

MAINE STATE LEGISLATURE

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

VOLUME V

FIRST REGULAR SESSION

Senate

June 19, 1995 to June 30, 1995

FIRST CONFIRMATION SESSION

September 14, 1995

FIRST SPECIAL SESSION

House of Representatives

November 28, 1995 to November 30, 1995

Senate

November 28, 1995 to November 30, 1995

and Republicans and the interest they have showed to try to move something ahead for state employees who are going through an incredibly difficult time at this point. I would urge your support.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Stone.

Representative STONE: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative STONE: Thank you Mr. Speaker. My question is to Speaker Gwadosky. Could you tell me in here what refers to normal retirement age? Could you define that for me? It says about reaching normal retirement age. I guess what I am trying to find out is at what age is somebody considered the normal retirement age and how is that going to affect the amount of money that the department is going to put in to cover their retirement for future years? How much of a set back are we going to have?

The SPEAKER PRO TEM: The Representative from Bangor Representative Stone has posed a question through the Chair to the Representative from Fairfield, Representative Gwadosky. The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: We have to respond to the question by the Representative from Bangor, Representative Stone. The answer to that question really depends on the position that the individual holds, what department it is and what unit is it. In some instances it is 60 or maybe 62. It really depends on whether they are a state trooper or a game warden. It varies by department and by bargaining unit. Whatever the normal age would be for that particular unit, that would be the age that is applicable in this case.

As I said earlier, there is a section in this bill that deals with vacant positions and this bill says that the department or agency for which any state employee retires under subsection 1, either may not fill the resulting vacancy position or if the position is filled, shall maintain a vacant position elsewhere in the department. Alternatively, however, it does give even greater latitude because it authorizes the Governor to recover these costs by maintaining and off setting vacancies in some other departments, or agency to ensure that the necessary salaries are there. That is the revenue neutral portion of the bill that is required, obviously, because of the state retirement system.

House Amendment "G" (H-676) was adopted.

The Speaker resumed the Chair.
The House was called to Order by the Speaker.

Committee Amendment "A" (H-657) as amended by House Amendments "A" (H-660), "B" (H-663), and "C" (H-665) and Senate Amendments "E" (S-410) and "F" (S-411) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-657) as amended by House Amendments "A" (H-660), "B" (H-663), and "C" (H-665) and Senate Amendments "E" (S-410) and "F" (S-411) thereto and House Amendments "C" (H-664), "E" (H-668), "F" (H-675) and "G" (H-676) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

On motion of Representative JACQUES of Waterville, the House recessed until 7:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous consent:

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act to Implement the Recommendations of the Productivity Realization Task Force" (EMERGENCY) (H.P. 1150) (L.D. 1589) which was passed to be engrossed as amended by Committee Amendment "A" (H-657) as amended by House Amendments "A" (H-660), "B" (H-663) and "C" (H-665) and Senate Amendments "E" (S-410) and "F" (S-411) thereto and House Amendments "C" (H-664), "E" (H-668), "F" (H-675) and "G" (H-676) in the House on November 30, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-657) as amended by House Amendments "A" (H-660) and "C" (H-665) and Senate Amendments "E" (S-410) and "F" (S-411) thereto and House Amendments "C" (H-664), "F" (H-675) and "G" (H-676) in non-concurrence.

Representative DEXTER of Kingfield moved that the House Adhere.

Representative WHITCOMB of Waldo moved that the House Recede and Concur.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: This is all about that little nurse's amendment that I put on. I would urge this house to vote against the motion to Recede and Concur. I feel that we have justified that position over there. I can go into it a little bit more. We have the bus loads of children that come here. We have all these state workers. It is not just for us here in this body. It is for this whole huge complex. I can go back to my people and justify it. I won't have a bit of trouble. In fact, I think I would have a hard job to explain why we couldn't afford the nurse down here in this huge state complex. I hope that you would join with me and vote no on the pending motion.

The Chair ordered a division on the motion to Recede and Concur.

A vote of the House was taken. 39 voted in favor of the same and 85 against, subsequently, the motion to Recede and Concur was not accepted.

Subsequently, the House voted to Adhere. Ordered sent forthwith.

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Appropriations and Allocations for Fiscal Years 1995-96 and 1996-97" (EMERGENCY) (H.P. 1148) (L.D. 1587) (Governor's Bill) which was tabled by Representative JACQUES of Waterville pending adoption of Committee Amendment "A" (H-671)

Representative DONNELLY of Presque Isle presented House Amendment "A" (H-674) to Committee Amendment "A" (H-671) which was read by the Clerk.

