

MAINE STATE LEGISLATURE

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House of Representatives
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State of Maine

Volume II

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May 13, 1999 – June 19, 1999

Second Regular Session

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ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
62nd Legislative Day
Tuesday, June 1, 1999

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

Prayer by Honorable Mabel J. Desmond, Mapleton.

Pledge of Allegiance.

The Journal of Friday, May 28, 1999 was read and approved.

Under suspension of the rules, members were allowed to remove their jackets.

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

CONSENT CALENDAR
First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 454) (L.D. 617) Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-713)**

On motion of Representative TOWNSEND of Portland, was **REMOVED** from the First Day Consent Calendar.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. As you have just heard, LD 617 is the Part II Budget for fiscal years 2000 and 2001. We have just had a full briefing on the bill, but I did want to put on the record the fact that it is a remarkable achievement. I never thought two months ago that we would be presenting to you a unanimous Part II Budget. It reflects weeks of extraordinary work on both sides of the aisle by members. I have come to know those 13 members of that committee better than I ever thought I would and perhaps better than I had wanted. I have come to know that they are very hardworking dedicated people who represent priorities and bring a strong voice to them at the table.

Included in this budget is a generous increase to general purpose aide to education. It brings it to a level of \$624.5 million in the first year and \$639 million in the second. It reflects the good work of the Education Committee in coming to a formula. It includes hold harmless provision so that no community in Maine will lose money under this formula. It reflects some of the individual needs of communities, taking into account of out of district placements and the issue of English as a second language. This budget fully funds the base funding levels of all three higher education institutions in this state, the University, the Maine Technical College and the Maine Maritime Academy. It addresses issues of taxation. It repeals the half penny off the sales tax. It eliminates the trigger so that for once and now for good tax policy will be made deliberately through our decision and not through any sort of automatic mechanism. It increases the personal exemption in the income tax to a level of \$2,850

bringing it into conformity with federal law and it fully funds the Renter's Benefit Program, as well as the Business Equipment Tax Rebate.

This budget reflects a significant infusion of funds into the issue of research and development for the State of Maine. It makes a strong attempt to improve our status in that area and setting the stage for a new century in the field of economic development. It funds the collective bargaining salary plan so that we back up our words with our state workers with money. It funds additional positions, both judges and clerks in the area of the Judicial Branch so that we may better address the needs of Maine people, particularly in the family court. It appropriates a one-time appropriation to the Highway Fund for debt avoidance. It pays debts for the Maine Governmental Facilities Authority. It acquires land for the people of Maine, both lands owned by Plum Creek, located around Moosehead Lake and Flagstaff Lake as well as Scarborough Beach.

It is a fiscally prudent budget. It sets aside money by raising the cap on the Rainy Day Fund. It uses the tobacco funds to lay the groundwork for a much healthier state. It is a sensible budget in that it prepares us to hit the ground running as soon as the tobacco settlement money arrives next year to address Maine's citizens needs in the area of dental health, prescription drugs and perhaps most importantly getting young children off to a healthy start in life. It represents many months of hard work on the part of the committee, the administration and our extraordinary staff. I am very proud of the work of all of those people. I encourage your support. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. It was only a year ago that they were saying that Maine would never again see a two-thirds budget. They said that the trend forever and ever would be majority budgets. When we enacted the Part I Budget, the people backed off a little bit and said it is only \$4 billion. The moment of truth will be when we get to the Part II Budget and \$200 million to \$300 million. This budget process this year has re-established the very positive goal of working together to enact a two-thirds budget and to have all of the citizens of the State of Maine and all the Representatives and Senators involved in this process. We have an opportunity this evening and tomorrow to again show them wrong and enact a two-thirds budget. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I thank the good Representative from Kennebunk and the members of the other party as well as all the members of the Appropriations Committee for putting together what is truly a consensus document and a remarkable achievement. You have a budget before you, which doesn't please anybody for each and every detail, but which achieves a great deal of what we all came here to Augusta to do. It makes sure senior citizens in the State of Maine have access to prescription drugs, that our school children will have more funding than ever before in Maine history, that our property tax payers get a little bit of relief. It was wrote about in the best of all possible worlds and they never quite found it. Today I think we are going to take a step in that direction. I want to thank, for the record, the great leadership of our House Chair of the Appropriations Committee for her tenacity, her understanding and for her willingness and her patience to put this process in front of her own life and in front of

