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Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-724)** on 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, 2002 and June 30, 2003" (EMERGENCY)

(H.P. 655) (L.D. 855)

Signed:
Senators:
GOLDTHWAIT of Hancock
CATHCART of Penobscot
MILLS of Somerset
Representatives:
BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-725)** on same Bill.

Signed:
Representatives:
NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

READ.

Representative BERRY of Livermore moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. The budget document before you, Committee Amendment "A," and I would say even the Minority Report, represents a great deal of work by the Appropriations Committee and I want to recognize them all for their hard work and dedication to the people of Maine. When we first started on the Part II Budget, we tried to get started without knowing our starting point. We resolved our Part I Budget, finally, and we began our work in earnest. We found many areas where we found unanimous agreement. We prioritized the Chief Executive's Part II Budget. We included and reviewed some the legislative priorities in that process, but we prioritized items from what we considered must dos, re-classes that were negotiated items or items such as the salary plan for state employees, portions of the Corrections Plan, the implementation that they need to continue to complete their work. We prioritized their must do items and consent decree items, which we feel are essential to meet the terms of the community consent decree. We had unanimous agreement to those priorities, in what we called the Section 1 priorities. Section 2 priorities, which were the second year education. It is 3 percent GPA and 2.5 percent for higher education. I understand the Minority Report does have a different total, a higher number, but there was unanimous agreement to a level.

We actually worked through the priority list in our Section 3, with other legislative requests, Part II requests, and it was really not new and expanded services as we may have seen in the past. Most everything has been an extension of prior commitment or meeting the costs to meet those prior commitments, such as the incubators. It was enacted by the previous Legislature. A portion of it didn't get established in time and it had to be in the Part II Budget to establish that as what would be current services in the next budget cycle.

The entire committee worked to prioritize this Section 3. It reflects those priorities of both parties, as well as our Independent Senate Chair. I think it reflects a fair method of resolving the issues. We know that we have a great diversity in our leadership and makeup.

In our Section 3, which is included in the Majority Report, there are COLA adjustments for items. There are some limited expansions, such as Women, Work and Community and the Jobs for Maine Graduates. Jobs for Maine Graduates is one that lost federal money. We are able to say that we are going to restore that and allow you to establish a limited number of new sites. They had hoped to establish more sites. It has been a fantastic program and they have had broad support from all corners, I think. The Career Centers are an item in the budget. It is not a new program. They have lost some federal funding as well. We are restoring that federal loss. I think their request was $1.5 million a year. We are at $1 million a year.

There are economic development initiatives, such as the incubators and biomedical research and R & D at the University. We recognize that it is important to promote business in Maine and future opportunities to maintain our revenue and our jobs and that effort. There are a couple positions, another case of lost federal funds, the two EMS positions in the Bureau of Emergency Services under Public Safety. We felt it was important. They have done an amazing job to bring accountability and professionalism to the emergency services.

I believe that the majority budget reflects the committee recommendations of the jurisdictional committees, as best we could. I know all the members of this body worked tirelessly on your own committees and looked at your issues in great detail and made recommendations to us, if they required funding. I believe we did the best we could to reflect that.

The Appropriations Committee, mostly we were limited to a level of no more than $57 million of new revenues. There were some places where we changed priorities. We identified existing sources of money where we felt that there were priorities that were more appropriate. Domestic violence, I know I will have a speaker on that, but I know that is a priority. We have had 144 co-signers on the bill. It has great support.

I have looked through these items so many times, I feel like I have repeated myself already. The Appropriations Committee, we worked to a level of $47 million on the priority lists. That was where our cutoff was before we would get to the $10 million set aside by leadership in the caucuses for an Appropriations Table. I have to admit when I first heard that, I said, that is never going to work. I was really surprised at how well it did work. It did work, I guess. There are some items in some of the other caucus reports that I would never have supported, but I know there are some in ours that would not have been supported by others. In fairness to all the caucuses, they do have the opportunity to represent their priorities. I know that it is an awkward moment here, I guess, when we talk about the House Republican Caucus and their priorities. It is my hope that my colleagues from the other party will see the benefits of a two-thirds budget and will include bills that they would see as priorities. I already looked at the list and I see some bills there that I would like to see happen. I know that they have been worked very hard. Some of them are existing programs and worked well and they deserve to be continued.

I really haven't spoke to the revenue side. The new revenues will be derived from the 7 percent meal tax on non-Class A

restaurants. From that 7 percent, there would be a percentage dedicated to tourism. They have never had that. They have had to come and fight for every marketing dollar that they have got, which comes back to the Maine economy in jobs. Thirty percent of that, we feel, taxes collected from the meals tax would be paid by out of staters. It would come back to the Maine economy to help support our government.

The other portion is the cigarette tax, 20 cents a pack. The cigarette tax, I know there are some, and I know I am not excited about enacting that, I said that when we did our Part I and voted for it then. Maine still has one of the highest rates of teen smokers and this has proven to be a deterrent. I think there are real needs in the state, some priorities, some health and safety issues that we need to address. It is a budget issue now and I understand that.

I know I didn't get as organized as I had hoped. We have been working right up until not long ago. I do want to commend the Appropriations Committee again for their hard work and cooperative effort, I believe. It has been quite an experience. I hope you will support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. It is true, your Appropriations Committee, I think, made an extremely honest effort to come to agreement on a Part II. I think it is appropriate now to remind us all that we essentially did come together on the emergency budget and the Part I. The huge majority of spending for the State of Maine was done by consensus or as near consensus as we can get here.

Now comes the Part II, it is theoretically new programs and new spending. By enlarge the budget that has been presented to you today does meet that bill. There are few deviations from it. Now we have a difference of opinion, but, again, I think it is worth saying that if you go down through the list of items that are funded, the vast majority of the items are the same in both budgets. As I think I said before, we agreed that funding the various parts of the consent decree, the AMHI consent decree, is important. We have a whole bunch of ins and outs where departments are moving money around that we did not disagree on or there was federal money involved, we didn't disagree. There is a whole bunch of other stuff that slips down through this thing where we agree. The list of things that we agree on is huge and where we disagree, it is pretty small, but also pretty significant.

We will disagree and urge that you vote against this with the tax increases. We think that a smaller budget can pass this Legislature that does not require taxes to be increased. We say there is another model out there to pick up revenue sources that have been discarded in this effort through the last four or five months. We think that a budget that appropriates around $40 million and raises a little bit more than that is sufficient to get us through the remainder of this year and recognize that we will back here in January, again, with another supplemental or emergency budget to deal with.

There is a number of important things that we agree on, but may have put in different places in the budget. We have agreed, essentially, to spend money on health insurance for retired teachers. We have agreed to begin to spend on setting aside against an unfunded liability for health insurance for all the state employees. We have agreed that the prison in Thomaston needs to be demolished. We have agreed that the Magnet School needs some additional funding.

We will present a version that basically provides some up front money for biomedical research and research and development in general. Perhaps more important in all these, we will show a way to essentially provide or set aside some money for tax conformity. It is a big issue that is coming up next year. We feel that if we don't begin to provide for that now, we won't be prepared to fund it next year. The federal tax system is changing dramatically. We in Maine, the Legislature, will have a choice to go along or to continue to extract additional money from our citizens. We would choose to conform. We want to prepare for that.

We also in our budget set aside a small amount of money, pretty much as recommended by the Chief Executive, for domestic violence and sexual assault. What we understood to be the highest priorities, were those people that were concerned about this, particularly the domestic violence and sexual assault forensic examiners board and the sexual assault and forensic examiners program. There are other proposals out there that would fund much higher amounts. We would suggest that we will join with the majority when we get to enactment and support those also.

Ladies and gentlemen, by enlarge, there is much more similarity here than there is difference. The differences are important. I would urge that you would reject the report in front of you and that we go on and have a broader discussion about what some of the other options are. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. To anybody who could answer, in this majority budget, this item before us now, how much new debt service is incurred with this budget and what is the total number of new positions?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Ladies and Gentlemen of the House. We were struggling for the past few moments to come up with a number of positions added and we still don't have that number. We hope that shortly we will and be able to present that. In the scurry of activity and finishing up this Part II, there are still some details that we haven't put together yet.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. There are many reasons why I can't support this budget and two of them are the ones I just mentioned and I didn't get any answer for it at this stage and this is the stage we are voting on in the budget. I find this budget an amazing position coming out of a Part I Budget where there was no, or very little, money left.

I counted up the new initiatives in this budget before me and there are 317 new initiatives. A lot of them having to do with new spending. There are new taxes. I call it taxes on Happy Meals and the cigarette tax. For those of you who have been here since the 117th, you have heard me talk about a report that was put out by Lori LaChance, the State Economist, called *Dollars and Sense*. She made the point that during the '80s the Legislature's spending was out of control because we had all kinds of money pouring in and then in the early '90s we had a problem and to answer that problem we raised taxes.

Those of you who have a short memory, remember during the middle '90s in the 118th and 119th, we had surplus monies. In fact in the 119th, I think we had over $300 million and we spent all of that. Here we go again. We are increasing taxes, as far as I am concerned, on those least able to afford it. Cigarette

taxes, a lot of people with low income smoke. We know we think we are doing them some good by telling them how to live their lives, so we are going to raise their taxes so they will stop smoking. If we have as a goal, a tobacco free Maine, yet we insist on funding programs with the very revenue we are trying to kill, it reminds me of somebody crawling out on a limb of a tree and proceeding to saw that limb off. It makes no rational sense to me, other than the fact that we just want to haul in some more money and do some more spending. I urge you to vote against this pending motion.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I rise today to proudly support this budget. I am able to say that by saying I am proudly supporting it, I have no doubt that I am serving the best interest of my constituents. I will leave here in a week and tell everyone that I continued to support programs that matter to Maine families. I have always felt that we, as lawmakers, have a real opportunity to provide real solutions to real problems and that is what this budget does.

It keeps our commitment to increasing general purpose aid to education by including the 3 percent increase to our local school districts next year that troubled so many in the Part I Budget. We made a promise and we kept it. It is here in this Part II Budget, the 3 percent that worried so many of you. We made a promise and we kept it.

We also made a promise that we were going to increase the amount of investment in our higher education by 2.5 percent or an additional $5.5 million. We made a promise and we kept it. It is right here. It is vital to give our next generation every opportunity to stay in Maine and we need to invest in both local schools and higher education to do that. We need to do that so that we can compete in the new economy, where the new jobs are being grown. We are making that dream a reality. Giving our higher education and post secondary institutions the tools to attract and retain students will absolutely have a great return for all Maine residents as our economy grows.

In this budget we heard the calls made by our teachers and we increased the teacher health insurance state payment from 30 percent to 35 percent. We made a promise and we kept it. The Representative from Acton said, and I agree, that many of the items in both budgets are the same. It is true that the minority budget does have the Governor's position for sexual assault examiner. The majority budget doubles the investment in putting an end to domestic violence and sexual assault in this state. It doubles it. It brings us up to $4.5 million a biennium. We heard the cries of the domestic violence and sexual assault community here in this Legislature this year. That is why so many of you supported that legislation and I am very grateful. None of that means anything if we don't step to the plate and vote for this majority budget. You can't end the number one crime problem in the State of Maine with hollow promises. We need to make a promise like we did in January when that bill came out and we need to keep it now. We need to make sure that those women and children know that this Legislature is sending help. This budget does it. It provides the funding to make that happen. We have to say to those women and children, statewide, that help is on the way. We have continued to invest in Maine's future by funding research and development programs such as, research and development at USM and another major investment in biomedical research that will bring close to $100 million in new investment in this state and up to 250 new jobs. Those are good jobs. Those are high tech jobs. Those are the jobs that are growing in this country and we need to make them grow in Maine. We made a promise to do that and we are keeping it in this budget.

Those of us on this side of the aisle are very committed to protecting the Fund for a Healthy Maine, which we established to ensure that fewer young people take up smoking and to improve the general health of all Mainers. I guess there are many similarities, but if you look at the bottom line, sometime I am a bottom line guy, and if you go down to the bottom of the goldenrod sheet that is on everyone's desk, you will see a bottom line that says estimates of structural gap. That is insider jargon and it is baseball, what it really means is, what are we going to leave the next Legislature in red ink? The majority budget has $45 million less red ink than the Minority Report, that is $45 million. That is a lot of money. I guess to go further, I would just point out that that structural gap, one of the huge differences between the Majority Report and the Minority Report is that we did step up to the plate and we did put some new revenues in to pay for the second year of GPA, the increase of 3 percent. We did put in revenues to pay for the increased funding for domestic violence and the increased investment in our higher education. We had ongoing reliable revenues to do that. My biggest concern about the alternative that is being offered is the use of one-time money to fund ongoing programs like GPA, domestic violence, teacher health care. We are just setting ourselves up for a bigger problem later on. We need to be responsible now. We need to govern now. We made tough choices in Part I. We cut programs by $125 million. We need to meet the needs of the citizens of Maine here and now. This budget does that.

I think we have made those tough choices and we are moving our state in the right direction with our commitment to education and all those other issues that I have mentioned. I stand here to say that I am proud that we kept our promise and we have delivered on our commitments and that is why I would urge all of my colleagues to stand with me today and cast a vote for a budget that stands and delivers on the promise that we made. Thank you.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I would like to start off by thanking the Speaker and the Majority Leader for bargaining this budget in good faith and I sincerely mean that. We have ideological differences on this budget. We have sat down and talked and talked and when we found that we couldn't agree, we left amicably. That is a true sign of respect for you, Mr. Speaker. I thank you.