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

Representative KERR: Mr. Speaker, Men and Women of the House: The amendment that you have before you, I know that the good Representative Donnelly has spent a lot of time and energy in preparing this. Although it is very clear how I am going to be voting and how I have voted on this transportation bill as proposed by the Governor, this bill will be taking money from the general fund.

The problem is that we all know that we are facing a revenue shortfall of about 14.8 million dollars. What the administration hasn't told you is that revenue shortfall is just in the first year of this biennium, FY 96. We all know that we have a two-year budget. That revenue shortfall will probably most likely be carried over to the second year of the biennium. If, in fact, you take these general fund revenues, that would mean you would have to make deeper cuts within the programs that we have already passed.

I would have been more likely to support this amendment prior to yesterday. We had the finance commissioner, while Representative Donnelly and myself, were in the Transportation Committee trying to come up with what we thought would be a viable alternative to eliminate the pull in the Governor's proposal. The Governor has proposed we pull nine years of revenue forward and spend them this year. This amendment, I don't believe at this particular time, given the information that we have facing the shortfall, we are still not there in the productivity. We are still short by about 20 million dollars. I don't think it would be prudent of us to pass this amendment. I would urge you to vote against the pending motion.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I was hoping sometimes, by the old adage that the less said, that we might be able to avoid a lengthy debate on this and just adopt this reasonable proposal. I have to admit that Representative Kerr hit some points that were very important for us to consider.

When the administration came before Appropriations yesterday, they listed off over 150 million dollars worth of problems with no solutions. Either it was a scare tactic, which is what I believe, or we have some real problems that aren't being addressed to the tune of 150 million dollars. The scare tactic isn't scaring me off. We have pulled the numbers on the accounts in the Executive Order and just passed them around to you. It lists off the number of accounts which are frozen or supposed to be frozen because there is quite a spending rate out of this frozen account. Professional services not by the state, travel in-state, travel out-of-state, vehicle operations, repairs, general operations, office supplies, miscellaneous supplies and capital equipment all of which the members of the executive department has termed as discretionary spending. Discretionary means to me when you have another priority that is something you can set aside.

In order to avoid opening Pandora's box and beginning the process of end running around the voters for borrowing and proposing a fiscally responsible alternative of paying our bills today and saving the taxpayers 13 million dollars in interest. In that frozen account as of November 1, there is a total of 36 million dollars. Twenty-five million of which was not personnel services. According to the members of the administration and we could not provide a more recent one, I did provide these runs to every member, because there was some question if these numbers were real and the documentation, this is the first and last page of a report which is at least one to one and half inches thick. It shows line by line and number by number. These are real numbers, real cash and real accounts.

It would not have been there if it were not for the Executive Order that I just passed around. There is a method by which this money was gathered and there is proof that this money is there in spite of what we have heard. I urge this body, not as I said earlier to some friends, that I would debate it, but I would not belabor the issue. It is an important issue. I think it has ramifications that will carry out over the next decade as we see other agencies and departments who have quasi-state instrumentalities and authorities that they operate with and run around the voters for issues that are not popular and they are afraid they will lose with the voters and take the money in other fashions.

This is a terrible precedence that is being set by taking this money from the Maine Turnpike Authority. It is as bad a precedence as when we sold the Turnpike Authority a piece of I-95. I cannot in good conscience support it and I could not in good conscience not offer this body another alternative. Here it is. I hope you will vote to adopt House Amendment "A." Thank you.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: Very briefly Mr. Speaker. I think Representative Kerr has stated it just as well as I could and perhaps even better, but I just want to make sure that I say and urge you to please, because of the fact that this proposal does take money out of the general fund, I hope you consider that very, very carefully. I hope you will defeat this measure and vote against it. Thank you very much.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief. I keep hearing that this takes money out of the general fund. That seems to be the bugaboo here. Representative Donnelly just referred to what I had distributed here, the two page document. I repeat what that is. That is the lapsed allotment report. That is the first and last page of a report about this thick.

If you look at the second page of that, you will see where it starts off with a column of an allotment amount, that is what you appropriated. Then there is what has been encumbered up to that day and what has been expended up to that date. What is the balance? It is 36.7 million dollars. That is money that has not been spent from the general fund. One of the things that I have trouble understanding, I am slow sometimes with these numbers, is that we have a

column here of encumbrances of 49 million dollars plus those are funds that are committed. They then turn around and say that you have to reduce this 36 million dollars by an additional 30 million dollars plus, because these are things that we incurred, but we haven't paid and they will be recognized in the next quarter, etc., etc., etc.

