

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 SPECIAL SESSION

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SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

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, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hogle, 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, The Speaker.

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, Heeschen, Heino, Hichborn, Hichens, Hogle, 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

read by the Clerk and adopted.

House Amendment "A" (H-856) to Senate Amendment

"C" (S-481) was indefinitely postponed in concurrence.

Senate Amendment "A" (S-516) to Senate Amendment

"C" (S-481) was read by the Clerk and adopted.

Senate Amendment "B" (S-520) to Senate Amendment

"C" (S-481) was read by the Clerk and adopted.

Senate Amendment "C" (S-481) as amended by Senate Amendments "A" (S-516) and "B" (S-520) thereto was adopted.

House Amendment "B" (H-855) to Senate Amendment

"N" (S-492) was indefinitely postponed in concurrence.

House Amendment "C" (H-857) to Senate Amendment

"N" (S-492) was indefinitely postponed in concurrence.

On motion of Representative McHenry of Madawaska, the House reconsidered action whereby House Amendment "B" (H-855) to Senate Amendment "N" (S-492) was indefinitely postponed.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House adopt House Amendment "B" to Senate Amendment "N." This is the amendment that prohibits any one business to have more than two stores in the State of Maine.

The SPEAKER: The pending question is indefinite postponement of House Amendment "B."

Representative MCHENRY: Very well, I hope that you will vote no on the indefinite postponement.

The SPEAKER: The Chair will order a vote. The pending question before the House is indefinite postponement of House Amendment "B" (H-855) to Senate Amendment "N" (S-492). 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 70 in the negative, the motion to indefinitely postpone did not prevail.

Senate Amendment "N" (S-492) as amended by House Amendment "B" (H-855) and Senate Amendment "B" (S-515) thereto was adopted in non-concurrence.

House Amendment "UU" (H-831) as amended by House Amendment "A" (H-849) was indefinitely postponed in concurrence.

House Amendment "BBB" (H-839) was indefinitely postponed in concurrence.

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

Representative CASHMAN: Mr. Speaker, I present House Amendment "MMM" (H-860) and move its adoption.

House Amendment "MMM" (H-860) was read by the Clerk.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Let me start by saying, although "MMM" is drafted in my name, it is not solely my amendment. A lot of people have had input into this amendment. Let me also start by saying that I really don't enjoy offering it. I stood here a couple of days ago and said that I wouldn't support any amendments to the budget document. I have been here since Wednesday night fully prepared to vote for the budget document that came out of the Appropriations Committee and I would still vote for it. Even though I don't really like it, I would still vote for it but it has become increasingly apparent, as we have about five hours left before we get into the fourth legislative day and trigger veto messages and veto bills, that the report out of the Appropriations

Committee is not going to pass. In fact, we can't even get it into a position to vote for it for enactment. So, I offer this amendment as a compromise position.

Someone said to me as I walked in here that it looks like a Christmas tree and I think that is a seasonal statement. I want the House to understand that much of what is in here are amendments that have already been adopted by the House and Senate. As you look down through the list of what is included in this amendment, many of the parts in it are amendments we have already adopted which gives it its Christmas tree aura. Basically what it does is it restores \$500,000 to the Tree Growth Reimbursement Program.

I am going to try to give you a rundown of the basic things that it changes from the budget document that is before us. It restores \$500,000 to Tree Growth Reimbursement because, frankly, it is something that can easily be traced through property tax increases in towns that rely on tree growth reimbursement.

It replaces some money to the AFDC program, \$297,000.

It replaces a bare bones comprehensive planning operation in DECD.

Basically it pays for those changes with a one percent across-the-board cut and by the addition of some revenue agents in the Taxation Office. Those agents will be hired as soon as possible and trained by July 1st. The State Tax Assessor tells me that, if he has them on board and trained by July 1st, the 12 agents would generate \$250,000 in income apiece which gives you \$3 million in the second year of the biennium.

The other major changes out of revenue sharing and General Purpose Aid — basically what the amendment does is it makes the revenue sharing question an 18 month question instead of a six month question.

The proposal that is in the budget that came out of Appropriations cuts \$12 million in FY92 by June 30th and then it cuts \$6 million more in FY93. It cuts \$16.1 million in General Purpose Aid, as you all know because we have been debating that since Tuesday night.

What this proposal does is, instead of \$12 million between now and June 30th in revenue sharing, it cuts about \$8.1 million or \$4 million less. In General Purpose Aid, instead of cutting \$16.1 million, it cuts approximately \$8.8 million. In the second year of the biennium, I want you to understand that, instead of cutting \$6 million from revenue sharing, it cuts approximately \$15 million. It does that by reducing the revenue sharing formula from 5.1 percent to 4 percent.

I came to this legislature in 1983, a member of the Old Town City Council, in fact, I had been Major for a couple of years and I know a lot of people in this body served on municipal boards and were elected municipal officials before they came here and many of you still are. In 1983, I sponsored the bill that put revenue sharing from 4 percent to 5.1 percent and I don't really sponsoring amendments that puts it from 5.1 back to 4 but I do it for two reasons. I think it is more palatable for municipal officials (having been one) to have an \$8 million cut halfway through their budget than a \$12 million cut or a \$32 million cut as was originally proposed. I think if we are cutting money in the second year of the

biennium FY93, it gives municipal officials six months lead time to plan for it. Most important of all — and I have talked this over with my good friend, Representative Strout, I share his concern about the security of this program in the future — I would rather see a 4 percent revenue sharing program that is secure than a program that is up in the air which is what we had in the original budget.

I think that this amendment makes the budget more palatable but I don't like everything in this amendment. My good friend from East Millinocket will attest there are things in this proposed amendment that I am not too crazy about. There are things that aren't in this amendment that I really wanted in there but it is crafted really to try to reach a compromise. Most of what is here has been argued about and debated since Tuesday night. What is in here is an attempt to try to address the concerns expressed by this House over the past three days. It doesn't address all of them. It doesn't address my favorite one but I think it addresses most of them.

We have got about four and a half hours before midnight before we go into our fourth day and I agree with my good friend, Representative Strout and the comment made by Representative Lemke that this isn't the "Last Chance Saloon" and I don't want to try to hold an axe over anybody's head but I think that we have to come to a decision sooner or later. The people in Maine want us to pass a budget, they really do. I want to pass a budget, I know everybody in this House does.

While this amendment is probably not a lot more perfect than the budget, I am hoping it satisfies enough of people's concerns that we can pass it with 101 votes. We have been here since Tuesday night, I am tired, I am dressed worse than Representative Richards, which bothers me, and I really want to go home.

I offer this amendment as a compromise position that I hope we can generate 101 votes, 24 in the other body and send it to the Governor, I hope you will join me in that effort.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go home too. I have been here for six weeks working on a budget and there is no place I would rather be than with my family tonight but I hope you won't vote for this amendment and I will tell you why.

The other evening I was impressed with Representative Cashman's statement (in fact I quoted him) that the 115th will be known as the destroyer of the committee process. I had intended today to thank him for his support on prior votes against amendments. Now I see that probably by my not seeing him would have made it premature anyway.

I think this amendment before you now is an ultimate insult to the Appropriations Committee and to the process. We have had no time to review it, we don't even have the language, we have a fiscal note in front of us and a Statement of Fact. Six weeks of work and this shows up on our desks. In my quick reading, it is obviously a very swift evaluation, it only eliminates the difficult decisions that we were sent here to make.

Some of the things that it does restore that Representative Cashman didn't mention in addition to comprehensive planning is it restores money for Maine Maritime, the University, boards and commissions. As

I see it, it strikes all the money out of the tourism initiative which is a public/private partnership, not one of my all time favorite programs, but very important to the economy. It has a one percent across-the-board cut. In fact some of the people in my caucus yesterday said I almost sounded like a liberal defending against that when Representative Gwadosky offered an amendment but I do know what that kind of across-the-board cut will do to mental health programs and programs for children and the elderly in this state.