Our ideological differences separate us to the point where we have to break off on this budget. We have an economy that is in a downfall right now. The Representative from Lincoln, Representative Carr, passed out something that we all should read before we vote on this budget about all the jobs that Maine is losing. When the Maine economy is in a downfall, that is probably the worst time that we can raise taxes on Maine people. No matter what tax it is, it is the wrong time when we are growing negatively. A lot of people are saying, how can you have supported the same taxes in the Part I Budget and not support it now? We have a different view right now. We now know that there is going to be a $20 million surplus, more than likely, that wasn't there back in March. I have a gut feeling that tells me that $20 million may actually grow to a little more than $30 million. If I go home and tell my people that I voted for taxes and then we have $20 million or $30 or whatever that number surplus is, how do I explain that? I can't do it in good faith.

We have a list that goes on forever. You know what we always forget about? It is the need of the Maine taxpayer. The Maine taxpayer is tired, beaten up, exhausted, can't pay anymore, whether it is property tax, cigarette tax, meals tax or you name it. All we have done is raise taxes continuously over the last 10 years up here. We rolled some back, absolutely. It is like giving it back in one pot and taking it from another. It is no different.

I heard about the domestic violence piece in the majority budget, but since the Minority Report is not on your desk yet, you will see that it is also funded in the Minority Report. There are a lot of points made by the Majority Leader from Gardiner, but we also do the same thing in the report that you will see later on. As a matter a fact, we increased GPA to 4 percent and put a cushion in and we still do it without raising taxes.

We talked about the structural gap. If the Minority Report was to raise your taxes, our structural gap would be lower. Last year we left here and we were okay with a $220 million structural gap and we all knew it when we left. All of a sudden this year it is a big deal. Frankly, I have lost faith in some numbers up here. I haven't lost faith in the people of Maine. The people of Maine are tired. I have supported tax increases in the past when I thought they were absolutely necessary. If I have to support a tax increase because I thought it was absolutely necessary this time, I would. I don't feel that way anymore. I think we can leave here without having to raise taxes and do everything we absolutely have to do to keep Maine functioning and to even expand programs to a certain extent. We can do it without raising taxes. We can come back here in January and take a different look and maybe the Maine economy may turn around and maybe it won't. There will be nothing that prevents us in January from raising taxes if we have to raise taxes.

Ladies and gentlemen, I will be voting against the Majority Report. I urge you to. I hope you will get a chance to look at another amendment later on. Thank you Mr. Speaker.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I rise in support of the Majority Report, which I am proud to be on. Before I go any further, I specifically want to thank the members of the House Republicans that are on the committee, the Representative from Norway, Representative Winsor; the Representative from Caribou, Representative Belanger; the Representative from Acton, Representative Nass and the Representative from Bucksport, Representative Rosen. They have been tremendous assets to this institution. They have been tremendous assets to the committee. It has been a pleasure serving with them and working with them. No matter what happens between now and the end of session, that will remain the truth and I will feel the same.

There were a couple of things that I wanted to mention that have come up. One, the Representative from Raymond, Representative Bruno, mentions the Minority Report, Committee Amendment "B." It is on my desk. It has been here for a while. I urge you to look through it. Unless I am missing something, it does not fund the domestic violence piece or any portion, frankly, of LD 524, the Majority Leader's bill. It does fund an advisory board related to sexual assault forensic examiner, but it certainly does not fund any portion of LD 524. It certainly does not fund the $4.2 million worth of that bill that the Majority Report does. I urge Representative Bruno to send me the information on that, because I believe he might be in error on that.

Another correction I would like to make relative to something my good friend from Bridgton mentioned. He referred to 300 some odd new initiatives that are found within the Majority Report. Folks, I haven't taken the time out of my life to count what is called new initiatives in budgets, but there are certainly hundreds of them in both reports. Anything that shows up as a new initiative includes such things as transfers of positions, de-allocations of money, reductions in spending, reclassifications of positions or anything related to the Baxter Victims' Compensation Fund and if you look at the Majority Report, or you look from Page 64 to 74, for example, all issues related to the consent decree, those are, every one of those, dozens of them, if not hundreds, are considered for the purposes of budgeting new initiatives. Don't be mislead, my friends, by the phrase new initiative, because it is fairly meaningless I have discovered and certainly over 300 of them would seem alarming to me, if I didn't know for a fact that it is a fairly meaningless phrase.

Representative Carr passed out something about prior to voting on budget issues, please read these attachments regarding recent layoffs. I thought that was a helpful to some degree, relative to the budget, I am not quite sure, but it points up a couple things that are in the majority budget that are not in the minority budget. Some of them have been touched on, but I think if you want to talk about economic development initiatives, you will find those in the Majority Report. You will not find them to the same degree in the Minority Report. For example, tourism funding, $2.2 million in the Majority Report with an ongoing source for that revenue from the meals and lodging tax. There is $140,000 for redoing some technical studies for the lobster fishing industry so that we can make our case with the feds that we are doing fine and we don't need their help, thank you very much. There is $140,000 to help protect the Maine lobster fishing industry. That is $100,000, that is not in the Minority Report. There is $100,000 for economic development specifically in Somerset County. That is in the Majority Report, but it is not in the Minority Report. There is $2 million for career center funding within the Department of Labor. This is not a new initiative. It is just to keep the career centers going. They help folks who are looking for work and who have lost work from some of these layoffs to find work and to get retrained. It is a very important program for people throughout the State of Maine. That is $2 million that are in the Majority Report and nothing that I know of in the Minority Report. The incubators you have heard about. Biomedical and R & D research, those initiatives show up to a far greater degree in the Majority Report. They are not funded from lapsed balances, which require a two-thirds vote to achieve, they are funded within the budget at a higher level as well as Epscor, which is another technological initiative, along with something that is not at all in the Minority Report that I know of, is the $50,000 for development at the Eastport Pier, the Eastport dock in Eastport, Maine, to help with promotion of that facility. Also, there is $140,000 for Jobs for Maine Graduates is in the majority, but not in the minority. Also, $1.2 or $1.3 million for the New Century Arts Program. It is something we funded in the last biennium at around $3.6 million, I believe. We fund it at a little less than half of that in the Majority Report. It is a hugely significant statewide initiative that has helped promote cultural tourism statewide with grants to every one of your towns on a statewide basis. It requires a match from the local communities. It is a great program and is economic development in a very strong way. It helps with the tourism industry, I believe, in a very strong way.

The good Representative from Raymond, Representative Bruno, talked about we have done nothing but raise taxes around here. Were that the case, I wouldn't be standing here today looking at these $57 million worth of tax increases that we are looking to ignore, had we not cut approximately $450 million per year in taxes since I have been here in the 117th. I don't

suppose we would be having this debate if we hadn't cut the sales tax and the snack tax and increased BETR and the homestead exemption and the circuit breaker and whatever else. We wouldn't be having this conversation, I can assure you. I am not begrudging those cuts, I just want to set the record straight that those are real returns in money to the folks in our communities and they should not be taken for granted or taken lightly. It is a substantive issue.

The structural gap was addressed by my good friend from Raymond, Representative Bruno, and how coming into this session of the Legislature we were looking at around a $220 million structural gap or at the end of the last session, we were looking at that for this session and how that wasn't viewed as the end of the world. I am not sure it is the end of the world either way, but, ladies and gentlemen, we are in a far different picture now than we were last year in terms of the state of the economy on the national level and also on the state level. I think it is far less easy to absorb a large structural gap now than it was a year ago. Frankly, the structural gap in either one of these budgets is higher than I would like to see it, but it is certainly lower in the majority budget. I think, therefore, more responsible.

In summation, I think the Majority Report is a responsible route to go. Yes, there are tax increases in it. You know what, there are $11 million less than the tax increases that were proposed in the Part I Budget. There is $57 million worth of tax increases in this Part II Budget. Those of you who voted for the Part I Budget voted for $68 million worth of taxes. We did cut the tax increases that were proposed by $11 million. That is substantive.

Please take all these things into consideration and vote for what I believe is a far more responsible budget, the Majority Report, when you cast your vote. Thank you.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I also want to say a few words about the committee process. As a freshman on the Appropriations Committee, it has been quite a learning experience. It has been a pleasure to work with the members, from both sides of the aisle. I also want to compliment our House Chair, Representative Berry, who has done an excellent job and the members from the other side of the aisle, Representatives Mailhot, Tessier, Brannigan, Etnier and Jones. They are all outstanding people. It has been my pleasure to work with them and regardless of what side of the aisle you sit on, you can be proud of the people on this committee because they have worked hard to try to reach consensus and bring something before you that is the best for the people of Maine.

As has been said by just about every previous speaker, we have agreed on most of this budget, particularly Sections 1 and 2. When we got down to things that were probably not absolutely necessary that they be done, this is where the philosophical differences began to appear. Let me point out some of the differences. The minority budget that is on your desk has a 4 percent increase for General Purpose Aid in the second year and it also has $3 million for a cushion. I don't think there is anyone in this chamber that doesn't think that is going to be a major concern when we get back here in January, that is funding the second year of GPA.

Of course the other major difference are the taxes. There are two taxes in the majority budget, which totaled $57 million, which are not in the minority budget. Members of the minority felt that with a soft economy and with a number of job losses around the state that we should hold off on any tax increases as long as we possibly could. This is what really explains the structural gap, the difference between the two reports. If we had instituted the $57 million in new taxes, our structural gap, in fact, would be less.

With regard to the differences contained on some of the priority items, be it domestic violence, new century programs, all those types of programs, I would refer you to the goldenrod paper and take a look at the Special Appropriations Table. There is almost $9 million left in the Minority Report that can address many of these needs that are being discussed as not being in the Minority Report. There is about $9 million for the table and I am sure we could find some consensus in running that table that would include some of these priorities.

I would urge you to think very carefully about what we are about to do and what is going to best for the people of Maine, what is going to best for the economy of Maine, because in the end, a good economy is a great leveler. I would urge you to vote against the pending motion and go on to pass Committee Report "B." Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Just very briefly to reply to some of the comments from my good friend, the Representative from Harpswell. Some of us do have a lot of other things to do with their lives, but with a budget of this size appears before us, some of us do go over it with a fine tooth comb. He is correct about those 300 and some odd new initiatives, but a great many of them do have money attached to them. That is the point that I was trying to get across to everybody.

The good Representative mentioned about the tax cuts in the past. I might refresh the members of the House that the sales tax had a trigger on it. The trigger had gone into effect once and brought the sales tax from 6 to 6.5 percent. The trigger was poised to do the same again. The Legislature in its wisdom repealed the trigger and delayed the effect that the trigger would have taken, keeping $30 million from the people's pocket and putting it into spending instead and getting rid of the trigger also, which means that will not happen again automatically. The snack tax was facing a people's repeal. One of the biggest tax cuts we made back in the 117th was the hospital sick tax. That was a shell game that the federal government caught us in and said we could not do that anymore. Not too many people felt that other than the hospitals. When you add those all up, you can see our tendency to cut taxes is not that great.

This budget does create two new taxes, a lot more spending and if my count is correct, I am not sure it is, but I do go over these things with a fine tooth comb, it looks to me like 163.5 positions.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I felt the need to respond to the good Representative from Harpswell, Representative Etnier's comment that when you look at Committee Report "B," you don't see the domestic violence piece in there. We kind of knew that we would never get to discuss Committee Report "B," so we are preparing a House Amendment, which will be talked about on the second reading of the bill, which has the piece in there.

While I am up, I also need to respond that you only raised taxes $57 million, so you cut $11 million. The only reason we did that is because of the timing of the tax increases. It has nothing to do with you cutting $11 million. You just couldn't get it enacted fast enough, so now you lost $11 million in revenue. In the next biennium you will be collecting $76 million in revenue. That is really not a tax decrease then is it or isn't it? I think we are really going to have $76 million in new taxes, that is in effect for the full biennium. Thank you Mr. Speaker.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. Far be it from me to joust with the far superior Representative from Raymond, Representative Bruno. Had they chosen to put in domestic violence piece, as did the majority, you would be seeing it in that inch thick document of theirs. It is not there.

In the Part I Budget, the proposal was for a 26 cent increase on a pack of cigarettes is my recollection. The proposal before you today is a 20 cent increase on a pack of cigarette. That is a very large difference between those two taxes. Thank you.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Mr. Speaker, Ladies and Gentlemen of the House. I could not sit and listen to taxes discussed without rising at one point to just clear the air here. I am sure that the good Representative from Bridgton meant to say that taxes went from 6 to 5.5, not to 6.5 percent. I know that. In fact, it did go down. I would like to run through the $450 million worth of tax cuts that we have, in fact, enacted in this Legislature in just the last two plus years. The hospital tax and match that was mentioned, was a leftover from the McKernan Administration when we got caught, kind of with our pants down, and copied many other states, because, at that time, it was something that, in fact, could be done. It was not a great idea. However, we were very restricted in our abilities to raise revenues and this was a reasonable idea at the time. We got rid of that. We enacted a so-called snack tax also in the tough times and it was not a pretty thing and we got rid of that. What we did do was we instituted a homestead property tax for every single Maine citizen that relieved, according to pretty much every single Maine citizen, the most onerous of our taxes, property taxes. We have continued to fund that. It was not a one-time deal. I have many constituents who said this is nice, but I know it will never go on. It is going on, ladies and gentlemen, and that is real tax relief. We also included two income tax cuts. One was an increase in personal deductions that people saw this year and the other was an increase in the deduction for public and military pensions. We have fixed the little problem. Lots of times we don't know about the problems until we start seeing something work. That has been fixed as well.