My God, if they can recognize 49 million dollars of encumbrances, why can't they recognize payable? Simple math is this, if you subtract from that 36 million dollars what they say is encumbered, you have somewhere in the vicinity of 5 or 6 million dollars left, times four is 20 million dollars. It is that simple. Someone wants to use that money for some purpose. I agree with Representative Kerr. I totally agree with him that we are going to have a revenue shortfall and we have to address that. I am not standing here urging you to vote irresponsibly. We have to look for these projects. They have to be funded in some fashion. I urge you to stick to our guns.

There has been no effort to compromise. Let's walk out of here with a little bit of a compromise. Let's walk out of here with something out of that general fund. I pointed out from the balance sheet alone there is over 10 million dollars sitting there. Let's get something. This is supposed to be a government made up of three branches. We are one. The executive is one. Let's move toward some sort of a compromise as opposed to being told it can't be done. It can be done. We are not going to crucify any general fund program. The sky is not going to fall in. Let's identify some amounts of money and move toward a compromise. I urge you to do that and think about the long range implications of what we are doing here this evening. Thank you.

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 been put in an odd position here because I do not support the Governor's proposal, but I can't support this either. I must go back in time. I think that we must go back to when we were discussing the biennial budget and I can understand where the good Representative Donnelly is coming from along with Representative Simoneau. I am debating members of my own committee, but I think philosophically we agree. I think everybody in this House will agree.

I would take the liberty just to go back. We all came into this institution. We knew there were some gimmicks in the past. We voted for things that we didn't like because of the shortage of revenue. When there was a shortage of revenue, we had needs that exceeded that. Many of us that were here, we did things that we didn't like to do. Now we are paying back the piper. When the Governor came forth with his biennial budget, there was 244 million dollars worth of new spending. At that time, the Governor of this state said these are the priorities that I want to address.

Unfortunately, back in 1990, United States Senator, George Mitchell came forth and was able to get us 80/20 matching funds to make sure that bridges were built. What happened from that point forward was they started the bridges without having the money tied in. Like you starting to build a house, but not having the financing. That is where we are at today. I can only say that Representative Donnelly

has put in some time to try to reach a compromise and take a bad situation and try to make it better. The problems that I have had are probably philosophical ones with the Governor.

I do not and will not support pulling revenues forward nine years in advance and spending them today. To me, I don't think that is prudent either. Would I like to see a compromise? Yes, I would. Can it be achieved today? I am not sure. When you talk about general fund remember, I am going to talk in terms of biennium to biennium, general purpose aid was increased by 58.6 million dollars. The teacher retirement was increased by 27.8 million dollars, the Medicaid account by 36.8 million dollars, personal services in higher ed a total of almost 30 million dollars, the rest of state government was about 92 million dollars. That is where you get that number 244 million dollars.

I can only tell you whenever I have addressed this body, I have always put my cards face up. I wanted you to have all the information and I did the same when I went to the Transportation Committee with the good Representative Donnelly. We went there in hopes to strike a compromise. I then told people the difference between what the administration is proposing and what we have suggested when I had said at the Appropriations Committee that there was 16.2 million dollars available in the general fund. The only difference between the administration and this Legislature was who was going to spend it and where. Those dollars are going to be spent either toward the revenue shortfall, which is currently projected at 13.9 million dollars, but could increase. We all know that. That is a reality.

When you look at allotment reserves, it is a snapshot in time. Currently there is 12.9 million dollars or there about. The administration has tried to get these departments to reduce that by 30 percent. That is why you hear that 3.9 million dollar figure. If those savings are achieved, then there would be about or a little under 4 million dollars available. The rainy day fund, yes, we all know there is 6 million dollars there. We, as a Legislature, separated what we felt was productivity and what was not. We didn't take the administration's proposal of the 27 million dollars, because we didn't feel it all should be put toward productivity. We separated about 1.8 million dollars there. Those dollars are also available. Unappropriated surplus is about 4.4 million dollars. If those numbers were added up, 16.2 million dollars is available now.