There is a very important issue in here that Representative Cashman didn't really describe to you. Our committee had a unanimous agreement not to go into what we called the carry-forward to balance the FY93 budget because we know that our long-term problems over the next several months will be enormous trying to solve that next wave of cuts. This bill, by reducing the revenue sharing percentage for FY93, spends those FY93 savings now to paper over our problem. It makes our long-term stability even more at risk. I think it does make the pain seem to go away but I guarantee you the long-term pain will be even greater.

I would like to remind members of the House that there was debate earlier this morning and there was a lot of criticism of the Appropriations agreement and there were some comments I resented. This bill that we passed unanimously out of committee has things in it that I don't like. The other body stripped off the merit pay reduction. I think that is offensive that state government is giving merit pay increases when we are laying off people, but that budget was a compromise, it wasn't the Governor's budget any longer, it was our budget. We represent the spectrum of political philosophies of the geography of this state and, in good faith, we put together a bipartisan agreement of legislators trying to solve Maine's fiscal problems and that is the budget we should support.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: For three days I have been sitting here listening and I've got to tell you I have been chomping at the bit. I've got to tell you that I found the first budget when I came here that was presented to us equally as offensive. I can tell you now that I could not have voted for that budget and gone back and looked at the people I represent in the face. I would not have voted for that budget, couldn't, wouldn't, and will not.

There were some things in that budget that bothered me a lot, Fish and Wildlife, Conservation but even in our caucuses, I felt it was highly inappropriate for me to get up and start defending Fish and Wildlife cuts when people were talking about AFDC, feeding people, heating people, and providing them with medical care and mental health.

I've got to tell you, one thing I looked for in this budget was fairness. I didn't see it, it is probably not all there now but the way I look at it, I have two options, I can either vote for this amendment or go home. If this amendment fails, I am going home because you don't need any no votes, you need some yes votes.

Someone just said that I changed my mind, I am going to vote for this amendment because the Fish and Wildlife stuff is back in there. I am very happy

that it is back in there. You have all held out for your little ornament on the Christmas tree and I didn't get up and ask for any ornaments, I was just asking for a matter of fairness. The Fish and Wildlife Department does not have one penny of General Fund money there. If they did and Appropriations had taken it, I would have gone along with it, but there is no General Fund money there. As a matter of fact, the Fish and Wildlife Department paid for all three years of the state employees raises out of our department that was supposed to be paid for out of General Funds. We agreed to that because they were our employees and we believed that we had to do our share, we had the money, the General Fund didn't. Took the money the first year, the second year and took it the third year. We ate Search and Rescue last year because we had the money and General Fund did not. It is clear to me, even though Representative Carter's language supposedly assured that that fund would not be raided, that we are never going to get any General Fund money. If Fish and Wildlife is to continue to do their operations, they will have to do it solely on license fees. I accept that fact.

The original budget amendment, and I don't know who came up with this lamebrain idea, took money from Fish and Wildlife (which they don't have to give) to pay for a forest fire protection service that was short because we had 150 forest fires last year. The reason that was short was — see if this sounds familiar to you — is because every time they needed more money, they took money out of that account. I asked the Commissioner of Conservation, if we have forest fires, what is going to happen? He said we are going to be in trouble. Well, we took the money and we are in trouble. That is just a small example of why we are here today. We borrowed from Peter to pay Paul, using Susan for collateral and handing it through somebody else to pay another bill. This is just a small example. The money that we owe for fire protection should be paid for and should be paid for by General Fund because it benefits all of us. The gimmick of saying that taking that money out because it protects fish and wildlife habitat, so fish and wildlife should be happy to pay for it, is ludicrous, half the land is posted so we can't hunt and fish on it anyway.

The Commissioner is coming in this year with a 20 percent across-the-board rate hike to keep this department alive because they are going to be between \$3 million and \$5 million short. If we allow that transfer of that money from that fund, we will not get that fee increase through. Then we will have yet another department that has not been in trouble up to now that will be in deep trouble. I must point out to you that between Fish and Wildlife and Conservation, they are the two departments that bring in a large amount of the monies to this state that the rest of you like to take care of your programs with.

The other point is, there are natural resource departments of this state that really don't take much out for services. All you have to do is take care of those resources, give them a little protection and nurture them and they will replenish themselves so they are here from year to year for people to come enjoy. They do not put a burden on your school districts, they do not put a burden on your sanitary treatment district, they do not put a burden on your dumps. They provide a renewable resource that must and shall be protected.

It is true that I am happy that this is in this amendment. I will not lie about that. It is true because I didn't think it was fair the way it was going. This restores at least a fundamental degree of fairness into this whole process.

I was really amazed when I heard about how the process had been violated. Those of you that were here remember that one time I got up and had the audacity to ask the Appropriations Committee why they had taken a half million dollars from General Fund and donated it to the biologists of this state. When I asked that question, never mind offering an amendment, my best friend in the House, Pat McGowan, didn't talk to me for two days because I dared to get up and ask that question. Don Carter, who I loved dearly, didn't speak to me for a week.

Now, I have sat here and saw almost over 100 amendments offered to the Appropriations Committee bill, I dare say that the procedure that the Appropriations Committee has operated under will never be the same again. We are going to have to look for another way of doing things but I must say that those of you who are a little puzzled that you don't have much time to absorb this four or five page amendment really must know how we feel now when we came in here three days ago and were given a budget bill that is this thick and were asked to vote up or down on it in one day. I hope you put yourselves in our position as lowly rank and file members of this legislature.

It is true the way this system rolls that 23 people made a lot of decisions for 186 of us. For 13 years, I have gone along with that and I have had to pay the price because those 23 people have done some things that didn't really read very well back home.

I listened to Representative O'Gara this morning who said that the package we had before us was not the best and that we should work on it. I had set a goal to myself that, if we could get these cuts to a certain point and if there was some stability in revenue sharing that my town could plan on longer than a three week's notice or a two months notice, that I would at least listen. I have listened and I have looked at the amendment. I really believe that this is the best we are going to get. Some people say it is still too much, that 2 percent across-the-board cuts are unacceptable. I submit to you, they are a heck of a lot better than the 13 percent across-the-board cuts which has been threatened. I understand you don't like threats. This is not a new situation for those of us who have been here for awhile, it always seems we wait until the last minute, the last hour, we are on the edge of the cliff and, if we don't do something, we fall off the cliff. I guess the only thing I can say is, the scenario I laid out the other day that we had a choice when we came here of a pile of septic sludge or a pile of landfill garbage and, if we didn't accept one of those two, the Governor came along with a truck load of hazardous waste. Those are the three options we had, as I see it. They are probably not much better now but the only thing I have to say is that this amendment takes the solid waste and puts it through PERC and we end up with some ash that we have got to dispose of. It is still not the best, but it is the best I have heard offered and I intend to vote for it. That is all I can say.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.
Representative CASHMAN: Mr. Speaker, Men and

Women of the House: I apologize for getting up again and I will make it brief.

In all seriousness, I wish I had gotten a thank you from Representative Foss because we have served together for seven years and she has been a very worthy adversary and I have had a lot of fun over the years in jousting back and forth and it would have been nice to hear that.

I do have to take exception to one thing that she said, that this amendment puts off tough decisions and that I am eating into the carryforward. I am eating into the carryforward but I am not putting off tough decisions. The Governor identified a carryforward and the Appropriations Committee, I know, agreed it should be protected. I think both parties were right. It was a \$20 million carryforward into the second year of the biennium and I think they were right in doing that because I really don't think this economy is going to turn around in the next few months and I don't think I am alone in that belief.