everything else. She made some remarkable steps this year to bring us back to two-thirds and without her dedication to this process and the dedication of the House leadership from the Republicans side, the Representative from Easton. I don't think this process would have never come here today. It is a remarkable achievement. My hat is off to you both on a unanimous budget.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-713)** was **READ** by the Clerk.

On further motion of Representative TOWNSEND of Portland, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-713)** and later today assigned.

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

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

(H.P. 454) (L.D. 617)

Which was **TABLED** by Representative TOWNSEND of Portland pending **ADOPTION** of **Committee Amendment "A" (H-713)**.

Representative WHEELER of Eliot **PRESENTED** House Amendment "A" (H-715) to Committee Amendment "A" (H-713), which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. With all due respect to the committee's hard work, I am not trying to change anything they did do. It is just a slight problem I have with another LD that will be coming up. This will hopefully address it. This amendment amends Public Law 1999, Chapter 152, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" by replacing the de-allocations for the Local Road Assistance Program with de-allocations of the same amount from the Highway Maintenance Program. Being very brief, what this does is it is just a wording change with the local road assistance better known in the Part II of the gas tax bill, LD 957, as the urban rural initiative, which is in the amount of \$45. something million and this fear that if this gas tax does get voted down that we will lose our old local road assistance program. With this in mind and with thinking about the municipalities throughout the state, the fear of losing direct money to your communities, I am just trying to change the wording and have highway maintenance as part of the Part II in putting local road assistance back to Part I highway, which has already been voted on and enacted. I would appreciate you supporting me on this. I am sure there is going to be others that will get up and try to change different things in this, but if you could just follow my light through this, I would really appreciate it and your municipalities would too. Thank you.

Representative JABAR of Waterville moved that **House Amendment "A" (H-715)** to **Committee Amendment "A" (H-713)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment does significantly more than just change the name of the program that you have in front of you. It changes significantly the approach that was taken by the Transportation Committee by unanimous vote in how they set up and structured the budget. The budget was structured in such a way that Part I was to include the Department of Transportation's basic operating budget. The Department of Transportation takes care of the state highways and 80 percent of the roads in the state are state highway roads. What this does it take that portion of their budget, which is \$19 million out of the Part I. Again, this is a basic operating budget. It puts it into Part II, so that it would now be at risk when we vote on the gas tax. It takes the local road assistance and puts it back in the Part I, so that it is guaranteed it is going to be funded. The problem with this and what it does is it puts at risk on the gas tax the very foundation of DOT's whole entire budget of \$20 million and its basic function of plowing, maintaining and repairing the basic roads all across the state. It raises havoc with your consideration of the budget that is going to be presented to you probably tomorrow when dealing with the gas tax. At this late stage it is really not a good thing to do. It will change what you will be considering and what you have been listening to for the last two months with regards to the gas tax and with regards to the transportation budget. This is much more than just a simple change. I encourage you to vote in favor of this Indefinite Postponement, so we can consider the gas tax tomorrow on the very same issues that you know have been coming before you for the last two months. This would change the decision made by the Transportation Committee by unanimous vote well over a month ago. I urge you not to go back and undo, at this late stage, what was done following a great deal of discussion and consideration. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Again, this amendment has no net fiscal impact on the Highway Fund. You will still be voting on the same amount of money that was on the table back when we voted on the Part I of the Highway Fund Budget. There is no change in any money. It is just what you will be voting on. What is at risk if we don't change this is local road assistance, better known as the Urban Rural Initiative to your local municipalities. I feel that this is a very, very important issue in my communities and it should be in yours. It is to all the municipalities throughout the state. Thank you and I urge you to vote against the Indefinite Postponement of this amendment.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** House Amendment "A" (H-715) to Committee Amendment "A" (H-713).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-715) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 333