Do we have obligations that we are going to be facing? Yes, we still have to achieve another 20 million dollars through productivity. For those that are hyperventilating about the cuts that you see today, come January and February, believe me they are going to be much more difficult. If you think that pressure is boiling and that meat is raw, wait until we get back here in February people. The revenue shortfall, we can only hope that it stays at 14.8 million dollars. We know what our constituents are facing. Many are looking for jobs and can't find them. People ask me that they know Maine is on the move, but which way is it going, up or down. No one knows.

We, members on the Appropriations Committee are often the deliverer of bad news. That is what we have to do. That is our job. We have to deal with reality. We have to have vision and we have to have

the proper attitude. I think that we have. It may be a little bit different than that on the second floor, but I think that we do have it. I think by tonight it is very clear that this Legislature, at least this body, put together a budget package that we believe is fair to the people of the State of Maine. We are not balancing this budget on the most vulnerable people in this state. We have proven that through amendments that we have added.

The taking of money from the general fund based on information that we know on the Appropriations Committee from Commissioner Waldron, whose numbers I heard for the first time yesterday, were much greater than what we have ever heard before. At this particular time, I would urge this body not to take any dollars from the general fund until we know what the problems that are coming up in the very near future may be. I don't think we can cut 20 million dollars on top of an additional 20 million dollars. That would give us another 40 million dollars of general fund cuts. I am a realist, people.

I have only been here a short period of time, but I am just suggesting to you that I admire this amendment. I admire people that are trying to work for a compromise. I don't think that it is right for this Legislature to go out and allow the Turnpike Authority to borrow 40 million dollars, because they can't do it under current law. That is wrong. That is why I have proposed this legislation. This amendment does take care of that. The problem with this amendment, in my opinion, is that we are tapping the general fund. I think that we are going to wish that these dollars were there come January or February. I would urge you to vote against this amendment. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to be too long, but I would like to commend Representative Kerr for the point of view he just gave you. It is what I told you today. I am glad he came out with it. As I said today, there is just one show and that is the transportation show with the turnpike. There is no other. If you go with the general fund, you are going to hurt yourself. It is a lose, lose situation.

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

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: What concerns me about this amendment is the fact that the funding level for state police has been reduced to 50/50. I asked the question yesterday where do you get 50/50? The answer that I got was that that was the way that it always was. I believe probably originally it was driven by budgetary considerations rather than facts and figures as it probably is this time. I don't know what the funding level would be, but I believe that the state police spend more than 50 percent of their time on highway work. What I feel is if they are having to compete with human services, education and some of those other general fund agencies for their funding, I have an idea that probably their budget is going to be hurt by it. I hope you will consider this very carefully.

Representative JACQUES of Waterville requested a roll call on adoption of House Amendment "A" (H-674) to Committee Amendment "A" (H-671).

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 members present and voting. All 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 Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I would first like to thank my House Chair for complimenting me on my efforts, but it was not just me. It was a number of legislators who were interested in these projects going forward because of the long-term implications they have on the State of Maine. They were interested in doing so in a fashion other than borrowing from the Maine Turnpike Authority because of the long-term implications that has for the State of Maine. What is positive out of challenging that dictate of the MTA proposal that we have is now that we have a commitment from the Governor, regardless of what percentage you believe the state police ought to be at to at least move toward a 60/40 split in future bienniums. We did that by challenging the proposal that was put out.

The Transportation Committee did that by being open to other ideas. I believe we can continue to push the administration to make decisions on this proposal that are more suitable. They may not be taking 15 million dollars from the general fund. They may be taking 1 million dollars or they may be taking nothing. There are two committee reports that we had not heard that had alternative ideas. They were very similar in fashion. They were from each party from each end of this House. I encourage that if you don't vote for this, that you reject the other proposal after this. It is the only way that we are going to get a real compromise out of here. We have all sat through the budget negotiations and there was a lot of posturing. We all sat down in the end and made the compromise.

I think it is time for the Executive Branch to compromise with the Legislature. That was my intention for putting this in and looking for an alternative. I respect the members of the Legislature who disagree on the proposal. That is fine. You can't say these aren't real numbers. The proof is in the pudding and it is in front of us. I just want to thank you for the time you have given for consideration of these things. I hope you will support this amendment and if not, you will go on to defeat the existing motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-674) to Committee Amendment "A" (H-671). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 284

YEA - Adams, Aikman, Ault, Barth, Birney, Buck, Campbell, Carleton, Chick, Cross, Donnelly, Dunn, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Layton, Lemont, Libby JD; Libby JL; Lovett, Lumbra, Madore, Marshall, Marvin, Murphy, Nass, Ott, Peavey, Perkins, Pinkham, Reed, G.; Rice, Robichaud, Savage, Simoneau, Stedman, Taylor, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