I want to point out to you that this amendment would cut into that \$20 million carryforward by \$11 million but it cuts \$13 million more in the second year of the biennium than the bill that came out of Appropriations. It more than makes up in the second year for the raid, if you will, on the carryforward. I just want people to understand that.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: You have a very important vote to cast in a few moments, as we all do. You should do that based on the best possible information that you can gather and I urge you to do that.

We gather information in this House essentially in two ways, we listen to those who speak to us and we read the material that is presented before us. I want to make only one point, when the sponsor of this amendment began to introduce it and describe it to us he said, "It restores a bare bones comprehensive planning unit." Well, I listened to that information and took it in. Then I read some information which is Item 3 in the Statement of Fact which says, "This amendment eliminates those portions of the bill that abolish the Office of Comprehensive Land Use Planning" and on and on. I then read in the bill that the portion that is to be deleted by this amendment is 16 positions and \$1.9 million dollars. The sponsor of this amendment may perceive that as bare bones, I do not. I urge you, not only to listen to what is being said, but to read and understand what is before you before you make a very critical decision.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I have a series of questions that I would like to ask the sponsor of this amendment, the Representative from Old Town, Representative Cashman, or anyone else who can answer concerning the substance of the amendment.

My first question concerns a cut in revenue sharing and I wonder if you could state again just because I didn't hear it all, what is the cut in fiscal year '92 to towns and cities and what is the cut in fiscal year '93?

The SPEAKER: Representative Treat of Gardiner has posed a question through the Chair to Representative Cashman of Old Town who may respond if

he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: What the amendment does is change the percentage of money from General Fund revenue that goes to revenue sharing to 4 percent. The result of that is that in FY92 or between now and June 30th, we will cut \$8.1 million from revenue sharing rather than the \$12 million that is in the budget. In the next fiscal year, FY93, it cuts \$16.6 million, which is roughly \$10 million more than is cut in the budget before us.

I justify that for two reasons, number one, I think if anybody really believes that revenue sharing will exist beyond July 1st, if the budget document is passed, if they think that is a sure bet, I think they ought to talk to some other people and find out if that is true because I don't think it is.

I am attempting here to stabilize the revenue sharing program for the second year of the biennium.

The second thing is, as a former municipal official, I can tell you that I would rather take less of a cut in my existing budget and have a cut in next year's budget that I could plan for. I think the uncertainty out there amongst municipal officials is that, if the cut comes through a municipal revenue sharing in FY92, that it won't even be there in '93.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: My second question is a similar question. If you could just explain the amount of money that will be cut in General Purpose Aid to Education in both fiscal year '92 and '93?

The SPEAKER: Representative Treat of Gardiner has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Perhaps after this question, if you have three or four more, we will lump them up.

The cut in GPA in FY92 will be \$8.8 million instead of \$16.1 million, the amendment makes no changes in GPA for FY93.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: My next question is, is there anything in the amendment concerning how the GPA to education cuts are portioned?

The SPEAKER: Representative Treat of Gardiner has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: No.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I would also like to know what programs are excluded from the one percent across-the-board cuts?

The SPEAKER: Representative Treat of Gardiner has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and

Women of the House: I believe that the exclusions from the one percent cut are revenue sharing, GPA, debt, mental health, AFDC, Foster Care and the Maine Health Care Program. If I left anything out, perhaps someone who is more familiar with that can answer.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: Also, referring to the one percent across-the-board cut, is there any language in this amendment which would restrict the cuts to administration or that basically attempts to prevent the cuts from impacting direct services?

The SPEAKER: Representative Treat of Gardiner has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: No, it does not. I hesitate because I did not draft that section of the amendment but my understanding is that it does not.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: The amendment only states that there is a 20 percent addition to the budgets for the Maine Maritime Academy, the Technical College System and University of Maine — I would be interested in the total amount of money that is being restored to those budgets as a whole, you don't have to break it down.

My last question I will ask at the same time is, whether that restoration is targeted to offset tuition increases and whether there is specific language in the amendment that accomplishes that goal?

The SPEAKER: Representative Treat of Gardiner has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: In answer to the first part of the question, the total dollar amount is \$2.7 million and the 20 percent figure, as I understand it, is generated by the VTI systems. The figure that they gave the Appropriations Committee is that they would really have a very difficult time cutting and the feeling in this amendment is, if we are going to restore 20 percent to the VTIs, that it should be done to higher education in general.

The language as to whether this money should be used for tuition decreases is supposed to be in the amendment. This money is supposed to be used for tuition decreases, yes.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: The good gentleman from Old Town, Representative Cashman, said a lot of people had a part in this amendment and it certainly appears that way because it restores many, many programs to state government. This amendment sort of makes believe that we don't have a problem and avoids the cuts. It appears to me that the exchange between the Representative from Gardiner and the Representative from Old Town was an attempt for us to better understand this amendment since we don't have the wording in front of us and perhaps I do better understand it. However, there are still many questions, apparently some even in the mind of the

sponsor of the bill.

When you talk about an across-the-board cut, as is presented here, without further understanding it, an across-the-board cut would take \$3 million out of our institutions in this state and that could well be interpreted toward \$1 million out of mental health. Perhaps some of that has been excluded, perhaps all of it has been excluded, perhaps none of it has been excluded. Do we really know what this does? Maybe after time some of us could find out.

From the explanation from the gentleman from Old Town, this adds a few more tax collection agents to the Bureau of Taxation. Having served on the committee with him, I know that we have done this many times, seems to be a good place to be employed, we add a few more tax agents to sort of wring some more money out of the economy.

In a nutshell, this spends money and avoids cutting programs. Maybe this is one final chance to cast a vote for not cutting some of the things that obviously people don't enjoy cutting. As I read the Statement of Fact, at one point we restore comprehensive planning, obviously a concern to many people. We reinstate five advisory groups. I guess I find it ironic that we reinstate the advisory groups and yet cut the institutions to the tune of \$1 million. Maybe some individuals are scrambling to explain to me that, no we really don't do that, we exempt these folks, we cut someone else.

I know there is a lot of criticism of the Appropriations process and it is certainly not perfect but it seems to me here on the House floor, we are attempting to be our own whole Appropriations process and not even understanding what this document does.

Let's get back to the basic question. This bill takes money that is set aside to pay for the debt that we already have built into the '93 budget, spends it now, exaggerates the problem that we will immediately be facing in January.

I only offer these comments as an explanation. Obviously, I am going to vote against it. Many people here will vote for it feeling that this is a way of doing something a little better than Appropriations did.

It is very easy in this process to criticize each other, to criticize the people who have worked hard, to say, I didn't get in here early and I don't understand all of what is going on. Well, I have been in here from time to time and I don't suggest that I understand all of what is going on. Sooner or later, we have to come to a basic understanding that the kinds of things that this restores have to be placed in priority with some other very significant parts of state government and something has to go. This amendment attempts to avoid that.

I understand the attempt to restore some of the funding for revenue sharing, there is not a person in this body who does not want to do that. I would only suggest to you that this just delays the inevitable. I urge defeat of the amendment.

Representative Cashman of Old Town was granted permission to address the House a third time.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I do apologize for getting up a third time but as the gentleman from Waldo knows, I don't have the best temperament in the world, he was on a committee with me for years and he knows that. I am trying very hard not to take too much offense to his comments but I have to.

First of all, adding additional revenue agents is not a good way to generate employment, it is a good way to raise money. Representative Whitcomb I think knows full well that the number of auditing agents in the tax bureau is at the lowest level it has been since the mid '70's. It is not just adding 12 more positions to an already bloated bureaucracy, we have been cutting and cutting and cutting in that department for the last four years to the point where we don't have any auditors to chase tax cheats.