So, what have we done? We have cut property taxes. We have cut income taxes and we have cut sales taxes, $450 million worth. That is nothing to sneeze at.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. We heard a bunch of great economic development proposals that are in the majority budget. There are all these great programs for people that are losing work. We wouldn't need to bribe companies to come to Maine if we didn't have an oppressive tax code. They would want to be here. If you don't believe me and you think that is theoretical, you can look at the economy of our neighbors to the south and west, New Hampshire and look at ours and wonder why ours always starts going up slower than them and why it always drops faster than them. They don't have an oppressive tax code. They don't have to bribe people to come to their state. People like going to their state. People like working in their state.

We heard about huge tax cuts that we have given under this particular Executive, I think that is still what we call him. Yet, when this Executive took office, we were spending $2.9 billion and now this budget is over $5 billion. It has almost doubled. If my personal income were to drop every year, but yet over a six or seven period, total income would double, I think I would be pretty happy. I still don't quite understand that.

Let's go on. This budget increases taxes by $57 million. That is not true. It increases taxes by $67 million because the minority budget has an extra $10 million to general purpose aid to education. We have all heard, and it was just said by the previous speaker, that the most onerous tax on Maine citizens is property tax. Where is that $10 million going to come from? I will tell you where it is going to come from in my town, because they are talking about raising our mil rate another 2 points, which will give Lewiston a higher property tax mil rate than Manchester, New Hampshire, which only has property taxes. It doesn't have income tax. It doesn't have sales tax and now they have a lower property tax than we do. That is pretty joyous. We are looking at $67 million in new taxes and $10 million of which we dump off on all our local office holders that they have to deal with.

For the $67 million, what have we got? We got some economic development packages, which we wouldn't need if we weren't oppressing our people with high taxes and we get $4.2 million for domestic violence. We have heard there is $9 million on the table so that could be funded anyway. For this $4.2 million, which 144 of us did agree is a good idea, we are going to jack up $67 million in new taxes. It doesn't make sense to me.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I have sat though some debates on the budget in the past and I don't hear anything different or new this year than I have in the past. It boils down to some basic things. To begin with, I do want to thank all of the Appropriations members on both sides of the aisles, because we know that when the Appropriations process is complete, the majority budget usually reflects all the hard work of both committees from both sides of the aisle. I want to thank them for that. It is a hard long list of things that you see on the goldenrod sheet that follows page after page after page and it takes a lot of diligence and a lot of work to find those items and to figure out what has to be funded and what doesn't have to. I don't see there is any fat in this budget. I see there are a couple of programs that we would look at as being essential and necessary for the good people of the State of Maine. I know there is a lot of individual lists. If you want to pick a budget a part it is pretty easy to do. Downeast Corrections, we are talking about economic development, that $350,000 isn't in the minority budget and that is 95 good paying jobs in Washington County that are being jeopardized by the fact that we have to stand here and argue between Minority and Majority Reports. We know that the consensus from both sides of the aisle are in the majority budget. The differences here are very simple. The simple thing is either you provide the revenues to pay your bills or you defer it and have a larger structural gap. Which one is fiscally responsible? We hear a lot of rhetoric here. We all know that the rhetoric on this floor is simply for one reason only and that is so we can line up for the next political process and see the ads that we tried to hold the line on taxes, etc. I think that is a sad thing. We have a moral responsibility to the people here to operate state government or to provide the necessary services and it seems like time and time again we get down here again to the same old posturing on the floor debating budgets that essentially don't mean a hill of beans difference between the two budgets. We spend essentially the same amount of money in both budgets. The only difference is in one of them we fund and the other one we defer and a larger structural gap. Give me a break. It really doesn't make any difference. The difference between these two budgets and where we want to spend our money, whether it is on the needs of the people or we want to send it back for political reasons to say

that we increased GPA and widened the structural gap of the $3 million cushion for education. There are all kinds of issues here. I would ask that we move forward and vote on the budget. Hopefully when it comes back to this body, we can look at some modifications and they may help all of us.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I think this is the first time in four terms up here that I have spoken three times on the same issue. I have to take great offense to what was just said by the Representative from Kossuth Township. I stood up initially and said, "Thank you Mr. Speaker for your respectful nature." If he thinks we are just posturing here, I can assure him that he is sadly mistaken. This is an ideological difference. I have had great respect for this process for quite a while and I was hoping this process would continue that way, but obviously we are stepping it down a notch right here.

Mr. Speaker, Men and Women of the House, this is not about posturing for the election. I could care less about the next election. If people don't want to vote me up here, I don't have a problem with that. I will go home and run on my record any single day, whoever you want to run against me, I don't care. This is about my personal and deep felt belief that this budget it wrong. That is all it is about. I don't take kindly to people suggesting that there is only one thing we are doing up here. Mr. Speaker, I apologize for the tone of my debate here, but I don't think it was a necessary for the Representative from Kossuth Township to address me in that manner.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I do rise to add some information to this debate that might not have been heard in the past. I will begin, just briefly, by saying that before I ever became involved in politics, one of my biggest concerns was why was my taxes always going up? Why was the state budget always increasing? As soon as I was elected, I started to look into why that was. What were the mechanisms in place to try to reduce government spending? How is the government looking at its spending before it started to raise taxes and increase spending? What I found was a real sad testament, ladies and gentlemen, to fiscal responsibility.

Back in 1977, the Maine Legislature passed the Maine Sunset Act. The purpose of this act was to require the Legislature to evaluate the needs and performance of the departments and agencies to recommend termination of agencies that had outlived their purpose. Unfortunately, that act was repealed in 1989. It was replaced with another act, the Government Evaluations Act. This Government Evaluations Act was supposed to look at budgets every two years to reduce fat in those budgets and make recommendations to the full Legislature to reduce spending. In the 119th Maine Legislature, the State and Local Committee did a report on this Government Evaluations Act. What their report said was, some policy committees have yet to conduct the GEA review. The committees review of the process is limited to the extent that not all of policy committees have undertaken a GEA review. Several of the program evaluation reports prepared by the agencies provided little or no assessment of the agencies progress. It went on to say that, please listen closely to this statement, finally, the program evaluation reports of several agencies offered more information about emerging issues, than they did about the programs for which they were responsible. This may particularly be the case for emerging issues, which could easily be viewed as a wish list.

In other words, the very program to look at our spending is being used to promote new and expanded programs. Basically no one is at the till. Imagine a banking process or a loan agency that basically allowed anyone to come in off the street and borrow money and nobody watched how they were spending it. That is basically what is going on in state government. That is why each year it is so difficult for the Legislature to cut spending. No one is looking at spending anymore. We are stuck with the decision of only one direction and that is to raise taxes. For whatever it is worth, ladies and gentlemen of the House, I add this to the debate that probably hasn't been said in the future, what we are doing here is poor fiscal management. In the future, I would ask that the committee chairs with more power than I have to take a close look at this Act and see if we need it in place any longer. Maybe we need to bring back the old Sunset Act. Thank you.

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

Representative **JONES**: Mr. Speaker, Men and Women of the House. I rise today to ask you to support on the Part II majority budget. I want to personally thank each and every member of the Appropriations Committee for their tireless dedication in this process. As a member of the Appropriations Committee, I have been through all of the deliberations, along with my fellow colleagues on both the Part I and Part II Budgets. I can assure you that this Part II Budget is financially responsible and addresses the needs across the entire State of Maine, whether you are from the County or York County.

We all care about our children, our seniors and our veterans. The majority budget addresses those very issues. If you care about women and women's issues, such as cervical and breast cancer, then this budget is for you. If you care about health care, then this budget is for you. If you revere our natural resources, this budget is for you. If the thought of domestic violence sickens you, then this budget is for you.

Our seniors can look forward to a much needed cost of living adjustment for the elderly low-cost drug program. We have maintained the integrity in the Fund for a Healthy Maine. We are looking into the viability of a single-payor initiative. We are providing long overdue assistance to the visually impaired, whether they are in our schools or in our homes. We are providing funds for the victims of abuse at the Baxter School for the Deaf. This has finally occurred after over 20 years of asking for compensation. Now, at least, victims will be spared having to come to another Legislature. They should not have to come to another Legislature. Each and every one of these items is vital to the well being of the people of the State of Maine. This budget brings the Game Wardens' retirement up to parity with the State Police. It only seems fair to treat the oldest enforcement agency in this state, who has lost the most number of lives of any enforcement agency who works each and every day all day long, with the same respect and consideration of all other enforcement agencies in this great state. The Minority Report does not consider their years of working seven days a week, 24 hours a day.

This budget will allow for a dedicated revenue stream to our tourism industry. Now, for once, we can market the entire State of Maine. Even in our businesses we can't plan month to month. We have to plan year to year. If we are going to have increased economic development in our state, we need to have a proper tourism budget that is permanent. We are the only state in the United States left with this two-tier tax. Most importantly, this budget is sustainable. We have assured continuous funding for the budget. This budget meets the needs of Maine citizens

around the state and does not particularly favor one group or geographic location. This budget is fair and reasonable. Our challenge was to balance the need of all Maine citizens fairly and responsibly in this world of reduced tax revenue. I believe that we have met those challenges and we have done it in a way that helps our most vulnerable citizens, further economic development and helps Maine to become a place where innovation and creativity can thrive where human values can flourish, where respect for those that have come before us, can still be recognized.

For these reasons, and many, many more, as you have an opportunity to review the document, I ask you to please support the majority budget. If we pass this budget, we will be able to return to our communities knowing that we have done the people's work. We have heard their voices and we have done it with sensitivity and responsibility. Those choices were very tough, but we kept those promises. Please support the Majority Report. Thank you.

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

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. First of all, I want to take this moment to thank the members and my colleagues on the Appropriations Committee for their kind comments and tell them that I, too, have enjoyed this last few months, not the late nights, of course, but I think the course of debate and our discussions have been intellectually interesting and certainly courteous and the camaraderie in that committee is phenomenal. I would urge anybody who would like to see some really great people to meet these individuals one on one. It has been a marvelous experience.

That said, I must say that I have to disagree with the majority in a number of different areas. To me, a budget is a matter of choices. I think it sets a tone of where we are going to go for the next two years. I am concerned with the direction that the state is heading. When I was elected in the 117th Legislature and came here, I remember distinctly the State of the State Address where the Chief Executive bemoaned the fact that we were taxing our citizens at about 12.9 percent, if I remember correctly, of the gross state product. Today, I believe the last figures I saw was we had improved by taxing about 13.4 percent of the gross state product. The Chief Executive at that time thought it would be wise if we could reduce our dependency on taxes statewide, this is all taxes, state and local, he thought the economy of the state would only grow if we could reduce that dependence on taxation, generally down to 11.4 or 11.5 or even 11.9 percent.

In my six and a half years we have done exactly the opposite of what our Chief Executive, one of the things I agreed most with him, and he laid out what would be a wonderful guide. That is really the bottom line here. I think we can provide the necessary and meaningful services for our constituents and for the people of the State of Maine and not take 13 or even 12.5 percent of the gross state product. I believe there is such a thing as a taxing capacity. I think we have reached that capacity. It doesn't matter what you tax or who you tax. We ought to be somewhere in the middle of how the state taxes as a percentage of our combined elective income. My understanding is that the State of Maine now is extracting, through state and local government, an amount of money that is higher than any other state in the nation. Even if it is fifth or fourth or third, does it really matter? I think it says something to us. It says that we have a very large and very expensive government and low income. Our focus should not be on providing lots of new social services at a time when our collective incomes are not growing to pay for it.

When I approach this budget, to work with my colleagues I tried to lay out and advocate for certain priorities. Those priorities for me were let's go as far as we think we can for general purpose aid for education. A 4 percent increase isn't enough, frankly. Remember the arguments we had earlier this year when we came here that we were going to raise general purpose aid 5 percent over the previous year. We had, I think, 100 or so school districts who were actually going to receive less money than they received the year before. I just couldn't imagine coming here in January and only being able to provide a 3 percent increase. Even a little bit of knowledge of the funding formula at schools leaves you to know that there would be 150 school districts or so that would get less money than they are getting this year. You are going to have to set aside money for a cushion, otherwise some of the large metropolitan areas, the so called service centers, would receive an even bigger hit. I was convinced and I am still convinced the majority budget, if it is enacted, will leave us postured when we get here in January to do nothing but increase taxes more or reduce existing programs, which we will not do. We will not do it.

For me, ladies and gentlemen, I think you decide what you think is your first priority and you take care of it. Even at 4 percent I am uncomfortable. I think we should do it more or we should come up with a different scheme for funding education in this state. We talk about investment in higher education and it is very important. We have both dealt with the teacher retirement issue. I heard earlier comments about the structural gap, the reason why we have a larger structural gap is that we haven't raised taxes in the same way and spent as much money. We have drawn $27 million worth of one-time surpluses down in a way that is different from the majority budget. That is the entire difference. You could deal with that by one tax increase if you wanted to. That would be preferable to me than two taxes, but nonetheless, this is our proposal. We believe it to be mature, responsible and it leaves a lot left when we come back here in January and for the next Legislature to deal with. Thank you.

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

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to make a couple of quick responses here. In response to the Representative from Gardiner, he said that there was no red ink in the majority budget. There is red ink, ladies and gentlemen, it is the pocketbooks of the citizens of the State of Maine. The good Representative also mentioned promises and I personally made a promise when I was elected the first time five years ago and that was that I would not raise any more taxes and I fully intend to keep that promise.