NAY - Ahearne, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Carr, Chartrand,

Chase, Chizmar, Clark, Clukey, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Hatch, Heesch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lane, Lemaire, Lemke, Lindahl, Luther, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nickerson, O'Gara, O'Neal, Paul, Pendleton, Poirier, Pouliot, Povich, Reed, W.; Richard, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Stone, Strout, Thompson, Townsend, Treat, Tripp, True, Tufts, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

ABSENT - Cloutier, Look, Plowman, Poulin, Truman, Tuttle.

Yes, 48; No, 97; Absent, 6; Excused, 0.

48 having voted in the affirmative and 97 voted in the negative, with 6 being absent, House Amendment "A" (H-674) to Committee Amendment "A" (H-671) was not adopted.

Subsequently, Committee Amendment "A" (H-671) was adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bill in the Second Reading.

Representative STONE of Bangor presented House Amendment "A" (H-677) which was read by the Clerk.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: From 1987 to 1995, the legislative department, which includes the House, Senate, Clerk's Office, Document Room, Legal Council, Library, Fiscal and Program Review and other departments have had a 9 percent increase in the total number of employees. If you compare full session budgets of 1993, 1995 and 1997, that is an 11 percent increase.

What this amendment calls for is to make a 3.5 percent cut in the current two-year budget, which will amount to 1 million dollars. That million dollars will reduce the amount of money that the Maine Turnpike Authority will have to borrow, which is a savings of about \$300,000 for them over the ten-year period. For those of you who think that the 1 million dollars would be difficult to come up with, the fact that we extended our session back in June was approximately \$105,000. The Document Room has a standing order that for every bill that is produced, they produce automatically for distribution in the Document Room, not to be mailed out, but additional copies of 379 copies of every single bill, regardless of how frivolous they are, even including this one some of you might think.

Also, every time you get a piece of mail from the legislative department, it has 32 cents postage on it. Check your Visa bill and find out that is probably 27 cents or 28 cents. I have been, two years since I have been down here, trying to find out why we don't send things out with reduced postage on it and haven't been able to get a full answer yet. The reason I mention these things is that I believe the million dollars is an easy amount of money to come up with. I think that before we keep looking under everyone else's rug in the productivity task force, we ought to look under our own. Like

Representative Donnelly, I wish to thank you in advance for your anticipated support. Thank you.

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

Representative KERR: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to go into a long dissertation. I think you have heard it once. This, too, also takes money from the general fund. As you all know, the legislative department was also part of the productivity task force. There was a reduction of 1.9 million dollars that was deappropriated from the legislative council and put toward the productivity task force.

If anyone in this body can find more efficiencies within the legislative department, I would urge you to bring them forth and we can make those deappropriations as a body. Again, I would urge you to vote against this amendment. It simply does take money from the general fund. These dollars may have to be used to cover revenue shortfalls or other areas within the general fund. If it is appropriate, I would move that this amendment be indefinitely postponed.

Representative KERR of Old Orchard Beach moved that House Amendment "A" (H-677) be indefinitely postponed.

Representative STONE of Bangor requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-677).

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 members present and voting. All 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 pending question before the House is the motion to indefinitely postpone House Amendment "A" (H-677). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 285

YEA - Adams, Ahearne, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Carr, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gooley, Gould, Green, Hatch, Heesch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kneeland, Kontos, LaFountain, Lemke, Libby JL; Lindahl, Lovett, Luther, Martin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Pendleton, Poirier, Pouliot, Povich, Reed, W.; Richard, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Strout, Thompson, Townsend, Treat, Tripp, True, Tufts, Tyler, Vigue, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Barth, Birney, Buck, Cameron, Campbell, Carleton, Damren, Dunn, Gieringer, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Labrecque, Lane, Layton, Lemaire, Lemont, Libby JD; Lumbra, Madore, Marshall, Marvin, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Perkins, Pinkham, Reed, G.; Rice, Robichaud, Savage, Simoneau, Stedman, Stone, Taylor, Underwood, Waterhouse, Winglass, Winn, Winsor.

ABSENT - Cloutier, Look, Plowman, Poulin, Truman, Tuttle, Whitcomb.

Yes, 95; No, 49; Absent, 7; Excused, 0.