This amendment does not spend money and avoid cutting. I addressed that issue once when Representative Foss got up. I take offense to the implication that it does. Yes, it does spend \$9 million of the carryforward, Representative Whitcomb, and I said that twice now, this is the third time. It also cuts \$13 million more in the second year than the budget that is before us.

I did not stand up here to criticize the Appropriations Committee and I don't offer this amendment to criticize the Appropriations Committee but that comment has been made twice now by people speaking against it. If you really believe for a minute that that Appropriations Committee report, the budget that came out of there is going to pass here and the other body with two-thirds, I would suggest that you haven't been watching what has been going on in the last three days.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I would like to address a couple of issues that have been stated here earlier. First, I will address the issue that Representative Foss of Yarmouth said as far as what the Committee on Appropriations's commitment was. We made two commitments and only two. One, we would not offer amendments and two, yes we would not use that carryforward money if it unbalances the two year budget.

If I understand what Representative Cashman has said, this does not unbalance the two year budget.

I am going to support this amendment. There are things in this amendment I don't like and would rather not see in this amendment. However, I think it is a compromise. I wish the Appropriations Committee had come up with this compromise, because I don't think we would have had all the amendments on the floor the last couple of days if this budget was passed as it was.

As far as the \$1.9 million that Representative Reed said was in for growth management, that is not true. I believe, by quickly looking at the amendments, roughly only around \$800,000. They did take a \$1.1 million or \$1.2 million cut in that program.

As far as the advisory council as I stated earlier, that doesn't cost any money. There is no need for the Appropriations Committee to include them. This is not a comprehensive package of all these advisory boards and councils either. I think members saw this as an opportunity to get rid of certain boards and commissions that they did not like. I do not like dealing with those types of issues in the budget, particularly when there is no cost to those boards or commissions.

Representative Treat posed a question to Representative Cashman and I called staff to find out about that one percent. Those restrictions are

basically the same restrictions on that across-the-board as was in the earlier budget that came out of the Appropriations Committee earlier this year.

I think this is a fair compromise. I am going to support it. It does lessen the cuts to some of the areas that concern many of the members of this body. It also has additional cuts.

As far as changing the revenue sharing formula to 4 percent, I have no problem with that because basically what that does is it gives municipalities the chance to prepare for the budget the next time around. I have a problem with taking a big cut upfront because they have already had their budgets and it is much more difficult. If they know they are going to get a cut next time around, they had better be prepared for it at this time, rather than have us come in here in January and say you are going to get a whack. If you think revenue sharing is not going to get a whack next time around, you are wrong. Go ask Governor McKernan whether or not he plans on cutting revenue sharing. I doubt if he will say that he will not cut it because I think his full intentions are to cut it. I think it is best for the municipalities to know now that it is going to be cut so they can prepare their budgets.

As I stated earlier, I don't agree with everything that is in this amendment because I don't think some items should be in here. However, it is a balanced amendment. It does not throw the biennial budget out of whack and I hope that you would support Representative Cashman's amendment.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I have listened for the past three days in amazement to the amendments that have been offered to a document which, when I came down here, was really crafted by the Appropriations Committee. When it came out as a unanimous report, it was accepted by this body. When any committee comes out with a unanimous report, we very rarely desecrate it and dissect it the way we have dissected this particular document. It has been something that I feel is the start of the rape of the process. I may be wrong and I leave that up to each of you.

I would like to pose a question. Under part WW in this amendment, there is a provision for a potential increase to the General Fund revenue over the 1991-92 through the 1992-93 years that raises approximately \$2,533,000 under recovery of a remaining unclaimed portion of the bottle bill, the container deposit. It further goes on to say that this is now under challenge and I am wondering how much of this amendment is based on the fact that this really is pie in the sky, it might never come to pass and then we really have another hole in the Appropriation budget?

The SPEAKER: Representative Lebowitz 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 East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: It is true that the bottle bill float money is under court but has no effect on this amendment because they do not book any money under this provision. So, even if the court rules in favor, then it would have no effect on this amendment because the money is not booked.

While I am on my feet, the good Representative talked about a unanimous bill that came out of the Appropriations Committee, it is true that it was unanimous but I can remember earlier this year we also had a unanimous report that came out of Appropriations and the members of that committee as well had voted against it. So, there is nothing sacred about a unanimous committee report. As you can see, there are several amendments that were adopted, both in this body and the other body, to the budget bill. To answer your question, there is no effect because the money is not booked.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I have read this amendment with great interest, there are things that I do agree with and there are things that I don't really care for. I would like to make it very plain before I say anything that I have heard discussion that we didn't have input and things of that nature. I went to the Appropriations Committee several times, sometimes on transportation matters, sometimes on other matters. I was always treated with the greatest courtesy, I was always listened to. They didn't always do what I wanted them to but they always listened and were very courteous. I have no complaint with the Appropriations Committee at all.

I guess before I would consider voting for this particular amendment, there are two assurances that I need. After Representative Michaud just got through talking, I need them even more when he talks about revenue sharing for the next year if the Governor is planning on cutting revenue sharing. I like Section 5. As many of you know, my biggest problem here is revenue sharing. I think I can accept the reduction from 5.1 to 4.0 simply because it gives the municipalities a chance to know how much money they are going to get next July and they can plan their budgets around it. What I am concerned about is, how is this money set aside? What guarantee is there that this money cannot be used for some other reason? What assurance do I have that July 1st that money is going to be there? I think that is a question that I need more than just somebody's word here. I haven't seen the bill so I don't know how that particular section is handled but I would like to see that before I vote for it.

The other assurance I would need refers to Section 4, returning \$2.24 million to the University of Maine System. One of the biggest complaints I had down in my section of the state was the fact that, when the report came out in the paper that listed the salaries and everything at the University of Maine, very frankly, I got more calls on that than I have anything else in the 12 years I have been here. I would like to have some assurance that that \$2.2 million, if it is restored, will go to reduce the tuition increases. There is nothing in this particular part that I have as to whether there is something to that effect in the bill itself, I don't know. If we are going to give the University \$2.2 million, I want that \$2.2 million used to reduce the tuition increases.

The SPEAKER: Representative Macomber of South Portland has posed a series of questions through the Chair to any member who may respond if they so desire.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: To answer your first question about revenue sharing, there are no guarantees, even if we left it at 5.1, that revenue sharing money would not be reduced next year. It would be up to this body to decide whether we would reduce it or not. If we put it at 4, there is no guarantee that we might not go down to 3, it depends on what the situation is and what the revenue projections are for next year's budget. I feel very strongly that, if the municipalities know they are going to get it cut, then they can prepare for that cut. Under the original proposal, there is no cut in there so if they plan on getting what they think they might get under 5.1 and we cut them, I think it is more dangerous that way than it is this way.

If you ask me my personal opinion on whether we would go after more revenue sharing, that would be the last resort as far as a member of Appropriations because I don't know what the projected figures are going to be for next year. But, if we do the cut now so that they can prepare, I would be very, very reluctant to hit them again next time around.

As far as the University tuition, it is my understanding that that is to be used to reduce the tuition increase. That came up during the committee process when somebody asked me, if we put money back, are we just going to give a lump sum? My preference back then as well was, if you are going to give the University any money back or the VTI's or Maine Maritime, that that be used to offset the tuition hike.

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

Representative PLOURDE: Mr. Speaker, I would pose two questions.

First of all, I would like to know where the carryforward money comes from which I figured out was approximately \$20 million?

The second question is, if the 1.5 approximately or whatever it is for deposit, the float as some of us refer to, if we can't use it, why is it in here?