YEA - Ahearne, Baker, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Campbell, Chick, Cianchette, Colwell, Cote,

Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Nass, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Twomey, Usher, Volenik, Watson, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Bagley, Belanger, Berry DP, Bolduc, Bowles, Bragdon, Buck, Bumps, Cameron, Carr, Clark, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Foster, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Mendros, Murphy E, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Richardson E, Rines, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ.

ABSENT - Chizmar, Frechette, Perkins, Samson.

Yes, 74; No, 73; Absent, 4; Excused, 0.

74 having voted in the affirmative and 73 voted in the negative, with 4 being absent, **House Amendment "A" (H-715) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED.**

Representative WATERHOUSE of Bridgton **PRESENTED House Amendment "C" (H-719) to Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. If you turn to your budget document on Page 282, this amendment has to do with the home visiting services to parents. Many times in this House we have talked about education and keeping people informed of different programs and so forth. All this does, is you look at the sentence on sentence 21 and I will read. "If the parents desire" insert in there "and gives informed consent for the services." All this does is insert after the word desire and gives informed consent for the services. This is an attempt for people who decide they want to avail themselves of these services when they call up these people that in doing so they are informed of both the program and the goals and the aims of the program so that they are fully informed of all of the ramifications of volunteering to apply for the service. I urge you to vote for this amendment. Thank you.

Representative **TOWNSEND** of Portland moved that **House Amendment "C" (H-719) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED.**

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. The Part LLL of the budget reflects a piece of legislation, which came out of the Health and Human Services Committee. I believe it was a unanimously supported bill at that time. We have done nothing to alter it by including it in the budget. As you can read from the document you can see that it is a voluntary program. No one is forced to accept home visitation services and any implementation of this program, which would allow informed consent, can be done through rulemaking. There is no need to amend the budget. I would ask you to support the Indefinite Postponement. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to the committee chair, I understand that this is a voluntary program, but any program, especially with the ramifications involved in this type of program where you have people coming in to collect data on the situations in your family, I think it is very important. I see nothing wrong with having people being informed of the ramifications of the program. This piece is innocuous. It should be no threat to the program and no threat to any government agency and only keeps people informed of what they are getting involved in. I consider this an education piece and I urge you to support this amendment. I request the yeas and nays Mr. Speaker.

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-719) to Committee Amendment "A" (H-713).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-719) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 334

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Chick, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Carr, Cianchette, Clough, Collins, Cross, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McKenney, McNeil, Mendros, O'Brien JA, Pinkham, Plowman, Richardson E, Rosen, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ.

ABSENT - Chizmar, Frechette, Perkins, Samson.

Yes, 93; No, 54; Absent, 4; Excused, 0.

93 having voted in the affirmative and 54 voted in the negative, with 4 being absent, **House Amendment "C" (H-719) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED.**

Representative **BUCK** of Yarmouth **PRESENTED House Amendment "E" (H-721) to Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. My amendment is very simple. It simply retains the existing trigger we have in law, which says when revenues

exceed 8 percent, the sales tax is automatically reduced by ½ percent. The reason I am requesting that we incorporate this in the budget is because as a member of the Legislature I know we don't have the discipline as a group to reduce taxes. As a matter of fact, as long as I have been a member of Legislature, the only tax that we have ever reduced is a result of this trigger. I would urge you to support this proposal. The taxpayers of Maine expect us to return money to them particularly when revenues far exceed expectations. At lunch today we had members of leadership engaged in the milking contest. This afternoon this Legislature is also engaged in a milking contest. We are trying to find out how much we can milk from the taxpayers. This proposal is a small step in reducing our utterly ridiculous policy of spending more than we, as a state, can afford.