95 having voted in the affirmative and 49 voted in the negative, with 7 being absent, House Amendment "A" (H-677) was indefinitely postponed.

On motion of Representative JACQUES of Waterville, tabled pending passage to be engrossed as amended by Committee Amendment "A" (H-671) and later today assigned.

The Chair laid before the House the following items which were tabled earlier in today's session:

An Act to Authorize Appropriations and Allocations for the 1996-1997 Biennium and to Change Certain Provisions of the Law Necessary for the Operation of State Government (EMERGENCY) (H.P. 1160) (L.D. 1594) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected the House necessary. A total was taken 132 voted in favor of the same and 0 against, accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Expression of Legislative Sentiment in memory of Rep. Robert E. Yackobitz of Hermon (HLS 651) which was tabled by Representative WHITCOMB of Waldo pending adoption.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It seems too often this year and for the last two years we have met on this kind of occasion.

Bob Yackobitz probably wasn't someone that most of us got to know very well in this body. I think the literally hundreds of people who gathered in Bangor one beautiful day in late September to honor Bob, was a testament to the kind of impact Bob had in his community. Bob was a very quiet person. Bob was a very gentle person. Bob was a very caring person. Bob was the kind of political inspiration, I think we should talk about when we go to people in the community and to young folks, when we urge them to seek higher political office, such as these offices. Bob labored on the sidelines, worked in the community and served on the town council of two communities and worked on everybody else's campaign for decades.

He finally made his bid for office and lost. Then the next time around, won, what was for Bob a lifetime dream of serving in the Maine Legislature. Then within weeks of being elected to this place, he became severely ill as those of you around him knew. It was difficult to find out until you asked why it was that Bob Yackobitz lost 70 pounds in a matter of a few weeks as he served with us. He didn't know at the time why. No one knew and no one could find out.

Bob was perhaps the epitome of the humble public servant. He spoke rarely. He spoke thoughtfully. He cared deeply and worked hard. Bob would call me at this phone from time to time late last spring and in the early summer as we met. He called from his hospital bed when they finally found out he had cancer, as he was taking chemo, asking what it is that was going on. He was talking about being here soon. All of us who were in the House recall the day

that he came back late in the session. He was really in a great deal of pain. In early August, Bob was talking about being back. Talking about recovery.

In a sense, this place to him was what he looked forward to. It gave him the courage really during the last few weeks and hours of his life. Bob left to all of us a quiet legacy of inspiration. I think he will be remembered in the community because he served there so long, but perhaps not remembered by so many of us because we didn't get to know him. Among those of us who did know him, he left a lasting impression. We wanted to take this occasion to pause for a few moments in memory of one of us. It was someone who I think worked hard for a political party, in a sense, transcended the political party definition and spoke well for all of us. Those of you who were there, many of you, at his memorial service know that it was a very bipartisan gathering. Bob worked hard for everyone.

As we adjourn this night, it is pleasing and I think probably an appropriate tribute that we do so in memory of one of our members who has passed, Bob Yackobitz.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: In my almost 18 years of service in this body, I have attended a lot of funerals. Much too many actually of members of this body. I was telling one of the newly elected members the other day that I don't think I have served a term in the Legislature where we didn't lose someone. When you think about that out of 151 members that you lose at least one almost every legislative session that I have been here, that really says an awful lot.

Members of the Legislature and people from the outside will never understand this. You didn't when you weren't here, but it is much like a second family. The fact of the matter is, you spend much more time with these folks when we are in session than you do your family. I remember when my dad died and there was a section set up in the church for legislators and staff and I heard my mother say in the background, that is for the Legislature, that is Paul's other family. She understood that.

Unfortunately, some of our members we had just got to come to know. They weren't members very long and we lost them. Some had been here a long time and we got to know them very well. I barely got to know Bob. When he came back, I did send him a note because every time I met him in the hall he was always friendly and courteous. He was a real pleasurable guy to talk to. I have to tell you, you can judge a lot about a person when you attend the funeral of that person and you hear what people who knew him best had to say. That day, sitting in the front of the church, we heard from everyone including the mother of the former Governor, Governor McKernan, the Republican Floor Leader of the House, a selectwoman who had served with him, a lifelong friend and I dare say that we heard from every walk of life and that funeral was represented by every walk of life in the town and surrounding towns.

It was very clear to me that Bob epitomized what is the best of the public servants. What bothered me the most was that someone would have to pass away before people would take the time to stop to realize what kind of a person he was and the service he provided to his district and his state. When people