The SPEAKER: Representative Plourde of Biddeford 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 \$20 million carryforward figure is part of the Governor's overall \$104 million shortfall, as I understand it. Perhaps Representative Michaud or somebody from the Appropriations Committee might want to address the question as well. But, as I understand it, his original projection for a shortfall of \$104 million included a \$20 million carryforward in the next year. As I stated earlier, this amendment would use part of that carryforward and then replace it in the second year.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: Have you ever been caught between a rock and a hard place? I would like to support this amendment but I can't do it at this time and I will tell you why.

A couple of things have been brought out just recently that concerns me as far as when you are doing the budget process. I did not know until earlier this evening that there was a \$20 million

carryforward. If that is the case, then I don't think we have to do anything with revenue sharing. I think we can pull revenue sharing out of this budget.

I like the part in here of the stability over the next 18 months. I think all municipalities would like that. I believe we could live with the 4 percent range but I said Wednesday night that I felt that there could be some movement on the part of the municipalities but we wanted assurances, not only from this body but also from the Chief Executive, that effective July 1st, 1992 with his plan, which was to suspend revenue sharing, would be that it would be restored at 5.1 percent. I asked that question to various members who have been involved in the process and they told me that they could not give me that assurance and neither could the Chief Executive.

Just a few minutes ago, I heard Representative Michaud say that he would not want to do that unless it was the last resort. What has bothered me over the last two days is the reason that they tell you they can't give you that assurance. My opinion is, they intend to use more revenue sharing in the last year of this biennium. I think it is more obvious as we stay here that that is going to happen.

Earlier today, I discussed with some people about trying to come up with some kind of a compromise that we could pass, this is too much.

There are things in here for General Purpose Aid that helps our district. There is a reduction here in revenue sharing that hurts us. Maybe, I don't know, but maybe if this is turned down, then somebody will tell you before we do take a vote on this that there is another proposal that might be better than this. I've got to say to you that, since four o'clock this afternoon with what we had and when I said that that was not the last proposal, that we do have a better proposal and just maybe if we turn this one down, there will be another better proposal.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I may be out of order but I am going to say something positive about this proposal. The Education Committee met Sunday, Monday and Tuesday and looked at some of these options and so forth and a motion was made at the committee meeting on Tuesday and it goes as follows: "The Education Committee is opposed to cutting General Purpose Aid to local schools. If a cut must be made, we recommend that the currently recommended \$16.1 million be cut and reduced down to \$9 million." So, this exceeds all expectations for me. I am speaking only for myself in that we haven't got that figure.

I have called the superintendents in my district and some in central Maine when we were at \$16.1 million and I am absolutely sure that this figure will satisfy every one of those, even the ones that were complaining about the \$16.1. I think this would be a great thing. The vote on this thing was ten for it and none against it and one abstention.

The other part of this, and I am looking at it for the first time as many of you are, that really impresses me is I never expected us to do anything for higher education except cut, cut, cut as we have been doing in the last two years to them. To say that we can come up with \$2.7 million and fill the hole at Maine Maritime Academy of \$106,000 and the \$377,000 for the Maine Technical College System, they

said they were told by the Appropriations Committee they had to eat this, they had to do something to get this and so they were going to go out and borrow it and they don't have any borrowing capacity. With the University of Maine to pour back \$2.2 million to help the students with tuition, I think is admirable. I would say on the education aspect of this, I am very pleased with it.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: On the second page, I can't get an amendment designation, it's number 8, the second paragraph that provides for the transfer of \$600,000 from the reserve funds of the self-insured retention losses of the General Fund — may I pose a question on that?

Was there any actuarial analysis of the effect of taking out that \$600,000? I would like to follow that up, please.

The SPEAKER: Representative Aliberti of Lewiston 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: In answer to the gentleman's question, no, there has not been any actuarial studies of the effect of that withdrawal. As far as I have been able to determine, there has never been any actuarial studies released in recent years, there has not been any actuarial studies to that entire insurance system. The fund has been building every year and the feeling of the people that administer the fund and look over the fund is that they could stand to have this withdrawal.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: The second part of that question — I am sure the fund has some intended designation on the Workers' Comp, a possibility of self-insurers in the immediate future which I think is realistic. Would you address if that was considered at all when this money was intended to be transferred.

The SPEAKER: Representative Aliberti of Lewiston has posed an additional 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: This fund is really a self-insurance fund for state buildings. It really isn't set up for a self-insurance fund for Workers' Comp and it was never intended to do so. If it were to try to be converted for that purpose, it would require a whale of a lot more money than has ever been in there.

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

Representative RAND: Mr. Speaker, I would like to pose a question.

On the General Purpose Aid for local schools, how are these cuts going to be determined? You have said that there is nothing written in the bill that we haven't seen, but somebody has got to make this decision somewhere, how are the cuts going to be made?

The SPEAKER: The Chair would respond to the question. The bill which would do that is now tabled pending action in the other body.

The Chair recognizes the Representative from Portland, Representative Rand.

Representative RAND: Mr. Speaker, in other words, they are waiting to see what happens with this before they proceed with that?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I sat here during these three days and listened to you all ask questions and certainly be concerned because you really hadn't had input into the bill that was presented to you. We did have caucuses on Monday and on Tuesday. In the Republican caucuses and Democratic caucuses, you had plenty of opportunity to ask questions and I think the bill was gone over in as much detail as you wanted it. We have had three days of amendments in which you have had an opportunity to see what was in that bill. Furthermore, before the final draft of the bill, last week we had a Republican caucus on Tuesday and a Democratic caucus on Thursday, so that did receive quite a bit of exposure. I don't blame you for feeling that some of you have not had plenty of time to look at that bill. On the other hand, tonight, I am presented with an amendment and a bill that I don't even have before me. I really don't know what is in it. I have a little resume of perhaps what is in it but I don't have the language.

As was just pointed out to you a few minutes ago by Representative Reed, it did say that you had done something with the Office of Comprehensive Planning and then come to find out, you really have done a great deal to restore that. I think before I vote on this, I certainly would want to see the language.

Representative Michaud did mention too that in Appropriations we did attempt not to have the University raise tuition. We were cutting the printing of publications and so forth and we sent the message that those cuts were to go toward not raising tuition. The university did not pay a bit of attention to us, they went right ahead and raised tuition in spite of the fact that we had recommended that they not raise tuition. So, I just wonder what the language would be in this bill that it could force them not to raise tuition? If not, then do they get the \$2 million restored toward their budget plan? As we had our citizen meetings throughout the state, that really was not what they had in mind.

I think Representative Plourde asked why the float on the bottle bill was even in here if it weren't booked. I don't think there was an answer to that question. I certainly wonder that too.

I also wonder about the 1 percent across-the-board. It has been asked what programs were exempted and the answer was, well probably the ones that were in the other bill but we don't know that for sure. In other words, I think it is asking a lot, asking too much to vote on an amendment that uses a carryforward that restores many of the programs that were eliminated. With the boards and commissions, we discussed them all, and first we were going to eliminate a few and then we decided that wasn't fair and we decided it was much fairer if you eliminated all the non-regulatory advisory boards. That is what we did. This restores some which creates that problem again.

Ladies and gentlemen, I am certainly going to vote against this amendment and I hope you will too.

The SPEAKER: The Chair recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I am not a combative individual by nature but it amazes me to think that we have an administration that tosses the ball to us, doubts our ability to assume responsibility and to act responsibly and when we do get in here, we find that we are somewhat divided even among ourselves.