The good Representative from Harpswell and the good Representative from Greenville listed ad nauseam the many wonderful items to be found in this majority budget. When you enter a candy store you can have anything you want if you are using your daddy's wallet. I would adjure you to remember whose money you are spending and make a responsible and sober decision and leave without the licorice sticks. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion based on the priorities that the Legislature is considering adopting as much as school funding. This budget document that we are looking at has a very major problem that we are putting off and that is the funding of public schools, local schools, in our towns and cities. When going back, it was difficult to find a budget where we funded general purpose aid to education, either cushions or additional increases, in a Part II Budget. The reason why is other legislators in Legislatures prior to us found that funding education or local school districts was a high enough priority to always find its way into the Part I Budget. My first term

in the 119th Legislature, we made sure we funded public schools. We made sure that we didn't have losing school districts. This year in our budget, in the 120th Legislature, public funding to education was not as high a priority as it has been in prior Legislatures and we have created a major problem for our towns and cities.

In the first budget that we adopted, that we are looking to make adjustments to, we funded the year two of public education in the school districts under 1 percent. That is how high of a priority we put on public education. In the proposed budget that we are looking at, we are looking at a 3 percent increase in general purpose aid to education and no money set aside for a cushion for those districts that are going to be low receiving districts.

Under the Governor's proposal in the first year of this biennium that we have been considering. The Governor proposed a 5 percent increase, not a 3 percent increase and he set aside money for a cushion. Even with that money set aside with the cushion and even with a 5 percent increase, we cut schools, 88 school districts statewide in the State of Maine. We took away their money to fund our priorities. That is money that they received last year that they did not receive this year and I think that is wrong and I am going to stand here and tell you that that is wrong. It is something that I cannot support.

If we are to adopt this budget, we are continuing with the promise. Lots of promises were made in the Part I Budget. We heard the speeches on the floor and I won't bore the House members with who made what statement, but a lot of promises were made. The districts that did not make out in the Part I Budget were going to be taken care of later. Later has come and guess what? They are still not being taken care of. I urge my fellow legislators and colleagues to consider that if this motion is defeated and we move on to the Minority Report, the Minority Report did consider funding public schools at 4 percent, a percentage higher, and set aside money for those districts that are slated to lose funds.

I can tell you that I know a number of schools districts are going to lose funds based on my prior political involvement and my service in the 119th and in this session. I have asked for the last several weeks the Department of Education for a printout of projected losses for the school districts so that you, my colleagues, can see exactly the damage that we have caused to the school districts in Maine. That request has been denied. I have made the same request to the Republican leadership in this body and that request has been denied. I understand that a colleague of mine in the Democratic caucus in the House has made a similar request. That request has been denied. Therefore, we are making a decision regarding the funding of local school districts without all of the information.

I already know what that information contains, a real horror show for all of our school districts next year, but I would like all of you, my colleagues, to have that information when you are pondering this type of cut to local school districts. I urge you rather than to adopt this motion to move on to a more responsible funding and, yes, continued commitment and work to picking up the pieces that we have created by the adoption of the first Part I budget of this session. Thank you Mr. Speaker.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to share with you some information that I recently read in the May 2001 issue of *Bloomsburg Personal Finance*. They published a report on wealth friendliness state by state and several categories were covered. Wealth and real assets, Maine ranked number 47. Wealth and mixed assets, Maine ranked number 48. Wealth and salary, Maine ranked number 48. The combined results of those three categories was 48 with a score of D. They had another category called Wealth and Retirement and Maine ranked 43rd. Let's review Maine's position. We are number one when it comes to state and local taxes as a percentage of income. We ranked number 48 out of 50 according to Bloomsburg's wealth friendliness.

Do you really believe it serves the best interests of Maine people to pass a budget that will increase spending and add new taxes? I don't. We owe it to our constituents to produce a fiscally responsible budget. Father Donald Fowler in his prayer this morning commented on our responsibility to distinguish between wants and needs in our deliberations today. I ask each of you to carefully reflect on his challenge before casting your vote on this budget. Please do the right thing for the people of Maine and vote no on the pending motion. Let's pass the Minority Report. It is fiscally responsible and will not burden Maine people with more government programs, increased spending and higher taxes. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative **HALL**: Mr. Speaker, Ladies and Gentlemen of the House. In considering Maine's budgets year after year, we face one very fundamental problem and yet we rarely speak of it. The fundamental structural problem that we have is that as a state we cover a huge land area and we have very few residents in it. We have the lowest population density of any state east of the Mississippi. It is very expensive to provide governmental services to thinly scattered populations. West of the Mississippi, every state that has a similar low population and large area, has a source of revenue that is not available to the State of Maine. They balance their state budgets with oil and gas taxes and with mineral severance taxes. We do not have that luxury. We are a high taxed state because citizens of Maine expect the same standard of services from their government that all Americans do. Yet, short of a windfall discovery of oil or gas or some other mineral for exploitation, we have the dilemma that we face today.

Mr. Speaker, I support the majority budget for a number of reasons that I will try and briefly give you the edited version of them. As has been said, we have seen tax cuts from the past three Legislatures amounting to $450 million annually. We are now looking at taking back some $57 million of those tax cuts. That is a little more than 10 percent of the breaks that we have given to the people of Maine over the past six years. The tax increases that are proposed in the Majority Report are less than those that were supported and voted for by the good Representative Bruno from Raymond in the Part I Budget and by at least 30 other members of the Republican caucus in roll call votes, such as Roll Call 262.

I have also heard the claim of fiscal irresponsibility being made of this budget. It seems clear to me that only this Majority Report establishes programs that are being funded on an ongoing basis. This majority budget avoids the gimmickry of raiding one-time funds to pay for ongoing expenditures. It preserves the bulk of the Fund for a Healthy Maine for the future. It limits the structural gap, the red ink that the 121st must face.

I believe, therefore, that this Majority Report, and only this report, strikes the right balance between fiscal responsibility and the provision of there service level that keeps Maine firmly in the first world and not in the third. I urge all of you to support it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative **ROSEN**: Mr. Speaker, Ladies and Gentlemen of the House. I just have to respond to a couple of the comments from the good Representative from Bristol. I truly

don't believe that low population density is the reason that we make the funding priorities that any of us make in a particular budget document. A budget is a plan. A budget is a framework and it is a guideline of where we want to go for the next two years. The majority budget chooses not to truly address the issue of school funding. That was not a factor of population density. That was a priority that was made based on principle and based on other competing issues that crowded out the ability to go ahead and to take care of the issue of 2003's school funding now. Deal with it seriously now and not put it off until next year. I urge you to reject the Majority Report.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I think when you have a good run of revenues coming in and you match your spending to that, it is easy to put the blinders on and keep racing ahead and doing the new spending. I have concerns, as I did with the Part I Budget, many of those same concerns, as I do with the Majority Report that is before us. I think the gentleman from South Portland has given you good advice. You cannot get a printout. We are going to leave here in two or three days and you cannot get a printout on the GPA for the second year. All you have to do, if you can find it in the debris of your desk, is find the printout for the first year of the biennium. This Majority Report calls for a 3 percent increase. That is a rough way of doing it, but take your subsidy and reduce it by 40 percent and that is the kind of commitment that we will have made at 3 percent. Many on our side of the aisle have told you that the Minority Report proposes a 4 percent increase and that still is not enough. It also includes a cushion. If you leave here in two or three days and you have gone with that 3, instead of the 4, when we come back in January and if there are extra monies, that is much more of a quantum leap, from 3 to 5, than from 4 to 5. That may give us an opportunity to develop a cushion and a hardship cushion that may relieve some of that pain that too many of our communities are going through. All throughout southern Maine, we are looking at double digit property tax increases because of 5 percent and what it didn't do. You are going to be voting shortly on a 3 percent increase, if you can imagine the damage that is going to do to the educational programs in your community.

I raised the question when we discussed minimum wage and I indicated my support for minimum wage. I had indicated, are you going to on one hand raise the minimum wage and then later with the most regressive tax increases you can come up with, take those slight gains away? If you vote for the Majority Report, you are going to do that today. You are going to those food businesses, those restaurants where Maine working people go, the pizza, the sub shops, the fried clams, in terms of working families. That is the kind of meal that they can go out for, the fish and chips was from my good friend, formerly of Great Britain. You have picked them out and you are going to increase the tax on their meals from 5 to 7 percent.

The other regressive tax you are going to do is, our cigarette tax is currently at 74 cents a pack. It is 52 cents in New Hampshire. That is one of the few areas where there has been parody up to this point. People haven't been going to New Hampshire to buy their cigarettes. They have been going to buy their electronics, their paint, their hardware and everything else. If you vote for this Majority Report, you are going to take us from the current 74 cents and you are going to add another 20 cents and that is going to take you to 94 cents a pack. If you are buying those cigarettes down in New Hampshire, you are not going to pay the 5 cents sales tax, so that is another 12.5 cents a pack that you are putting on.

If you vote for this budget, you are going to see a spread now, 52 cents in New Hampshire, $1.06 per pack between the two states. In checking my desk, there is another 16 cents coming along. I think if you vote for this majority budget, looking at that differential and what you are going to do for the New Hampshire businesses that sell cigarettes, I think they will send you a certificate from their economic development department for the business you are generating on the other side of the border. I offered to take the Chief Executive two years ago and tour the parking lots of New Hampshire and show him hard earned Maine working dollars being spent in New Hampshire. He didn't want to go. He didn't want to face it, but you have a proposal before you now that is only going to increase it. It is going to be another reason to cross over that bridge. You know how I like to watch traffic because they are going down to save money, they are not going to pay that money on the turnpike, so they are coming down Route 1 in Kennebunk and I am going to be sitting there at the red light watching them backed up and watching them all head south to spend that good hard earned money down there.

I am afraid we have come to a crossroads. We come together as a body and we get excited and we talk about all those great new ideas and all that brand new spending and it just comes upon us like the week before the Christmas holidays. We just want to spend. We go on a binge, but the problem is we have to pay for that binge spending. We live in a state where the disposable income and the wages are some of the lowest outside of the south.

I spoke to the University of Maine at Orono two years ago. Being Irish, always an optimist, you have to be to survive historically, and I began talking to them about the opportunities and the promise here in Maine for young people. A young man put his hand up and he said, "I am not staying." I asked that question to the rest of the students. After graduation, how many of you are staying here in the state? Fifty-five or 60 percent put up their hands if they were leaving. I said with the opportunity, the beauty of Maine, the positive things happening, a young man wrote it out for me and then read it to me. He went along and he said, "The high costs of education means an extremely high cost of college loans. If I stay in a state that has some of the lowest incomes in the country and the highest taxes, I can't stay. It equals goodbye over the bridge."

We have the advantage of the census telling us we are getting poorer and we are getting older. On one hand while you are here and you are excited about spending the money, we have to pay for the spending programs that you want to do and that means we lay a burden on that increasingly and driving our younger people out of this state. If that cycle doesn't end, even if the good times continue to roll, the long-term impact on this state is going to be devastating.

I would ask you to try to restrain that spending. You have a Minority Report that says, as you set your priorities, what are your priorities? The Minority Report says we have the money in hand. We are actually going to pick up some of that money from slightly reducing the growth of state government. That is really the alternative before you today, restricting your priorities saying that one of your top priorities is GPA because of the promise of the future and then trying to prevent those tax increases on the local level. That is the route to go. To just slightly reduce the growth of government, which really has been out of control and it is a slight hiccup in terms of the next two years or automatically turn around and raise these regressive taxes. You can go back home and on one hand say to the working poor in your district, I gave you a minimum wage increase, but I whopped you with that Friday night meal, whether it is McDonalds or a pizza place. If you are a smoker, I really dramatically increased the taxes on

you. I think you have a more responsible choice. I would urge you to reject the Majority Report. Let' focus on our priorities. Let's do it without a tax increase.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. I am not sure if I am getting poorer, but I am getting older. I just wanted to clarify a statement that was made a few minutes ago about general purpose aid. I am not in any way an expert on it, but I don't believe that we are, in the Majority Budget, increasing it for the second year. The 3 percent increase is on top of, I believe, the 5 percent increase of this year. Subtracting from this years to get next years would be the wrong way to go. Secondly, I believe the habit and the way things have been done in the Legislature over the last few years is to deal with the cushion in the second year in the second year and not deal with it all together. I think those things have to be kept in mind regarding the Majority Budget, which I hope you will support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I really want to support this Majority Report. I think it is great. It is wonderful. It is delicious. It has a lot of what I want. It has a lot of what I came here for for the last seven years. I applaud the committee for putting together this bill. While I was with my granddaughter on Friday, they were working hard. Thank you for that.

I can't support the Minority Report. It has a lot of frosting on it, but it doesn't hold up to the temperature.

Mr. Speaker, men and women of the House, I have a problem that needs to be resolved before I can support the Majority Report. It anticipates raising $26 or $27 million from a tax on prepared foods. The Part II Budget will extend the tax on prepared foods to 7 percent. This will mean all prepared foods. From what I am thinking, this will mean that every small store in Maine that sells hot dogs and Nachos will now have two tax rates they have to deal with. In my store, I have a cash register that can handle that. In Maine, we have an unusual situation on how we compute tax. We have tax tables. We don't have a percentage. I wish we did, because it would save us a lot of headache and cost programming a tax table, which is harder to program than programming a percent. In my store I can handle up to four different tax rates, but 70 percent of the stores in Maine have low-end machines. They will have to replace their cash registers with much more expensive machines, because these low-end cash registers cannot support two tax rates. This increases their misery index, that is what I have heard of at one time. It is unnecessary.

I spoke with Maine Revenue Services today and from a conversation I learned that the money anticipated to be raised is really the money from the non-class A restaurants and does not anticipate revenue needed from these stores, but unfortunately, Maine Revenue Service does not know the difference between McDonalds restaurant and Joe Perry's McDonalds Market. I ask the committee to please fix this problem. I would like to vote for this budget. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 410

YEA - Ash, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Sullivan, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Buck, Labrecque, Lovett, Watson.

