senate passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807); "BB" (H-810); "NN" (H-824); "CCC" (H-840); "JJJ" (H-854); Senate Amendments "A" (S-479); "F" (S-484); "H" (S-486); "J" (S-488); "T" (S-499); "X" (S-504); "Y" (S-505); "DD" (S-517); Senate Amendment "C" (S-481) as amended by Senate Amendments "A" (S-516) and "B" (S-520) thereto; and Senate Amendment "N" (S-492) as amended by Senate Amendment "B" (S-515) thereto in non-concurrence.

On motion of Representative Chonko of Topsham, the House voted to recede.

Subsequently, Senate Amendment "DD" (S-517) was