I, for one, as a member of the Appropriations Committee, do not feel a bit insulted because somebody wants to put in an amendment. I have no illusions that the document that is before us that was presented by the committee was sacred. It was far from perfect and I would be one of the first to admit it. We came in here and have been here now for three days and we have some people who think that amendments should not have been submitted. Of course, they should have been submitted, that is what they were here for. We are trying to act responsibly. I am not offended by these amendments, I think it is encouraging to see that there is participation on the part of all the members of this body and it should be encouraged. Anyone who says they don't understand this amendment ought to try and understand the document that we submitted to you. I certainly would hesitate to tell you that I could answer all the questions about that document. I am probably one of the least best informed people about the document itself, but we have had some hard working members on that committee. I am talking about the other 12, not myself, and they have done the very best job they could but they are the first also to admit to you that their work was not perfect. I think it is rather inconsistent for us to come in here and throw a document at you that has 100 plus pages and tell you to vote on it in a day when I bet you don't know anymore about it than we did. But, if you have parts of it in which you were interested and better informed and wanted to make a suggestion, it was not only your right, it was your duty to submit an amendment to improve it. I don't see anything wrong about that. To think that our committee, no matter who it is saying this, saying that you should take our document as we submitted it to you and okay it without asking any questions, I think that is ridiculous, that is not democracy. Democracy includes giving everybody an opportunity to speak. I think that the people who have made amendments here ought to be commended and I think you should be encouraged. We are going to have a lot more amendments between now and next April.

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

Representative KERR: Mr. Speaker, Men and Women of the House: I have a serious problem with both of these budgets that we have reviewed the past three days. On November 20th, we had a caucus, there were several items that were discussed during that caucus, one was revenue sharing. We, as the rank and file, unanimously supported no cuts to revenue sharing. I haven't forgotten that, maybe you have, that is why I have chosen this time to remind you. Revenue sharing is very important to my community. As it was stated earlier in the day, Old Orchard Beach being the mecca.

I was reviewing some tax bills that I have received and I have paid in my community. I am sure that many of us in here have paid the same. On this tax bill it says, "Your property tax bill has been

reduced by" (whatever percentage your community gets) "as a result of the money our municipality receives from the State Legislature through the State Municipal Revenue Sharing program and State Aid to Education." If we cut revenue sharing first, before we cut the Administration and other duplications in this Administration in budget proposals, we are going to raise property tax so we will not be able to pay them. Many of us in urban Maine cannot pay them now. When you reduce the percentage of revenue sharing, I don't know what gives this body that right.

I read, and I have in front of me and I have reviewed in the Appropriations budget — I don't see where this body appropriates revenue sharing to municipalities. I believe it is very clear that communities get the amount equal of 5.1 percent of the receipts from the taxes imposed under the titles and credited to the General Fund plus the amount equal to \$237,000. Of the receipts from taxes imposed under Title 36, Part III, "shall be transferred by the Treasurer of State to the local government on the first day of each month."

Again on November 20th, I stated that I didn't want to cut revenue sharing. I came up here with an open mind after talking with the superintendent of my schools in the district of Old Orchard that I represent and a portion of Saco. I talked with the town manager in both communities to find out what they could live with and what we thought was reasonable. I have discussed various proposals and wasn't happy with the Governor's budget and suggested an amendment that would eliminate stipends. During the discussion of that amendment, I was trying to be a little cautious and preserve certain departments but after this budget that has come before us and I consider this a new proposal, I cannot and will not support it.

I think we should go back to the drawing board and review the bill that actually cuts stipends, which are in essence, bonuses. I would just like to take a minute and read you a few. The Department of Insurance & Superintendent, annual salary amount \$47,944; hourly stipend, 97 cents; annual stipend amount, not a merit raise, \$2,000. Pharmacists, which was part of my amendment that I said should be exempt, \$33,000 annual salary; hourly stipend, \$8.45; annual stipend amount, \$7,280. They are all a laundry list of these type of stipends that exist in state government.

There was a time when stipends were needed. At that time, the private sector was restricting and the people felt that government couldn't get the best qualified people to work for state government, which was probably true ten years ago. Today, there are too many people out of work and I am not going to stand up here and tell you that I can honestly support either of the two proposals, knowing that this exists.

I would urge you to vote against this amendment.

I am not in favor of restoring the cuts that were made previously. My main concern is revenue sharing and GPA. My community was one of two communities and that is the community that I represent, and if you feel that I am being very partial, you are right. If you feel that I am going to apologize to the Appropriations Committee or anyone else, you are wrong. If you are disappointed with rank and file people getting up to speak because they haven't done it in the past, maybe it is time for a change.

My community would not support and would not

expect me to support the reduction in GPA without knowing what my options were, whether we are going on a 50/50 compromise or a fixed rate. Maybe being in the Majority Party but being in the Minority when you compare urban Maine against rural Maine, I should assume that the compromise would be 50/50 because I am a low reciprocate to the GPA.

So, going back to November 20th, I made a commitment then, my commitment stands today. I cannot and will not support any cuts to revenue sharing and, on top of the cuts, reduce the percentage in the ongoing years. I would urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: A week ago in a Democratic caucus, I made the observation and it wasn't a fairly pessimistic prediction that we were setting ourselves up for failure. The reason I did that was, not because I believed that anyone had any cynical purpose in mind, but it was based on the things that I heard being said in our caucus, things like, I will not compromise, I will not accept, I will not do this, I will not do that. I think we see it coming to fruition tonight when we have a compromise offered, it is not the best proposal, it is an effort that I know has been going on for several days.

Yesterday, I had a conversation with Representative Cashman who made the comment to me that it was hard for him to have an intelligent conversation with me and I took him very seriously because I have always had a lot of respect for Representative Cashman. He, I believe, has a great insight into this process that we have, he has more experience working with a lot of the facts and formulas that we have and sometimes I know that he finds some of my questions tiresome and tedious.

But Representative Cashman, if I could ask another one of my not too intelligent questions, the process (as we know it) has been changed, things have happened during this Special Session that haven't happened before but is it now part of the process that when you are having an amendment drafted to have it reviewed by the Administration before you get to see it yourself?

The SPEAKER: The Representative from Casco, Representative Simpson, has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: Thank you Representative Simpson for the question. What the Representative from Casco is referring to is that this amendment has been a working document for a couple of days. A draft of this proposal was prepared — I am trying to think, the earliest was either yesterday or the day before — and a draft to this proposal was obtained or should say purloined by the Administration. In fact, the first time I saw it, it was given to me by a member of the lobby out in the hall because the Administration had acquired a copy of an amendment that I had not signed or seen. I have been very disturbed by that and, no Representative Simpson, that is not part of the process and I did file a complaint with the Attorney General's office and I believe they have sent a letter from that office to the Governor's office. I think it is an unfortunate thing that happened and I would hope that it wouldn't

happen again in this process.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I just wanted to urge everyone in this body to reconsider some of the comments that they have made over the past couple of weeks, some of the comments that they have made tonight and consider voting for this proposal in the spirit of compromise, in the spirit of trying to negotiate a budget in very difficult times that has very difficult decisions and try to put some of the side issues aside, whether the process is being disturbed, whether someone's feelings are being hurt, whether someone is actually doing something illegal or criminal but get down and vote for this proposal. It is offered in the spirit of compromise, it has been offered with a lot of the things that people have said were the problems of the original proposal that came out of Appropriations.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: Representative Hichborn raised some very important issues regarding information and knowledge and the exchange of such in the legislative process. Over the past year that I have been in this body, I have come to respect many of you and many of our various abilities and talents and the analytical ability of various people on certain issues.

The problem I have with this bill, with this amendment, is that there is no written copy that has been seen. If it has been around as a working document for a couple of days, why haven't the people that I have faith in, on both sides of the aisle, seen it? Why haven't they had a chance to review it? The people who have my most respect in reviewing proposals in the financial area and the fiscal policy of this state are on the Appropriations Committee. Many of them haven't seen this bill. There have been many questions raised about this amendment, many of which haven't been totally answered. Those that have, some people have answered one way and others have answered another. There are so many outstanding questions on this amendment and it goes back to the problem that there is no written literary part of the bill, the meat that you can read and that really gets into what it means, hasn't been reviewed by the people that I have the most faith and trust in to review that.