Yes, 82; No, 65; Absent, 4; Excused, 0.

82 having voted in the affirmative and 65 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-724)** was **READ** by the Clerk.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-724)** and later today assigned.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-724)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-725)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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, 2002 and June 30, 2003" (EMERGENCY)

(H.P. 655) (L.D. 855)

Which was **TABLED** by Representative COLWELL of Gardiner pending **ADOPTION** of **Committee Amendment "A" (H-724)**.

On motion of Representative BERRY of Livermore, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The same Representative moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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 Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. First, I appreciate the opportunity the Speaker has allowed to move this forward, having waited for hours and hours for amendments to be printed, this is indeed an opportunity to have the debate. You have in front of you Committee Amendment "A," which is the larger of the two packages in front of you in that document, at XXX. Hopefully this is the only time you will ever see that many numbers at once. It is essentially the amendment that the Speaker mentioned. This is the piece that deals with the domestic violence. It is in the Minority Report, entitled Committee Amendment "B," which is what we are going to debate now. Some of this is going to be repetitive. You have heard it before, suffer, but I will try to give you a little bit more detail and move forward.

In our proposed amendment, which I would urge that you support, which is in front of us, we raised about $47 million. It is mostly though some of the things we had talked about earlier in the session. We propose to close all of the state liquor stores, as originally proposed to use up what was originally called the biennial reserve and the Fund for a Healthy Maine, which now stands at about $10 million. The remainder of the reserve that has been set aside for when tobacco, the so-called tobacco money, took a somewhat temporary dive in a couple of years and finally we pick up about $17.5 million as originally proposed by the Chief Executive in his budget on reductions in the Fund for a Healthy Maine Program. If you remember, this reduction was used to cover the substantial Medicaid shortfall. It was substantial when we began this session and it continues to be substantial and growing.

Our primary uses of this money, which differ, again, from the Majority Report. We have essentially covered in some detail the fact that these two reports are very similar. The places where it differs, you have heard somewhat before. GPA, this Minority Report would provide an additional 1 percent of GPA funding for the second year of the upcoming biennium for a total of 4 percent increase in the second year. In addition to that, we would add $3 million for FY 03, which is, again, the second year of the biennium for a cushion to that GPA.

In addition to that, we have made provisions, and again, some of these duplicative with the Majority Report. I don't mean to suggest that by giving you this list, these are not in the Majority Report. The very important thing that we have had no debate on is the state retirees' health insurance and its unfunded liability. We will begin to make the first $2 million payment on that against what I recall is a $700 million liability, just to give you a sense of the urgency of this. We will collectively, both reports, provide for the demolition of the prison at Thomaston, the old prison. We will provide in this budget, not in lapsed balances, the retired teachers' health insurance increase. That part that the state pays for will rise under our proposal from 30 to 35 percent. We will provide another $200,000 to the Magnet School. We will provide $2 million for biomedical research. We will provide $2 million for R & D, the category of R & D money primarily going to the university. We will provide $300,000 in the incubation centers that we largely set up last year and all but one have now been selected and cited. Perhaps most importantly, at least from my perspective, is this budget provides a solid committed $10 million to tax conformity, something I think is extremely important for next year. We need to begin to make a down payment on what we know is an $18.5 million bill for next year. This budget does that in no uncertain terms. The majority budget, I need to say this in detail, has the words tax conformity in there. It provides for many other possibilities for use of that money.

Finally, as the Speaker mentioned, an amendment will be added to this, if it is successful, to provide the same programs for domestic abuse and domestic violence, which is now at about $4.2 million for the biennium, as is provided in the Majority Report. With that, Mr. Speaker, I think that provides enough detail and I appreciate the opportunity. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I won't drag this out too long, but I do want to just respond to the additional cuts to the Fund for a Healthy Maine. Having served on the Appropriations Committee in the previous Legislature, it was an opportunity that the Legislature took to fund smoking cessation programs, child care programs and you will see in many of your communities, the Healthy Community Coalition Groups working to improve the health of your constituents. To suggest as the Executive did in his previous budget to fund ongoing costs from this dedicated revenue source, which we did. We started as a one-time opportunity to fund some ongoing programs that would hopefully prevent some costs in the future. We look at our population that is growing older and the needs, we tried to plan for those needs. One of the smart things we can do is increase our prevention efforts. That is part of it.

The liquor stores was another issue. I felt like I have battled enough on that issue. I had hoped that we were beyond that at this point. I didn't see the career centers in the Minority Report, I apologize. I consider that part of the solution. We heard a speaker earlier say that it was the worst time to raise taxes. I think it is a worse time to cause tuitions to rise more. It is a worse time to stop our economic development. It is a worse time to stop investing in our efforts to avoid making things worse.

I am pawing through my papers again. I was hoping that the Representative from Action would go on much longer and give me more time. Not to say that I am disappointed, but surprised.

Again, I spoke to the Majority Report and I think there is so much more there that serves the state. I will be voting against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. I have a couple of other things. The House Chair of Appropriations reminded me. I am sorry I disappointed him. Relative to the Fund for Healthy Maine, this is one of those ideological differences, which there was some comment before on in the last debate. It was a large new source of revenue for the state. We spent, essentially, in the last session, against some of our better judgment, now comes some reality, at least, certainly not totally, because we can always raise taxes, but some reality is that during this time and partly because of those new programs, the cost of Medicaid has gone up and it is continuing to raise quite rapidly. The Fund for a Healthy Maine, however you view it, as an opportunity for preventive care, there is an opportunity to pay for rising Medicaid costs. It is there and available. I tend to look it as available primarily for paying for programs that we have instituted and that are growing rapidly. We have no capacity in this state to reduce programs. I don't know why. I wish it were different, but it isn't. We keep packing them on one after another. There is never anything that is shut down in this state. We had to make big choices, unfortunately. This is one of them. What do we spend this windfall, this new money on? This is a stark difference. This budget proposal says spend a substantial part of it on the rapidly rising costs of Medicaid, others suggest preventive care. The choice, if it isn't

as stark as it can be, should be viewed that way and that is a distinct difference. I just wanted to mention that. Thank you.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I have to rise on this issue. I, too, urge my colleagues to vote against the pending motion and for a number of reasons. It is not because of the line items in the budget. There are many that are similar. Now we understand that an additional one, part of the amendment is including domestic violence and sexual assault. I commend my colleagues on the other side of the aisle for recognizing the importance of this issue.

My objection still remains based on the bottom line. Actually the bottom line has just gotten worse for the Minority Report with the addition of that amendment. It has increased the structural gap by another, roughly, $5 million. We are now up around $50 million. Really my biggest objection is still, and will remain, the notion that somehow we can guarantee ongoing programs like GPA, like increases in higher education, like all those ongoing programs that our constituents rely on to make life in this state so much better and that we can do that somehow with these one-time pots of money. In the Minority Report, when it does reach for ongoing sources of money, it reaches for the one source of money, the Fund for a Healthy Maine, that only a year ago this state was being praised above all other states, for utilizing and designing a system to utilize that tobacco settlement money to dedicate it to providing health care and tobacco related cessation programs, child care and child development programs, increased access to Head start, increased access to substance abuse counseling programs. We were being praised and held up as a model to the rest of the nation for using that money in the manner in which the rest of the nation felt we should. People called me, I am sure they called you, from other state Legislatures saying it is unbelievable how you can do that and focus in on the correct and the appropriate use of those tobacco settlement funds. I was proud then and I guess I am proud of the Majority Report for holding onto that.

You are right. There is a big difference in philosophy, but you know what? There is no difference in philosophy of fiscal conservatism in the Majority Report, because for every dollar that we invest in the Fund for a Healthy Maine in prevention, cessation, early childhood development, we save $7 in future health care and Medicaid costs. I guess I would say that for this Representative from a relatively unwealthy community of working class people, if the bottom line is to get our Medicaid costs under control, I think the last thing we want to be doing is chewing up that whole Fund for a Healthy Maine, because, in fact, we will only be exploding our Medicaid costs seven fold by not investing in those preventions and cessation programs. It just makes no sense to me.

My other objection still is the 1 percent statewide de-appropriation to have a unilateral disarmament, throw up your hands government on autopilot move, although what we are really talking about in this time when we need more child protective workers, we know we do, we just lived though an awful spring dealing with those child protection issues, so we de-appropriate 1 percent, how many child protective workers is that? We know we don't have enough Game Wardens to enforce the game laws in this state. How many Game Wardens is that? We know we don't enough corrections officers to man our prisons. How many corrections officers is that? I guess it is still the bottom line that troubles me. I do compliment and commend the minority for their hard work on this. I would still urge my colleagues, at this point, to defeat the Minority Report and go on to the Majority Report. Thank you Mr. Speaker.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I would back up the Majority Leader, Representative Colwell, in his opposition to his Minority Report. My friend from Acton, Representative Nass, says we have little appetite for cutting programs here. I would have to differ with him in so far as in the Part I Budget that we dealt with the Fund for a Healthy Maine in, we did cut $18 million worth of the money for the Fund for a Healthy Maine and tobacco settlement monies coming into the Fund for a Healthy Maine Program. That was less than what is proposed here today in this Minority Report by about half. It was a significant cut, nonetheless. In addition, in the Part I Budget, we cut combined between the Department of Human Services and the Department of Mental Health and Retardation and Substance Abuse Services and this number is little off because we ended up backing into the cost of living increase for nursing homes. It was around $40 million of general fund money that we cut from those two departments in terms of Medicaid Services and COLAs and pharmacy and PNMIs and reduction in the MAP account, etc. It is approximately $40 million if you allow that we did do the COLA for nursing homes in the end of the day for a total loss of federal and general fund money of around $128 million, I would say. That was in the Part I Budget. Those are serious cuts. Those are cuts that we have taken. On top of that we have taken $18 million out of the tobacco settlement money that we, as a state, strongly endorsed last year for cessation and prevention.

What I gather the Minority Report does is basically match the Chief Executive's and the administration's original proposal for cuts to the Fund for a Healthy Maine Program. That is all well and good if you want to take a 26 percent reduction in the community and school grants program that relate to tobacco cessation. If you want to take 58 percent out of the evaluation of the Fund for a Healthy Maine Program and how effective it is. If you want to reduce by 38 percent the cessation and media amount, if you want to reduce by 44 percent, the home visitation amount, if you want to reduce by 17 percent the money spend on substance abuse, if you want to reduce by 20 percent the money for drugs for the elderly, if you want to reduce by 45 percent the childcare money, although that was put partly back in by federal money, if you want to reduce Head start, if you want to reduce dental health programs by 33 percent, then you should support the Minority Report. We chose not to in the Part I Budget. We have basically followed what was, I believe, a unanimous or nearly unanimous from the Health and Human Services Committee, their recommendations to the Appropriations Committee were do not cut the Fund for a Healthy Maine. I believe there was one dissention from that committee. We went along with their recommendations to a point, but we ended up cutting significantly more than what they recommended in the Part I Budget. I urge opposition to the Minority Report and urge your continued support of the Majority Report. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. We have heard that the Minority Report is irresponsible because it has $45 million more in its structural gap, but having been here last year when we passed the budget, that had over $280 million structural gap with only one year to make up for it. Half that money in the structural gap is $10 million this year, which means it automatically has to be in the next two years of the budget. Half of that difference is because the Minority Report properly funds GPA. If we are doing it this year, then we have to do it next year and the year after. We could get rid of our structural gap for by properly funding

GPA. That seems to be how the Legislature, for quite a while now, seems to deal with all their problems. They don't fund General Purpose Aid to education the way it is supposed to be, at the 55 percent level, which was passed in the '80s and we never got to it. In the 118th, I believe it was, the strategy was, we will increase 6 percent every year until we get to that magic number, but we don't do it. There is always something more important than paying our bills. It is always more glamorous to do something new than to pay your bills. It is true. We heard about all of these things that we are going to cut by 17 percent or 23 percent or 14 percent. I will tell you that if you vote for the minority budget, you will be increasing by 33 percent the money going to general purpose aid to education. That is more important to me than all these other little programs. We aren't cutting anything in this budget. Instead of increasing it by 4.9 percent, we are increasing it by 4.6 percent. That is not a cut. That is just not quite as big of a growth.

I have to take issue with a point that was made about cutting child protective services and the terrible tragedy that we had. That tragedy happened because we had an overzealous child protection worker. That child apparently needed to be brought up to pass this budget, because it was useful. That child was taken out by over aggressive child protective workers and was not in the home. We didn't have a tragedy because we couldn't get to a home of a child.

I leave you back with my original point, if you want a 33 percent increase in GPA funding, which still is a 33 percent decrease in where we should be, but at least it is more than where the majority budget puts it. I would urge you, if you care about GPA, if you care about property taxes and if you care about kids, the minority budget is for you.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. Three years ago the Fund for a Healthy Maine had the most impressive legislative launch that most folks around here have ever seen. Every single member of the leadership in both houses and in both parties stood at the microphones in front of the cameras and touted the concept and the commitment that we were placing in funding prevention for the first time. That is what it is all about. It is funding now so we don't have to pay later. If you look at every aspect of the Fund for a Healthy Maine in terms of the programs, it is funding early intervention, child care, smoking cessation. It is attempting to deal with problems before they become more costly. Let's not make any mistake in assuming that trading in the investment in early childhood, preschool development and education, is an effective trade off for the GPA. To cut the development of children, to transfer the resources to the more formal education is not a reasonable trade off. The State of Maine got accolades and praised nationally because we were one of the few states that had the courage to dedicate these funds to prevention and early intervention that we all knew at the time that we were making the commitment of these funds and that it would be a very visible target for being raided by other legislators over the years. That will not stop with us and that Fund for a Healthy Maine will always, as long as it is there, be a tempting target for us to use for ongoing services. Let us protect the original intent and maintain one small piece of our financial commitment for prevention and early intervention. Invest now and save later. Thank you Mr. Speaker.