Representative KNEELAND of Easton moved that **House Amendment "E" (H-721) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED.**

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

Representative KNEELAND: Mr. Speaker, Men and Women of the House. I know this is probably a good amendment, but this is a unanimous report out of committee and I suggest that you support the Indefinite Postponement.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote against the Indefinite Postponement as the good friend of mine, the Representative from Yarmouth, has said, this is a very good piece of legislation that was put in. I happen to think it is one of the best pieces of legislation that was ever passed up here. It puts in some fiscal restraint and spending restraint in the state. I would say that if this hadn't been in place, we certainly wouldn't have saw the rollback of 5.5 percent previously. I doubt very much whether we would be considering putting it back to 5 percent in the budget today. If we have any problem up here, it is not cutting taxes, it is reducing spending. Keeping this in place will put some fiscal spending restraint on the state. I hope that you will vote against the Indefinite Postponement. Mr. Speaker, I ask for the yeas and nays.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-721) to Committee Amendment "A" (H-713).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-721) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 335

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mayo, McAlevey, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois,

Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Williams, Winsor, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Buck, Carr, Cianchette, Clough, Collins, Duncan, Foster, Gerry, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McDonough, McKenney, McNeil, Mendros, Nutting, Pinkham, Plowman, Richardson E, Rosen, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Bouffard, Chizmar, Frechette, Perkins, Samson.

Yes, 94; No, 52; Absent, 5; Excused, 0.

94 having voted in the affirmative and 52 voted in the negative, with 5 being absent, **House Amendment "E" (H-721) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED.**

Representative PLOWMAN of Hampden **PRESENTED House Amendment "F" (H-722) to Committee Amendment "A" (H-713), which was READ** by the Clerk.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. This amendment seeks to deappropriate a total of \$171,000 from the Commission on Interstate Cooperation, which is the dues that the Legislature paid for each member to be a member of the National Conference of State Legislatures. I believe that is something that should come out of our own constituent allowance should we decide to join it. This money, you will notice, goes into the assistance for local road repairs and maintenance. I ask you to please support the motion.

Representative TOWNSEND of Portland moved that **House Amendment "F" (H-722) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED.**

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. The dues paid to the National Conference of State Legislatures were appropriated in the Part I Budget. That might have been an appropriate time to discuss them there. It was not appropriated in the Part II Budget.

Representative MACK of Standish **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-722) to Committee Amendment "A" (H-713).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-722) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 336

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Gooley, Green, Honey, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass,

Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shorey, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Bowles, Buck, Clough, Collins, Foster, Gerry, Glynn, Goodwin, Heidrich, Jodrey, Jones, Joy, Kasprzak, MacDougall, Mack, Madore, McKenney, Mendros, Pinkham, Plowman, Richardson E, Rines, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Chizmar, Frechette, Hatch, Perkins, Samson.

Yes, 114; No, 32; Absent, 5; Excused, 0.

114 having voted in the affirmative and 32 voted in the negative, with 5 being absent, **House Amendment "F" (H-722) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED.**

Representative **PLOWMAN** of Hampden **PRESENTED House Amendment "G" (H-723) to Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. In Part I of our budget we allocated \$211,000 per year for family planning services. We also passed a comprehensive contraceptive bill, which will require that every insurance company in the State of Maine cover contraception. This budget puts \$400,000 into more family planning and contraception. My amendment will move it out and move it into the Highway Assistance Program. I would ask you to support the motion. Mr. Speaker, I would ask for the yeas and nays.