I have been asked to take a leap of faith and I have a real reluctance to take a leap of faith in the legislative process, particular in this case. I would sooner take a leap of faith if those individuals who I know know about appropriations, represent views on both sides of the aisle all over the map, had a chance to review this rather than a few individuals who seem to have been working on this for the last couple of days; yet we do not have the actual bill, the actual amendment, in front of us. It is a little bit too much to ask for this rank and file member of the legislature.

The SPEAKER: Since the issue of the amendment has been discussed now three times, in terms of access of the document or the amendment before you, the Chair will, for the Record, indicate what took place.

Two days ago, it came to the Chair's attention and to the Chair from the other body, that the Administration was getting copies of the amendments

prior to the amendments being signed by the members. In fact, the amendment you have before you, a document was received in my hands, which was actually a review of the document of the amendment before you, with a couple of minor exceptions that were done yesterday, a review that was done by Richard Silkman and was distributed to the Minority Leader and to others.

After that was disclosed, I immediately made efforts to ascertain as to what had happened. I also found out that it had happened to an amendment which had been introduced by Representative Gwadosky. The contents of the amendments, the xerox of the amendment and the xerox of the memorandum, was distributed to members of the lobby and I acquired a copy through that process.

At that point, the decision was made by the two presiding officers to remove the printing of the amendments from the State Printing Office and they are now being done, as some of you might call, in a privatized fashion. Therefore, they will no longer be available to the Administration.

As a result of the investigation by the Attorney General, it has been disclosed to us this afternoon that that process started this summer. In fact, amendments were being given to the Administration or officials of the Administration prior to being returned to either body. Those are basically the facts but, since it was raised tonight, I thought it appropriate to put an end to it.

What you have in front of you has been reviewed and I have in my possession if you wish to see it (to the Representative from Norway) a complete analysis by Richard Silkman which begins, if I am not mistaken, "Merry Christmas to all the special interest groups."

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I want to go a step beyond the explanation given by the Speaker, which I think was very good.

There is nothing in this amendment that hasn't been reviewed. There is nothing in this amendment that hasn't been discussed by the Appropriations Committee. I believe everything in this amendment was discussed thoroughly by that committee.

I didn't want to offer this amendment, I had no intention of offering this amendment until I came to the conclusion that the budget, as presented to us by the Appropriations Committee, wasn't going to pass. I came here, as I said earlier, fully prepared to vote for that, I still would, but we can't even get to a position where you could vote for it one way or the other.

What is in this amendment is basically a summation of the greatest concerns expressed about that document by the members of this House. There is no magic to it. I said earlier, a lot of people had some input into it, a lot of the input has happened on the floor of this House in the last three days and that is why the document obtained by the Administration was a working document. It was a working document that I had never even seen. It was given to me in the hallway and much of what was in it were proposals drafted by members of this House and accepted by this House. There is nothing magical here and nothing mystical, it is really an accumulation of ideas that have received a lot of support in this House. It is an attempt to try to

compromise those ideas or put them in a document that is a compromise document that we can pass. That's all it is. I don't think there is anything terribly new in here.

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

Representative LUTHER: Mr. Speaker, Men and Women of the House: I, being a member of the rank and file, share the great frustration of the rank and file here tonight. For the past couple of days, I have had the feeling that we were being treated like children and tonight I have revised that estimation a little bit, I think we are all being treated like women.

Before us, we have a fiscal note, a Statement of Fact and an explanation of why we don't have the bill. That is all well and good but what troubles me more is that we have no assurance that this will be the only bite out of the apple of revenue sharing. As a matter of fact, we have more of an assurance that this is just the beginning of the bite of the apple.

I can't go along with it. I hope that you will defeat it.

I am reminded of Mort Sahl when he does his act, when he is finished he asks, "Is there anybody here who hasn't been insulted yet?" So like women, "don't worry your pretty, little heads" but just vote the way you are being told. We deserve a lot better.

The SPEAKER: For the Record, the Chair would make note the reason why we started with the fiscal note and for the Statement of Fact, since I thought that it was going to be a fairly lengthy debate, that it might be appropriate to start at that point. As a matter of fact, the amendment has just arrived and I didn't quite see waiting until nine o'clock to start the debate. That is why we began at quarter of seven. Of course, I could have waited until quarter of nine and we could have been at that point two hours beyond. That is why you are where you are at this moment.

The amendment, at this moment, has arrived from the printers and being given to every single one of you and I will give a test after you have read it to see how much of it you have read.

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Men and Women of the House: Before I make a comment, (now that I do have a copy of it) on some of the specific points in there, I would like to say that I never saw a working document, I don't know what that whole controversy is about, but I certainly never received anything or heard anything from the lobby. I don't know what that means or who that means but the first time I saw this language was this evening and I am still quickly analyzing it. We have heard the term that "this is a compromise" and I am a little perplexed because I want to know, the fair compromise between whom? Who was consulted and who participated? There were two people who stood earlier on this asking very good questions, Representative Treat and Representative Strout, whom I would identify as two people who were distressed with parts of the original package and who were working very hard to develop a compromise and they were asking very basic questions about this amendment.

Representative Macomber brought up the University of Maine System and I want to reenforce my colleague,

Representative MacBride's comment about any kind of assurance of the use against the tuition increase, I think we all ought to think long and hard about giving over \$2 million back to the University before they consider some salary rollback in those huge administrative costs. I would like to see that first.

Representative Michaud said the Governor will cut revenue sharing next year, I think we ought to remember that the Governor proposes, we do the cutting. We do the spending and we decide what to cut or to spend.

The legislature will cut revenue sharing next year if the economy continues along this path. I have told my town managers that. Representative Strout continues to ask for assurances from us and from the Chief Executive and I would like to remind him again that I am sure there are 250 Scott employees who just lost their jobs who would like assurances of some kind of income next July also and we can't assure them anything.

I told my caucus, and I would like to have it in the Record, that we in our committee and the other members will remember, we asked for a printout, we were looking for an 18 month solution so we could give a guarantee to the municipal level. We looked at a grid of all the variations on percentages and what we could do this year and maybe promise them for next year. A member of our committee from the other body talked to a member of Maine Municipal and the decision was made that we don't want to talk about that because we don't want any cuts in revenue sharing. I considered that door slammed in our face so we did the best we could. We brought it down to \$12 million. It is not good I understand for a lot of you but it is the best we could do.

There has been reference that we need more time — ladies and gentlemen, I would suggest to you that we are out of time.

I would like to make two specific points because there are several parts of this, the biggest of which is the hitting of savings in 1993 to cover the problem now, which makes our '93 problem far worst. I would like to give you a little bit of information, specifically about what a 1 percent across-the-board cut does. I would also like to explain to you what the comprehensive planning restoration does. First of all, across-the-board, the agencies exempted, which was just delivered to me, are GPA, debt, teacher retirement, AFDC, AFDC foster care, General Assistance, Maine Health Care Program, payments to providers, medical care, the intermediate care, the Bureau of Rehab and Bureau of Vocational Rehab. What is not exempted is Corrections, and we all know that we have a shortfall in that area. Mental Health and Mental Retardation — that was one department that ended with a net increase, that does not have an across-the-board exemption. Technical colleges are not exempt so when you take their across-the-board, then we net out, contrary to what Representative Crowley said, who was quite excited that they were getting \$377,000 — if we take out across-the-board cut and they are going to net probably far less than half of that.

Representative Jacques, I am sure would be happy to know that IF&W will have a \$150,000 loss approximately across the board and Judiciary and it goes on and on. Those are the kinds of cut that we tried to avoid in our committee because they are not the refined kind of cuts that we worked hard to achieve.