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

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. I have two wishes I wanted to discuss. One is something that we just heard and it concerns me a great deal where a judgment has been made that the case that we are so familiar with now with DHS was caused by an overzealous worker. It concerns me that we would say that when we don't have all the facts in front of us. We know that confidentiality prevents the Department of Human Services from divulging the exact reasons why the children were removed from the home originally and to guess or accept one side without hearing both sides, I think is the wrong thing to do.

The second item that I want to talk about is the budget itself. I would ask that you would support the majority budget and defeat the current motion. As we put this budget together, I watched very carefully that we had, what I call, a balance. The members of my party heard this story over and over as we worked on this where I wanted to make sure that there was balance between the money that we put into health care and the money that we put into education, economic development and social services programs and that we did not put more money into one area at the expense of another, because we are charged with overseeing all of government, not just one piece.

The majority budget, I believe, has reached that point where all of the programs that are important to all of us have been funded at an appropriate level so that there is balance in this budget. I would ask that you would support the majority budget. Thank you.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I am really appreciating all of the wonderful comments that I am hearing about education and the importance of K-12 education from both sides of the aisle, and especially how absolutely crucial it is that we get to 55 percent funding from the state. That was a commitment that we have made. I understand we are not bound by law, but it is the right thing to do. It seems to me that that has to be a tremendous priority. I am grateful that the other side of the aisle has taken up this issue with so much enthusiasm, but I want to jump back and say we cannot fund K-12 at the expense of early childhood. Learning does not begin at age 5. Learning begins at birth and no matter how much we fund K-12, if we have children coming into our schools ill prepared, either because they have not had quality daycare or their parents have not had the skills with which to parent them effectively, our teachers and our schools cannot repair the damage. Last session we created and crafted an absolutely beautiful piece of legislation. Part of it was the Start Me Right. It was doing something for that group of citizens who cannot speak for themselves. We have to speak for the children. This Legislature last session did that in an incredible way. Do not undue that piece of work, because education is all one piece. We have to remember those who can't speak for themselves. I would just remind you of the fabulous parent education program in Belfast called, Parents Are Teachers Too, it has been going for years and years. It was created as a grassroots effort out of that local need. They have been going long enough to demonstrate the effectiveness. What they found was that learning delays in early childhood have been cut by half because of the wonderful programs that they presented. Let's just think about what that means in special education costs. Whatever we do with this budget and you all know where I would like to find some extra money for our public schools. It is not the Fund for a Healthy Maine. Please don't tamper with that. Keep that fabulous piece of work that you did last session. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative **ROSEN**: Mr. Speaker, Ladies and Gentlemen of the House. You have heard a lot of numbers, but if you will indulge me for just a second, I would like to toss a couple more by your way so that you are able to at least get a

global view. An earlier speaker mentioned that it was important when the Appropriations Committee looked at the budget that it takes a holistic view of the entire state budget and that is what we need to do tonight when we take this vote. This reduction in the growth that generates some of the savings in the programs, if it hasn't already been mentioned, I would just like to point out that there are several categories that are exempt from this slower rate of increase. Those would be GPA, teacher retirement, Maine Maritime Academy, the Technical College System, the University of Maine, the state debt service, general assistance, all Medicaid Programs in the Department of Human Services and all Medicaid Programs in Mental Health and Mental Retardation. Those are all exempt. Just to give you, again, a global number, the state budget for the biennium, 2000-2001, that we are now just ending, totaled $4,967,000,000. The current Part I Budget that we passed with 2002-2003 is $5,200,000,000. This is a 4.95 percent increase. In real dollars that is an increase of $246 million. The Minority Report is requesting that that increase be 4.59 percent or $228 million. In other words, we are still increasing the rate of growth of government, but we are trying to do it at a slightly slower rate to realize the slow down that has taken place now in revenues that are pouring into the treasury. It is not the intent to cripple any program. It is not the intent to sabotage the effectiveness of any of these programs, but it certainly is a recognition that rather than raising new taxes, we would like to be able to fund the growth of government at a slower rate from existing services. This seems to be a very modest proposal that is certainly not as devastating as some would make it out to be.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 411

YEA - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Mayo, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Mr. Speaker.

ABSENT - Bagley, Buck, Dorr, Goodwin, Labrecque, Landry, LaVerdiere, Lovett, Perry, Watson.

Yes, 56; No, 85; Absent, 10; Excused, 0.

56 having voted in the affirmative and 85 voted in the negative, with 10 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

Representative TRAHAN of Waldoboro **PRESENTED House Amendment "A" (H-730)** to **Committee Amendment "A" (H-724),** which was **READ** by the Clerk.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I urge your adoption of this amendment and I will explain why. Many of you in your communities at home have experienced the incredible effects of thermal imaging. In my community of Waldoboro, our town got together and in about a year we raised enough money to buy one of these cameras. I will try to explain really quickly what these cameras do. They seek heat or when you point a thermal imaging camera into a dark room filled with smoke, the camera will pick up the varying degrees of heat or in this case the origins of fire or victims in a fire. I probably don't need to stand here and explain how important these cameras are for our fire departments. I have given you two handouts. One shows where a child's life was saved with a thermal imaging camera and the other explaining the bulk purchasing program, which is the foundation of this bill.

In this amendment I ask for $5,000 for seed money in the Thermal Imaging Camera Fund to get it started. I have commitments from people in the private sector to give private money to this fund. The real important part of the fund is the bulk purchasing. In states like New Jersey, there have been significant savings, sometimes up to $10,000 per camera by buying these cameras in bulk. Ladies and gentlemen of the House, this amendment does ask for $5,000, but it could have the impact of saving thousands upon thousands of dollars for our municipal governments. More importantly, it will save human lives. It will save property by finding a fire before it becomes a huge fire. Ladies and gentlemen, it may someday save someone in your family.

I urge you to pass this amendment. I guess I am just tired. I will end it there. Thank you.

Representative BERRY of Livermore moved that **House Amendment "A" (H-730)** to **Committee Amendment "A" (H-724)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I do not move Indefinite Postponement because I don't approve of the idea in this amendment. I move Indefinite Postponement because I believe there is another package, a larger amendment, that would include a number of bills, which would include LD 260, which does the same thing. I fully intend to support that amendment when it comes. I think it would be in conflict with this one.

Representative O'BRIEN of Augusta **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-730)** to **Committee Amendment "A" (H-724)**.

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 Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I would like to thank Representative Trahan for bringing this forward. I had a similar bill. I do agree with him of the absolute importance of this measure. Our local fire department in Augusta recently did a fundraising drive of a couple years and purchased two thermal imaging cameras. I want to tell you that on a personal note, we suffered a devastating fire three summers ago. I remember walking in the bedroom where the fire originated, the room was black, and I

remember walking in and wondering if my son was in his bed. I thought he went out to play golf, but I didn't know. I look back on that now and realizing the importance of the thermal imaging camera. He was not there. I have seen how they work and I think every fire department needs at least one of these. I think this is a very modest request. I would ask that you do not support the Indefinite Postponement.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. The good Representative from Waldoboro, Representative Trahan, has brought forward a very good proposal. It was well received by the committee of jurisdiction that it went to. It was well received by the Appropriations Committee. It was well received by our esteemed Chair, Representative Berry. It is my hope that we will be able to fund Representative Trahan's amendment later on when we get to the enactment stage of this budget, but in order to fund this amendment and perhaps others that come along, we will need a two-thirds vote in order to gain the money possible to fund these sort of amendments and I urge your support at that time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. This is indeed a dilemma. We have the package that everybody keeps referring to is on the yellow handout and in the last page it is roughly $2 million that was designated for the House Republicans as part of that split up of the table issue, which we have spent the last few days dealing with. It is the third item, LD 260, I think. That amendment is out there waiting to be brought in, as has been suggested, to be joined with Committee Amendment "A" shortly after we get a two-thirds vote. If we don't get a two-thirds vote, there may be some interest in some of these things. There may be no interest in any of them. That is really not our call to make. The dilemma for us, the minority, is what do we do on Representative Trahan's amendment. Here is what I am going to do. I don't want to mess up the amendment. I don't want to mess up that plan that I have just described, but I am going to vote against Indefinite Postponement because I think this is a good idea. I don't know what else to do at this point. There may be some other ones that come along. We are trying not to mess anything up. We are trying to recognize the good ideas. We hope that it works. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Members of the House. I really appreciate the attempts to skirt the line to say that this might get into the budget later, but, ladies and gentlemen of the House, I am not willing to take that chance. This bill is a lifesaving bill. It is a property saving bill. It is good for your communities. It is win, win for everyone. I wish and I hope that you would not take the chance that this would fall by the wayside like things in the past have. I am just not willing to take that chance. I urge you to support this amendment. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. We have one of these thermal imaging cameras in our fire department, but we raised the money the hard way. It cost us $20,000. I went through the demonstration of that. I was amazed at what this could do. I believe every department should have one. As a member of the Board of Selectmen, I want to find it in our budget next year to get another one for our department, somehow. I believe this is probably one of the most important things that we could do in this Legislature is to make sure that we want to save lives during a fire. I could not believe how clear you could find a person in a smoke filled room. I was there. It was imitation smoke, but that doesn't make any difference. It is just amazing what these can do. If a person has never been in a room and seen what they can do, I highly recommend that we do it. I will be voting against the Indefinite Postponement because I think this so important to the State of Maine and every fire department.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. This is one item that is very near and dear to my heart. Having served on Criminal Justice, we listened to hours of testimony from I think every major fire fighter within the state endorsing this program for thermal imaging cameras. I am one of the lucky Representatives in this body. I come from a city that has four major fire departments, four buildings in our city. We all have thermal imaging cameras. We know it can save lives. It is a proven fact that it saves lives. We all, every community here, faces the potential of numerous deaths because you do not have a thermal imaging camera. It will go into a room, detect heat of a child imprint having been in a bed and the firefighter knows there is a child in that room, probably hiding in the closet, because three and four year olds think I am always safe in the closet or I am always safe under the bed.

I have heard the implication that there might be money further on in this budget. I am here to tell you that I am going to support this amendment because that is how vital it is. If it is there, then we will face that, but I can't take the chance of one more child dying for a simple $5,000 revolving loan fund. Vote for this. Your constituents will thank you. This is a good expenditure of tax dollars. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I don't know if everyone in this body knows that I am a Fire Chief of a small town. I don't take this idea lightly. I support it. I was a cosponsor with the Representative from Waldoboro. The issue right now is that this item is in another amendment, which if it doesn't pass by two-thirds, none of this work that you have seen previously, I think it is all in jeopardy. It won't matter if you support this amendment by itself. It won't happen unless the whole package passes by two-thirds. I love the idea, but it is just necessary, as I see it, to vote for Indefinite Postponement so we end up with a clean document.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. The Criminal Justice Committee did hear this bill and did support the bill, but at ten times the cost. Realistically, $5,000 won't do anything. It may start a fund, but the actual purchase price of these units far exceed what would be available in a loan fund. Until we are serious about a level of funding for serious loans, I support the Indefinite Postponement.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **TRAHAN**: Mr. Speaker, Members of the House. I need to respond very quickly to that belittling, I guess, of the $5,000 fund. I worked very, very hard on this bill for the last year. I have spoken with many businesses that are committed to this fund to the point where they are willing to give money to this fund. Again, I will tell you that this is seed money

to create the fund and the language so that this fund can then take in private money. I believe this is a priority for the people that are sitting here, both parties, the majority and minority party support this bill. I can guarantee that because I have spoken with members of this body individually.

Ladies and gentlemen of the House, I am asking you again to not take a chance with this very important bill. There is two parts to this bill that are important. There is the fund to get started, to get private money, but more importantly, is the bulk purchasing program that will be done through the Fire Marshall and the Department of Public Safety. What they will do is they will search through the communities, find the people who want to purchase the cameras and then they will negotiate on behalf of those municipalities for a lower price. That is win, win and it is going to cost us $5,000. Please support this amendment.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. I was a volunteer fireman many years ago. The last fire I was in the procedure was always two firemen going into a house with a scott pack on. When we arrived at the fire, my partner wasn't there. The fire was bursting through all the windows. I entered the building with a scott pack on. You can't see too much with a scott pack on. I guess I went two feet into the building when I had to get on my stomach and crawl because we heard there was a child in the bedroom. The first room I found was a closet where I got lost. I couldn't find my way in and I couldn't find my way out. I am sure many of you were volunteer firemen. You have probably gone through the same thing. Finally, I found a hallway and went down into the bedroom and searched the entire bedroom and could not find the child. The first time in my life, I panicked in a fire. I couldn't find my way out. You could not see your hand in front of your face with a search light. Thank God I found curtains. When I found the curtains, I pulled myself up, took my helmet off and smashed the window and the rescue squad pulled me out of the building. Thank God the child had already left. A thermal imager in that case, we would have known what was happening. If I had gotten lost in the building, they would have found me. Please consider this when you vote. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. Believe it or not, I really didn't intend to speak on this. In my other life, I volunteer with the Salvation Army. I am the Vice Chairman. Any of you who are volunteer firemen probably know we do a lot of work with firemen bringing relief, bringing coffee and just being there those long nights when you are fighting fires. I spoke with some firemen. We heard a good story from the good Representative from Oxford, Representative Heidrich, about the child that he went in to try to save. First off, firemen, there is a lot of procedure and processes, kind of like we have process here, but there is a lot of chaos that goes on in a fire and a lot of times you have to act to do what you have to do. I spoke with one fireman and he told a little different story about the dead body of that child that they couldn't find. Unlike the Representative from Oxford, Representative Heidrich, the story had a happy ending. The story I was told didn't have quite so happy of an ending. I would urge you to defeat the pending motion because not all stories have happy endings, but a few more will if we pass this.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-730) to Committee Amendment "A" (H-724). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 412

YEA - Ash, Bagley, Baker, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Kasprzak, Koffman, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, McDonough, McGlocklin, McKee, McLaughlin, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Patrick, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Chick, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Hall, Haskell, Heidrich, Honey, Jodrey, Ledwin, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Michael, Michaud, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Paradis, Peavey, Perkins, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Andrews, Blanchette, Buck, Goodwin, Labrecque, Landry, LaVerdiere, Lovett, Matthews, McGowan, Perry, Watson.