Representative **PLOWMAN** of Hampden **REQUESTED** a roll call on her motion to **ADOPT House Amendment "G" (H-723) to Committee Amendment "A" (H-713)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative **TOWNSEND** of Portland moved that **House Amendment "G" (H-723) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED.**

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. The \$400,000 appropriation to family planning from the Tobacco Settlement Fund is an appropriate use of that fund. The use is for primary health care services for young women ages 18 to 24. You know that Maine has a very high smoking rate in that population. Furthermore, the restrictions on the Tobacco Settlement Fund require that it be used for health related purposes only and thus funding of the Local Road Assistance Program would be an inappropriate use. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I think what is very inappropriate is first mandating contraceptives to everyone in the state and then saying that you need additional funds to support a supposedly nonprofit organization to provide abortions.

Representative **MADORE** of Augusta **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-723) to Committee Amendment "A" (H-713)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "G" (H-723) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 337

YEA - Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Cianchette, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Andrews, Bowles, Bragdon, Buck, Carr, Clark, Clough, Collins, Foster, Gerry, Gillis, Glynn, Goodwin, Heidrich, Jodrey, Jones, Joy, Kasprzak, MacDougall, Mack, Madore, Martin, McKenney, Mendros, Perry, Pinkham, Plowman, Richardson E, Sherman, Snowe-Mello, Stanley, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Chizmar, Frechette, Perkins, Samson.

Yes, 109; No, 38; Absent, 4; Excused, 0.

109 having voted in the affirmative and 38 voted in the negative, with 4 being absent, **House Amendment "G" (H-723) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED.**

Representative **MACK** of Standish **PRESENTED House Amendment "I" (H-725) to Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. What this amendment would do would have roll calls from the House and Senate be available on the Internet for our constituents to see how we voted within one hour after the vote was taken. It has a very small cost to it. It would allow the Legislative Council, at its discretion, to take up the \$5,000 each from the Legislative Budget and the Rainy Day Fund for these purposes so by the time we get back next January for second session, roll calls will be on the Internet. I also want to congratulate the Legislative Council for the good work they have done in getting the House and Senate web pages up this session. It is something we didn't have last year to put a lot of the documents and the calendar on the Internet for our constituents to see what is going on. I wanted to take this one step further and have the roll calls available on the Internet. It should not be a very difficult process because we have the roll calls available right after they are done in the Document Room. At the end of session, I know I got a printout of all my roll calls sorted in a lot of different ways. The system is virtually in place and I think it is very important for our constituents to have the

Internet access of our roll call votes. Mr. Speaker, appropriately, I would ask for the nays and yeas.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "I" (H-725) to Committee Amendment "A" (H-713)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative BERRY of Livermore moved that **House Amendment "I" (H-725) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "I" (H-725) to Committee Amendment "A" (H-713)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "I" (H-725) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 338

YEA - Ahearn, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Cianchette, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Bowles, Buck, Carr, Clough, Collins, Foster, Gerry, Glynn, Jodrey, Jones, Joy, Kasprzak, MacDougall, Mack, Marvin, McNeil, Mendros, Pinkham, Plowman, Richardson E, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Chizmar, Dugay, Frechette, Mailhot, Perkins, Samson.

Yes, 113; No, 32; Absent, 6; Excused, 0.

113 having voted in the affirmative and 32 voted in the negative, with 6 being absent, **House Amendment "I" (H-725) to Committee Amendment "A" (H-713) was INDEFINITELY POSTPONED**.

Representative TRAHAN of Waldoboro **PRESENTED House Amendment "H" (H-724) to Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative TRAHAN: Mr. Speaker, Members of the House. We have a giant pothole in our budget. Local road assistance has a \$45 million hole. It seems like nobody wants to talk about the roads. We had \$300 million, but yet we couldn't find any money for our roads. This amendment would take 1 percent of the two year budget and it would take that 1 percent from all departments equally. That is 1 percent. That is not much of a hit, 1 percent. We would have our local road

assistance. I think to ignore the problem we are just putting it off friends. It is going to come back. We are going to have to fund it somehow, either a gas tax increase or we are going to have to fund it later. I think this is a good opportunity to do it. This is a 15.5 percent increase in spending in this budget. That would be a 14.5 percent increase. It would still be a big increase with new programs and new spending. The money would still be there, but we would have our local road assistance. I urge you to support this amendment. Thank you.