One other point that I want to make on comprehensive planning that really distresses me. We all talk about bureaucracy, this is an area that many of us on the committee, not all of us even though it was in the unanimous budget, felt was an area that was a lower priority than many of the other areas of services that the state provides.

This amendment before you takes only two positions from the bureaucracy. The bulk of the cut comes from "All Other" which you should know include the grants to communities. That was the one area that we all tried to preserve. Those towns already in the pipeline who were guaranteed contracts would receive those who, were in the planning process. This takes \$800,000 out of "All Other" comprehensive planning, which are grants to the communities. I would suggest to you that, if we had time to analyze this document, there would be many other areas that would cause you equal distress.

Representative Hichborn mentioned earlier that this bill was dumped on your desks earlier this week. I would suggest that we were open to you in committee, we listened to your ideas, we looked at all your lists, we even asked our staff to put numbers to them, I think we gave a lot of respect to your ideas. At least on Monday, we presented you a document and we took to you the details — tonight what we get is a list that has never been shared with this member of the Minority Party, and I gather from questions from the Majority Party, nor were those members.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I intend to be very brief. The Speaker called me a few minutes ago and said, it looks like you plan to make some comments, you won't change your vote? I think he is correct. Therefore, the only comment I will make will be in response to a statement he made on the Record in regard to some notes from a member of the Administration. I am not in a position to have an opinion or to have any information on a lot of what he said. However, the portion of the remark that said the Minority Floor Leader received any information about this bill, the bill sponsored by the Representative from Old Town prior to this evening, is incorrect and that needs to be on the Record. I had not seen until the debate began any note and I have never seen a note that said something to the effect, "Merry Christmas somebody or another" and that needs to be on the Record.

The SPEAKER: The Chair apologizes.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I came here prepared to compromise but I do not view this as a compromise either. That is why I will be voting against it because it does not compromise what I consider to be the most important reason why I have been unhappy with the Appropriations Bill as presented to us and as amended. As I see it, what it does is it adds in a variety of places. Some things I like, some I am not that keen about, but some things I like. It does it by two mechanisms, one is the 1 percent across-the-board cut — I don't like across-the-board cuts, I don't think that is the proper way, the careful way to make cuts, but must more importantly, it does it by actually making revenue sharing worse, not better. I am prepared to

compromise but I am not prepared to go in the opposite direction from what I consider a compromise to be, so I will voting against this.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would like to say that I agree exactly with what Representative Anthony said so I will not repeat that.

I would like to add that I think one of the reasons why we have so many people disagreeing with both the original budget and with the various amendments is because we have not yet found a way as a legislature to set priorities. Until we do that and until we find a mechanism to deal with the prioritized programs, we will all be able to argue endlessly over this kind of thing. In this case, it is not a compromise because the process was flawed and nobody else was involved in these discussions other than the people who drafted it. I find that a problem too after all the work we have put into trying to find ways to work, committees as a whole in a bipartisan way and in a compromised spirit. I find this very difficult but particularly the municipal revenue sharing provisions, which are unacceptable.

Representative Martin of Eagle Lake 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 Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this amendment and I do so with a sense of frustration, sorrow and I guess hopelessness, that this body either is unwilling or unable to make the cuts in the cost of government that are necessary. The longer we wait to do this, the harder these cuts will become. I think you can also say that it is easy to look in hindsight, we should have done this in December, we had a chance again early in the year and then again in the summer. This recession is really a depression in state revenues and it is going to get worse. Somewhere along the line, we have got to bite the bullet.

The SPEAKER: The pending question before the House is adoption of House Amendment "MMM" (H-860). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 275

YEA - Bell, Cahill, M.; Cashman, Clark, H.; Coles, Crowley, Dore, Duffy, Gean, Graham, Hichborn, Jacques, Larrivee, Mahany, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, Paradis, J.; Pfeiffer, Pineau, Poulin, Pouliot, Richardson, Ruhlin, Rydell, Simpson, Tammaro, Wentworth.

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

Constantine, Cote, Daggett, DiPietro, Donnelly, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Gould, R. A.; Gray, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Heesch, Heino, Michens, Hoglund, Holt, Hussey, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Lawrence, Lebowitz, Lemke, Libby, Lipman, Lord, Luther, MacBride, Macomber, Manning, Marsano, Marsh, Mayo, McHenry, McKeen, Merrill, Michael, Morrison, Murphy, Nash, Norton, O'Dea, O'Gara, Oliver, Ott, Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Powers, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tardy, Tracy, Treat, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Boutilier, Carleton, Carroll, J.; Hastings, Hepburn, Jalbert, Look, Small, Townsend, The Speaker.

Yes, 32; No, 109; Absent, 10; Paired, 0; Excused, 0.

32 having voted in the affirmative and 109 in the negative with 10 being absent, the motion did not prevail.

Subsequently, the House voted to concur.

By unanimous consent, ordered sent forthwith to Engrossing.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

ENACTOR

Emergency Measure

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 (H.P. 1402) (L.D. 1985) (H. "C" H-785; H. "V" H-804; H. "W" H-805; H. "Y" H-807; H. "BB" H-810; H. "NN" H-824; H. "CCC" H-840; H. "JJJ" H-854; S. "A" S-479; S. "F" S-484; S. "H" S-486; S. "J" S-488; S. "T" S-499; S. "X" S-504; S. "Y" S-505; S. "DD" S-517; S. "A" S-516 and S. "B" S-520 to S. "C" S-481; and S. "B" S-515 to S. "N" S-492)

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

Representative Martin of Eagle Lake 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 Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: I have sat very quietly and very patiently for the last two and a half to three days and watched with pride as a process that has been chastised once or twice in this chamber, work and work well. I have watched an institution of state government that is here to represent the people have the people's voice be heard over and over again with a stack of amendments to try to resolve a crisis that we are in.

We were given a proposal from the Chief Executive that was not at all a proposal that anybody liked, it was rejected by this caucus, it was rejected by the Republican caucus and unanimously by our committee. We did have two unanimous votes, one very early on and one after some very painstaking and hard work. All of you wanted to be part of this process, all of you became part of the process. I have got to say that that proposal had some type of a Washingtonian mentality and methodology to it, that some of those cuts were more shifts, not unlike Washington shifts to us, and we have to carry that burden. We were shifting a lot to municipalities. To a member on that Appropriations Committee, we wanted to do something to mitigate that. We worked hard to do that and we weren't totally successful of getting those cuts down as well as all of you and all of us wanted it to be.

I have got to say why we are all here is because we were able to reach a unanimous decision in that committee. Probably it was the first time in the history of this state that a legislature could be called in and that was if a committee reached a unanimous decision. You have been here for three long days and I need to tell you that the men and the women on the Appropriations Committee, over the last year, have spent ten months in this building. For a part-time citizen legislature to do the job of the people in ten out of twelve months says something for the integrity and the pride of all of us who serve here. That should not go unnoticed.

I also need to say that there are no heroes, no matter what we do tonight. If we vote for this budget, if you don't vote for this budget, you or I will not be or cannot be heroes.

I said in the committee last Saturday that I was not elected to represent leadership, I was not elected to represent a committee, I was elected to represent the people in District 44, Gray and New Gloucester.

I also have the role to represent the best interests of the citizens of the State of Maine. That is why we are here tonight. The vote we are about to take has got to reflect that trust and that faith and the integrity of the institution in each of us as to why we took the oath of office. No matter what we do as a legislature, we are in a lose/lose situation.

This budget proposal is not the best that it could be. No budget — if we walk out of here tonight without a budget, we have in fact failed to meet the responsibility that we were chosen and elected to do. The opposite of no budget is a third-quarter curtailment of allotments, not a one month, a quarter. As I walked down the hall in the last recess, that translates, according to a piece of