Yes, 77; No, 62; Absent, 12; Excused, 0.

77 having voted in the affirmative and 62 voted in the negative, with 12 being absent, and accordingly **House Amendment "A" (H-730)** to **Committee Amendment "A" (H-724)** was **INDEFINITELY POSTPONED**.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-724)** and later today assigned.

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

REPORTS OF COMMITTEE

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Creating a Pilot Project to Provide Video Camera Surveillance at Intersections in Ellsworth"

(H.P. 728) (L.D. 948)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE**.

Signed:

Representatives:

FISHER of Brewer
BUNKER of Kossuth Township
COLLINS of Wells

Senators:

SAVAGE of Knox
O'GARA of Cumberland
GAGNON of Kennebec

The Committee of Conference Report was **READ** and **ACCEPTED**.

Sent for concurrence.

CONSENT CALENDAR
First Day

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

(S.P. 450) (L.D. 1504) Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of $61,000,000 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports, Public Transit and Ferry Facilities; Development of Rail, Trail and Marine Infrastructure; and Improvements to Intermodal Facilities Statewide" Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-361)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE
Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Exclude Credit Balances Between Business Associations from Unclaimed Property"

(H.P. 1088) (L.D. 1457)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE.**

Signed:

Senators:

RAND of Cumberland
GOLDTHWAIT of Hancock
LaFOUNTAIN of York

Representatives:

LaVERDIERE of Wilton
MUSE of South Portland
MADORE of Augusta

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED.**

The Committee of Conference Report was **READ** and **ACCEPTED** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-724)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-725)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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, 2002 and June 30, 2003" (EMERGENCY)

(H.P. 655) (L.D. 855)

Which was **TABLED** by Representative COLWELL of Gardiner pending **ADOPTION** of **Committee Amendment "A" (H-724).**

Representative MENDROS of Lewiston **PRESENTED House Amendment "B" (H-731)** to **Committee Amendment "A" (H-724),** which was **READ** by the Clerk.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will join me in supporting this amendment. Our senior citizens, especially the ones in our nursing homes right now, they have done an awful lot to make this country great. They are the generation, primarily, that got us through World War II. Not just the ones that fought, risked their lives, but the ones that stayed home and worked and made our economy booming. We went into that war as a world power and came out of it a super power and have been ever since. The freedom that we have as legislators is because of that generation. Earlier this session, we voted a cost of living adjustment for all of the people that work in nursing homes. We spend about $3,800 a month on nursing home residents and yet they only have $40 a month to live on. Their care is important. It has value certainly. The whole reason people who are working in the nursing home industry isn't to have a job, it is to take care of these senior citizens. We are spending all this money to keep them alive, but barely 1 percent to let them live. They only get $40 a month. Forty dollars a month hasn't been raised since 1978, which I will get back to. Forty dollars a month to buy a newspaper, get cable TV if they want to watch anything while they are sitting there. They can't do much else. They could get a haircut, unlike me, many of these people think haircuts are important. They could buy a candy bar, because the candy that they offer is diabetic because that is all they could offer if they want to buy a candy bar or if they want to buy a present for one of their grandchildren. It is very important if they have a computer, they might want to get on the Internet so they are more aware and all of that. It has to come out of this $40.

All I am asking in this bill is a small increase, a cost of living adjustment for this. I mentioned earlier that it hadn't been raised in 23 years. I find it ironic when I look at the average age of the Legislature is 56 years old and I am 33, so say another 23 years go by without a cost of living adjustment before someone thinks they are doing something about this, I will be 56. I will be the average age of the Legislature and anyone who is average age or above will probably be in a nursing home wishing they had voted for this right now.

This is important. We are all going to get there someday. This is not about some powerful special interest group. I have been accused out in the halls of grandstanding, but to who? Most senior citizens don't vote. The ones in nursing homes, very few of them actually vote. They certainly don't have money. With their $40 a month, they are certainly are not going to contribute it to my campaign. They don't even have the money to contribute if you are running clean elections. It is about their quality of life. What is $1 or $2 a month going to do? One of them who spoke before committee when I sponsored this bill, a different version of it, said it would be a magazine subscription so he would have something to read.

I heard other people say that these people are irresponsible because they are in nursing homes and they shouldn't let themselves get in that kind of financial position where they can't pay for their own bills. Most of the people in nursing home bought a house that costs $5,000 for their house. What kind of pension would you have, if you were working in the '40s and '50s would you have had to create to have $50,000 a year to be able to pay for your own nursing home bills. No one is in that position, very few people. I don't think people that are in that position are irresponsible. This is very important and it will make

a significant impact on our senior citizens, our most vulnerable senior citizens, to improve the quality of their life.

If you look a the amendment, I thought it did and I had suggested some options for funds, but it says that based on the estimated year ending balances, this amendment maintains a balanced general fund. It didn't need some source to be funded.

I understand process is important and I understand we have different systems, but every one of us have senior citizens in their district that are in nursing homes. I am sure many of you, because to be in the Legislature, you are concerned about people and you volunteer. I know I volunteer and I am sure many of you do. I am sure you have spent time in nursing homes. I ask you to please adopt this amendment and let's do something that will really make a difference with the quality of people's lives. Thank you.

Representative BERRY of Livermore moved that **House Amendment "B" (H-731)** to **Committee Amendment "A" (H-724)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. Again, it is not easy for me to stand up and move Indefinite Postponement of a very good bill. However, I do so in an effort to end up with a budget that will pass in both bodies of this Legislature. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Laverriere-Boucher.

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Men and Women of the House. This amendment was heard as a bill in my committee at one time this year. The long-term ombudsmen women told us, the Committee on Health and Human Services, that she hardly ever, if ever, had an elderly person complain about the lack of funds in their petty cash allowance. Most of their living materials were furnished and family and friends bought a lot of things for them so they really didn't see a need for that. That is what I want to share with the group here. Thank you.

Representative MICHAEL of Auburn **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-731)** to **Committee Amendment "A" (H-724)**.

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 Livermore, Representative Berry.

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

The SPEAKER: The Representative may pose his question.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. My first question is, is this considered new spending? What revenues are funding this? I know it says year ending balances, but I don't believe there are year ending balancing without accepting the Majority Report.

The SPEAKER: The Representative from Livermore, Representative Berry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. The bill that the good Representative from Biddeford referred to, was one that I submitted this session. I didn't intend to speak about this, but I didn't hear the testimony, but I have, in the past couple of years, had an occasion to visit several people in facilities that would qualify, the people there have no family members, no one to bring them anything. Of course, I heard through some of the committee members that it didn't gain favor in the standing committee, but I can assure you inflation doesn't spare anyone. I felt compelled to stand here this evening and speak for those people that have no one to speak for them and have some money to spend in their last days in care facility. This is a real need. I understand there are many, but this one, I thought that I should say there are those that need your support. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I thank the good Representative from Lebanon. I have to respond to the ombudsmen. The ombudsmen, the real ombudsmen, for senior citizens in nursing homes told me she was sending a letter supporting an increase and has in the past supported it. In previous sessions when I supported some of these bills, another person, a hit person from the Executive's Office came and spoke against it. It wasn't at that time the long-term care ombudsmen, but I think that really cuts to the point of what this is all about, as I said to that lady when she spoke against the bill then. It really sickens me that we are paying people in the Executive's Office $80,000 a year to be spokespeople for our senior citizens so that we can come and speak against an increase that is going to go to the very people that they have a job to represent. I wanted to make that point. It is very clear that our Executive, that if he doesn't think positive of something, his people will come out and say it is a bad idea. This is not a bad idea. Some do have family members, but many don't and many that are in nursing homes, I know a lot of people who make sacrifices and keep them home because they don't want to go into nursing homes. If you are in a nursing home, you already have a strike against you. The likelihood of your family members wanting to come visit you and help take care of your needs is lower, because if they really did, they would find a way to keep you home, especially with all of the new programs that the Health and Human Services Committee did pass. It helps make it possible to do exactly that. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-731) to Committee Amendment "A" (H-724). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 413

YEA - Ash, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Muse C, Norbert, Norton, Nutting, O'Brien LL, Paradis, Patrick, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Chick, Clough, Collins, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Haskell, Heidrich, Honey, Jodrey, Kasprzak, MacDougall, Madore, McKenney, Mendros, Michael, Morrison, Murphy T, Muse K, Nass, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Andrews, Buck, Goodwin, Gooley, Labrecque, Lovett, Murphy E, O'Neil, Perry, Simpson, Tobin D, Treadwell, Watson.

Yes, 90; No, 48; Absent, 13; Excused, 0.

90 having voted in the affirmative and 48 voted in the negative, with 13 being absent, and accordingly **House Amendment "B" (H-731)** to **Committee Amendment "A" (H-724)** was **INDEFINITELY POSTPONED**.

Representative MENDROS of Lewiston **PRESENTED House Amendment "C" (H-732)** to **Committee Amendment "A" (H-724)**, which was **READ** by the Clerk.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment is very similar to the previous one, so I won't go over all my points. However, in answer to a question that was made in the previous debate, where is this funded? Well, I found the funding for it. As you can see if you read the fiscal note, this amendment will have no net affect on general fund appropriations and revenues and a balanced budget is maintained for fiscal year 2001 and 2002-2003. What we did in the 119th Legislature is we thought it was wrong that we hadn't received a pay raise in a long period of time, so we passed a bill to give ourselves an automatic pay raise every year, a cost of living adjustment. That way no one would ever have to deal with that again. It was a good idea because it hadn't been raised since the late '80s. However, as I mentioned earlier, our senior citizens in nursing homes, that hasn't been raised since the late '70s. Unlike us who want to be here, run to be here, defeat somebody else to be here, choose to be here, our nursing home residents don't run for that position of being in a nursing home. They don't want to be in that nursing home, but they are.

I found the funding. I think that since we couldn't find the money to take care of our senior citizens, then we should bite the bullet and fund it with our automatic pay raise. Therefore they get their increase and no one in the state really suffers. I would urge you to vote with me in adopting House Amendment "C."

Representative BERRY of Livermore moved that **House Amendment "C" (H-732)** to **Committee Amendment "A" (H-724)** be **INDEFINITELY POSTPONED**.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. The two most important points that I learned about being a legislator, I learned on Sesame Street. Number one, to get along with your neighbors. Number two, was to learn how to count. I hope before we see anymore amendments and we waste our time here tonight that we use those two points.

Representative SNOWE-MELLO of Poland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-732)** to **Committee Amendment "A" (H-724)**.

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 Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. Very briefly, I do know how to count, but I also have to believe that the majority of this body believes this is the right thing to do.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative **MICHAEL**: Mr. Speaker, Men and Women of the House. I hope you will vote against the prevailing motion and pass this bill. This Legislature has put ourselves in this situation where we have generously given ourselves perhaps a well deserved automatic pay raise every year, but for whatever reason, we have neglected the most needy of the needy, the most helpless of the helpless of the helpless since in 1978. This doesn't catch them up. This just makes a token gesture for these people in nursing homes who are virtually helpless. If we can't fund it by other means, then it is appropriate to be here today deciding whether we get our automatic pay raises or they get a small token gesture. Based on that, I recommend you vote against the prevailing motion.

The SPEAKER: The Chair recognizes the Representative from Patten, Representative Landry.

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. I don't know about the nursing home in Lewiston, but I know that the nursing home in Patten, of which I am very proud, doesn't go without anything because if the old folks there don't have something, the churches get together and they take care of these people. We do appreciate what they did for us in their youth. They were our past and we are their future. If I am missing the point here, I stray sometimes from what you are saying because as a freshman, I am allowed to do that. I just wanted to clarify that people in the rest home in Patten, I don't travel very far out of Patten, but they don't go without anything. Organizations come all the time and they know who has family and who doesn't. Those who don't have families have people like me who take time to go visit old teachers and so forth. I hate to think that all nursing homes are placed in that category.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I do have to beg to differ in what was just said. There are our constituents that are nursing homes all over this state that do not get that cost of living allowance and do not get help and do not have families that will help them out. They are out there on their own. I think this is something that we should do. I am willing to do it. I think it is a great idea and I thank the good Representative from Lewiston, Representative Mendros, for putting forth this amendment. Let's have the courage to do this. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, is there any state law that prohibits the legislators from giving their money back?