Representative TOWNSEND of Portland moved that **House Amendment "H" (H-724) to Committee Amendment "A" (H-713) be INDEFINITELY POSTPONED**.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. You will recall from our briefing this morning that the largest areas of increase in the state budget are to general purpose aide to education, higher education, school renovation account and to research and development. There are significant increases in the lines to mental health, particularly as it interacts with corrections. To cut those, I think, would be a mistake. Furthermore, we explored all the options in developing the budget. We worked for a straight three weeks and we left no stone unturned. I would ask you to join me in voting for Indefinite Postponement.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-724) to Committee Amendment "A" (H-713)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "H" (H-724) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 339

YEA - Ahearn, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bragdon, Buck, Bumps, Clough, Collins, Cross, Foster, Gerry, Gillis, Glynn, Goodwin, Heidrich, Jones, Joy, Kasprzak, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Pinkham, Plowman, Rosen, Sanborn, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Chizmar, Frechette, Perkins, Samson.

Yes, 102; No, 45; Absent, 4; Excused, 0.

102 having voted in the affirmative and 45 voted in the negative, with 4 being absent, **House Amendment "H" (H-724)**

to **Committee Amendment "A" (H-713)** was **INDEFINITELY POSTPONED**.

Representative TOWNSEND of Portland **PRESENTED House Amendment "K" (H-732)** to **Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. This amendment makes corrections having to do with a number of small errors made throughout the bill. It is a wonder we don't have more of these. Our staff is absolutely fantastic. They work round the clock. Furthermore, a number of the mistakes are made by legislators and they are also working round the clock and exhausted. It is not surprising that we should make a few mistakes out of nearly a \$300 million budget. You can read in the summary what they do. Perhaps the most substantial correction here is to clarify a misunderstanding having to do with the Rainy Day Fund. It raises the cap permanently rather than one time as had been originally proposed. I would be happy to answer questions about it. I do urge your support.

House Amendment "K" (H-732) to **Committee Amendment "A" (H-713)** was **ADOPTED**.

Representative **MACK** of Standish **PRESENTED House Amendment "J" (H-726)** to **Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. Somewhere in this pile of papers on our desk you will find House Amendment "J." What that does is it will help out Maine's working poor. We have earlier this year debated a minimum wage hike to help out Maine's working poor get more money. What this amendment would do is if we have enough future surplus, unanticipated revenues, it would take some of that money and make it so that people earning \$6.50 an hour or less, those earnings would not be subject to the income tax. We already have dedicated some future surplus of unanticipated revenue. Some will go to the Rainy Day Fund and some will go to the unfunded liability on state employee retirement, but this will take the additional money that hasn't been dedicated, the new money that we don't expect, and if we do get extra money use it for tax relief for Maine's working poor so that Maine's hardworking poor families will be able to keep more of what they earn. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. This is an excellent idea. It is one that is not unworthy of a public hearing and a public work session. I suggest that this would be something that could be properly submitted to the next session or at a later date rather than a 12 hour effort to sneak into the state budget. Please vote for Indefinite Postponement. Thank you.

Representative **STEVENS** of Orono moved that **House Amendment "J" (H-726)** to **Committee Amendment "A" (H-713)** be **INDEFINITELY POSTPONED**.

Representative **MENDROS** of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "J" (H-726)** to **Committee Amendment "A" (H-713)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "J" (H-726) to Committee Amendment "A" (H-713). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 340

YEA - Ahearn, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Buck, Clough, Collins, Duncan, Foster, Gerry, Glynn, Heidrich, Jones, Joy, Kasprzak, Lindahl, MacDougall, Mack, Marvin, McAlevey, McKenney, Mendros, Pinkham, Plowman, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Chizmar, Frechette, Matthews, Murphy E, Perry, Samson, Watson.

Yes, 110; No, 34; Absent, 7; Excused, 0.

110 having voted in the affirmative and 34 voted in the negative, with 7 being absent, **House Amendment "J" (H-726)** to **Committee Amendment "A" (H-713)** was **INDEFINITELY POSTPONED**.

Committee Amendment "A" (H-713) as Amended by **House Amendment "K" (H-732)** thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. To anyone on the Appropriations Committee or anyone that could answer this question, on the detailed summary report that we all received on our desks, Page 8, there is an issue listed which references Page 249. It says there will be \$25 million in bonds to support research and development of capital improvements in the University of Maine System. I highlight this issue because it was brought up that the pending budget did not include bond issues and I would like a little more clarification on that issue.

The SPEAKER: The Representative from South Portland, Representative Glynn has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. The bond is put forth by the University of Maine System, which has bonding authority. It is not a bond that is being put out by the Legislature. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 341

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Gerry, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Buck, Collins, Foster, Gillis, Goodwin, Joy, Kasprzak, Lindahl, MacDougall, Mack, Marvin, Pinkham, Plowman, Sherman, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Chizmar, Frechette, Matthews, Murphy E, Perry, Samson, Watson.

Yes, 124; No, 20; Absent, 7; Excused, 0.

124 having voted in the affirmative and 20 voted in the negative, with 7 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-713) as Amended by House Amendment "K" (H-732) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

**ENACTORS
Acts**

An Act to Provide Equal Treatment in the Taxation of Public Pensions

(S.P. 431) (L.D. 1268)
(C. "A" S-348)

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

On motion of Representative CLOUGH of Scarborough, was **SET ASIDE.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-348) was ADOPTED.**

The same Representative presented **House Amendment "A" (H-717) to Committee Amendment "A" (S-348) which was READ** by the Clerk.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment strikes the provisions of Committee Amendment "A" that provides that social security benefits be taxed to the same extent that those benefits are taxed under federal income tax laws. It provides a \$6,000 deduction for those state and federal beneficiaries of retirement funds. LD 1268, as presented at the public hearing on March 8 was intended to leave the present deduction for social security benefits that are taxed at the federal level in place and provide equal treatment for state and federal retirement benefits. Amendment (S-348) eliminated the social security deduction on state income taxes and use the additional tax money collected to provide benefits to another group of retirees. It is difficult to understand how this can be interpreted as providing fair and equal treatment in the taxation of public pensions as was the original intent of this legislation.

Proponents of this bill argued that at the public hearing there was no opposition on the part of the retirement community with regard to the bill. Why should there have been? The bill, as presented, had no negative affect on social security recipients and would have given equal treatment to state and federal retirees. It was a good and fair bill and as originally presented it would most likely have received the support of both parties in the House and Senate. The proposed amendment (H-717) can still accomplish this objective. A short time ago, this weekend in fact, I made calls to several retirees in different communities. I called in Scarborough, Cape Elizabeth, Kennebunkport, Sanford and Whitefield. I took a random sample and not one of the retirees that I called was aware of LD 1268, the proposed amendments or the outcome of Friday's vote. It should be noted that all of those that I contacted would have been in opposition to the legislation as passed. Some time ago we voted to exempt up to \$25,000 of retirement income from state income tax. You will remember that that is on April 8, on LD 146. The roll call was 122 to 22 in favor of providing that exemption. Now we are trying to get even with retirees. I find this very difficult to understand.

Ladies and gentlemen of the House, I ask you to join with me and vote in favor of this amendment. Thank you.

Representative LEMONT of Kittery moved that **House Amendment "A" (H-717) to Committee Amendment "A" (S-348) be INDEFINITELY POSTPONED.**

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

Representative **LEMONT**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the good Representative's effort to bring this amendment forward at this time. Unfortunately, the amendment would effectively kill the bill. Our priorities have been set and the budget has been closed. It has a \$17.5 million fiscal note for the next biennium of the budget and I don't see at this late time we are in any position to fund this amendment. Thank you.

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