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. In reference to the good Representative from Arundel's question, I think it should be answered that for any of us who feel that we get too much pay for doing this type of work, we can always write a check out to the Treasurer of State.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-732) to Committee Amendment "A" (H-724). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 414

YEA - Ash, Bagley, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chizmar, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane,

Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Michaud, Mitchell, Muse C, Norbert, Norton, Nutting, O'Brien LL, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Bruno, Carr, Chase, Chick, Clough, Collins, Cressey, Davis, Duprey, Foster, Glynn, Haskell, Heidrich, Honey, Jodrey, Kasprzak, MacDougall, Madore, McKenney, Mendros, Michael, Morrison, Murphy T, Muse K, Nass, O'Brien JA, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Waterhouse, Wheeler EM, Winsor.

ABSENT - Andrews, Buck, Clark, Goodwin, Gooley, Labrecque, Lovett, McGowan, Murphy E, O'Neil, Perry, Simpson, Tobin D, Treadwell, Watson.

Yes, 96; No, 40; Absent, 15; Excused, 0.

96 having voted in the affirmative and 40 voted in the negative, with 15 being absent, and accordingly **House Amendment "C" (H-732)** to **Committee Amendment "A" (H-724)** was **INDEFINITELY POSTPONED**.

Representative McKEE of Wayne **PRESENTED House Amendment "D" (H-733)** to **Committee Amendment "A" (H-724)**, which was **READ** by the Clerk.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. This amendment gives those of us who feel that we did not have an opportunity to vote against the Maine Learning Technology Endowment Fund that opportunity to do so tonight. If you recall, right after the Part I Budget had been passed that that bill did come before this body and a yes vote affirmed what we had done in the budget and a no vote meant nothing. I understood that the only way to restore that money was to actually repeal the law, which I did not know at the time and I do apologize for that.

That is what this amendment does. It does repeal the Maine Learning Technology Endowment Fund and it restores what is remaining, $30 million to the unappropriated surplus of the general fund. Why do this? First of all I wanted to say that just last night I talked to one of my town managers. We were talking about the budget. She said, "What do you mean laptops?" I told her only $30 million. She said, "It didn't go away?" I told her that it did not go away and it is there. Folks, the public, in my opinion, does not really know that we are still on this fast track towards laptops, one on one access for seventh and eighth graders in the State of Maine. I just want to restate what I said earlier, privately, with many of you in caucus and throughout this entire term. This $30 million would do a great deal for some of the conversations that we have been having throughout this day. It would solve some of the problems in the budget. My heart yearns to do more for education and we can't do it. You can't honor your long-term commitments be spending your money on frills. I don't own a laptop. I wish I did, but I simply have other commitments. My school would not buy laptops because we already have other commitments to become the first state in the country to have this sort of one on one access for middle schoolers when we have the abysmal statistics that the good Representative from Scarborough recited earlier in the day. I think it is appalling to put it mildly, but it is top down educational policy and to me, that is folly. It is an inappropriate intrusion into the time honored process of setting policy through involving teachers, parents, communities and citizens. One on one access is the goal of that Technology Endowment Fund, but we are thirteenth in the United States for access and that is despite those abysmal statistics reported by Representative Clough.

Teachers report that it is not access that is a problem, it is time. There has been no pilot project in a public school to determine what the unanticipated cost will be for this. Little do schools realize that in the next budget we will be asked for general fund appropriations for this. It will expand and it will change and new technologies will follow. We have an expensive road ahead for us. It is fiscally irresponsible with the shortfall and I am appalled that we have continued. There will be viruses. There will be theft. There will be booting up problems and personnel problems.

It also has denied us local control over our own technology budgets. All of us have had plans all along. We have been doing a very good job. Now we are being redirected and the only way we can access this $30 million is to first provide one on one access and the cheapest way to do that is to buy a main learning device for every seventh and eighth grader. That may not be what you want at all, but that is what you are going to have to do to access any of this money. To me, that is not equity.

There is growing resentment of such a mandate. We do not have the pedagogy to back this up at this point. There is a lack of a feeling of ownership of this. There is great concern that this alternative equivalent option won't be flexible enough to support a district's already established technology plan.

Finally, the plan itself is weak. The advisory board is inadequate. There is not one K-12 teacher on the advisory board. There are legislators. There is a representative from the PUC. There is a representative from telecommunications and there is a representative from higher ed. There is no K-12 teacher and, yet, that board is going to set standards for students, standards of achievement, for students, teachers, parents and communities. If you don't believe that, get out the enabling language that was in the budget. To me, given the fiscal irresponsibility, the top down educational policy, the denial of local control and involvement and finally the weakness of the plan, clearly shows that we have chosen to accept, without debate in this body, a very, very expensive proposal that has denied us the opportunity to provide to our communities what they need most and what they look to us most for, which is help with the schools in the way that they want to direct educational learning in their own communities.

I say this with all respect. I do not mean to discredit the Appropriations Committee. They have done a wonderful job. As you saw, I did vote for the budget. Many, many things are in that budget that I think, even though they are not my bills, they are things that we have all worked collectively for. There are things in the budgets of both sides and it really tears me apart to see us pull apart like this at this time, but mostly because, for me, that inability to provide for our communities, many, many of our communities who are going to receive a lot less and in my own district as well. As I say, I do respect what we have done thus far, but I want to give us an opportunity to vote up or down on this. This is our only opportunity, in my opinion, as a body to do that. I would urge you to vote for the repeal, the remaining $30 million endowment fund and to turn that money over to the unappropriated surplus in the general fund. Thank you.

Representative BERRY of Livermore moved that **House Amendment "D" (H-733)** to **Committee Amendment "A" (H-724)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I find it somewhat ironic to have this amendment

here tonight. The Learning Technology Endowment Fund kind of originated because a two-thirds budget deal fell through in the last Legislature, which provided the funds for this endowment. In the Part I Budget of this year, it became part of the negotiations again, some looking to wipe out the fund and some looking to keep the fund intact and some looking for a reduced level. Some felt that a reduced level was closer to what the original committee reported, that being the Education Committee. Personally, I think it is one-time money now if we take it. It sits there as it is, in a trust and draws interest and hopefully draws matching money to put computers in the schools. Being from a somewhat rural area, being a critic of the program when it first came out, Representative Bruno and myself made a couple comments back when we heard about it, but I have reconsidered that in learning what might be available to people in rural Maine. We talked about the digital divide. I think it is an opportunity. I think we ought to let it happen and see how it works. You have people that will be involved in that process and certainly you will have people tell you how this works. There are schools, reading in the *NEA Magazine*, there are schools that bought the laptops and everybody expected the damage and the lost computers, sold for drugs or whatever and it wasn't happening. They had had one that had been slightly damaged. They had an excellent report from the school. It was very interesting. I guess I am interested in seeing this happen. I feel it has survived two budgets. I will be supporting the Indefinite Postponement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Morrison.

Representative **MORRISON**: Mr. Speaker, Men and Women of the House. I guess I get a little agitated when I hear about these funds that are hanging around out there. Just a little while ago we heard about the Fund for a Healthy Maine being tapped. We have another fund hanging around out there. If a dollar bill comes near Augusta, it is just like a big vacuum cleaner and we are beginning to become a mini Washington, DC. We can't find enough money to spend. Now we have to dip in. We have already dipped in and taken $20 million away from that fund. I was opposed to it way back when it first started. I had my reservations about the thing sitting out there in the back 40 like most people objected to it. We did have a committee study it last summer and come up with a pretty good plan that would utilize this and it would be a benefit. The $50 million, as it was, was going to be set aside, used for laptops four or five years or so down the road or whatever. Just the interest is going to be used. If, for example, the money would still be there and we could spend it on our shopping list, whatever we want to do. We wouldn't dare send it back to the taxpayers. Last spring, about a year ago, I am sitting back there like most people and we have $250 or $300 million and it was like a feeding frenzy here in Augusta. This is the way we were getting it back home. You couldn't find enough places to spend it. I came down here last fall and all of a sudden the $250 or $300 million deficit. I asked what happened? There is almost a complete reversal. I guess nobody thought that maybe the economy might take a little swing the other way or whatever. I don't know, but everybody had their grabbing for that basket and grabbing their handful of cash and spending it on this and spending it on that. You can't spend enough. It gets a little bit agitating when you have to go back and explain to people. Now we are talking about taking $30 million and putting it into our shopping lists and spending it. If we don't think that is any good, let's take the $30 million and give it back to the taxpayers. It is their money. It is not our money. It belongs to the people of Maine. We are supposed to only take what we need and use what we need to provide essential, necessary services and we shouldn't be going way beyond that. I guess it gets a little bit disturbing. We get talking term limits and I think maybe term limits are nice or something. You have to get back out there and rub elbow to elbow for a period of time with the people and stay in touch. Somehow we are losing touch of what people are saying out there and how they are living and their reaction to what is happening here in Augusta. It is not a pleasant experience. This just didn't come across well with me at all. I definitely say at least we got the $30 million there. They have asked the Chief Executive to go out and try to get private donations to put it back up to the $50 million and he said he is going to try to attempt that and then use that interest and try to go through with the plan. I think that is a worthwhile goal. I think we ought to be doing that. I am convinced the plan that is in place that the technology committee did last summer is a good one and is a workable one. I suggest that we go along with the recommendation to Indefinitely Postpone. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. That was a hard act to follow, I will tell you. Thirty million is a whole lot of money to me. Guess what? I think that this is an excellent, excellent amendment. Back home, this laptop proposal was number one on a list of bills that my constituents back home wanted gone, completely gone. They got to me through letters, calls, e-mails, by saying, please don't support the funding of laptops. Please don't. With all the other needs of our school districts back home, at this time when money is so dear and we have the lack of it, $30 million is a bit much to spend on laptops. Please support House Amendment "D." Thank you.

The SPEAKER: The Chair recognizes the Representative from Patten, Representative Landry.

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. If there is any doubt how to spend that money, I think it is time the young people in school learn to read and write again. I have 20 grandchildren and one day I said to one of them, "What time is it?" He said, "Grandma, I don't know." He had to punch his little watch to tell me what time it was and he is 16 years old. That is a dysfunctional family at best, but that is the way we are. He punched his little watch and told me what time it was. There is something lacking here. We cannot all be brain surgeons, but somebody has to go up to Patten and drive my trucks. If you got any doubt where to put your money, ask me.

Representative TRAHAN of Waldoboro **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-733)** to **Committee Amendment "A" (H-724)**.

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 Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Members of the House. I would like to thank the Representative from Wayne for having brought this amendment forward. I just want to tell you a quick little story and then I will sit down. We had a junkyard in our town and nobody liked how it looked. Everybody complained about it so they put up a fence. Guess what, the junkyard was still there. This bill smelled bad from day one. I spoke out against it. I appreciate the Representative's real fortitude in bringing this forward and I will support this wholeheartedly. Thank you.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. Once again as we look at the Part II Budget, there isn't a community in the State of Maine that takes a bigger hit than mine. In Part II Budget, I believe the numbers that we are hearing, we stand to lose probably a million or so in educational funding. Would I like to see $30 million added to that? You bet I would. Do I think it is far more important that we put these laptops in the schools? I certainly do. I was lukewarm to the idea of laptops in its original form. I didn't walk away from it. I was lukewarm to it. A committee worked on this. A committee brought back a proposal. We are not giving laptops to kids to let them run back and forth to and from their home. We are putting them in the schools. We are giving one of the greatest educational opportunities to our seventh and eighth graders that we could possibly give them. Somebody made a comment a year or so ago that if we give the kids laptops, it is just going to be confusing for them. I thought about that and I think that is the equivalent of saying that by giving them more than one color crayon in the box, they are going to be confused. I would love to have more money to bring back home to South Portland for education. By the same token, we have a responsibility to do whatever we can to create educational opportunities for the children of the State of Maine. This is a bill that has been worked and reworked. It has been tooled by a committee and we need to move forward. Let's get this program on the road. Let's move forward with it. Thank you Mr. Speaker.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I would certainly like to thank the good Representative from Wayne, Representative McKee for bringing this forward. I can think of a few good places that we can spend this. Personally, I would have a very difficult time going home and telling people in my district that if you are going to take your kids to McDonalds, you are going to have to pay more for a Happy Meal, but we saved laptops. It is funny how those figures are almost the same. Of course, I can explain that when I talk about one-time money and structural gaps, but that doesn't make a lot of sense to the average person. Do you know why? Because it doesn't make sense to anyone who thinks about it unless they have been sitting in here for four months. What is one-time money? If we are $30 million short next year or the year after, we can raise the taxes then. We didn't lose the opportunity forever to raise the taxes. That is what one-time money is. All our money is one-time money, because the 121st Legislature could cut the tax that we just increased, thereby making it a one-time event. They understand that. The reason why we have difficulty explaining that to them is because we get spun around here in Augusta and forget that is what that all means.

I also have to point out what was mentioned by the good Representative from South Portland, Representative Glynn, in an earlier debate how he was trying to get the figures of how much money would come to GPA to each school district. Nobody in the Department of Education could do it. Why? Because they were spending all their time lobbying for laptops. That is their priority, not educating our children. That is why we are not putting money into GPA, but we are putting it into this harebrained scheme that sells well and allows our Executive to get some trips around the country talking about it, but as was mentioned, is a top down idea for the bunch of people who think they knew everything and if this had been in place 20 years ago, would have had any Mainer having BETA instead of VHS and we would have knowledge of worthless technology, which is what this is going to do if it stays in effect.

Finally, I would like to pose a question through the chair. If a legislator supports this program, is there anything in state law that would prevent them from donating money to this fund?

The SPEAKER: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Yes.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I remember the moment that my caucus took a vote last year and I don't believe there was a single supporter for the laptop plan. I have to ask myself over and over, how did laptops become the sacred cow of this Legislature? I do not understand it. It absolutely makes no sense. I would like to just remind you that there is no reliable study to date that suggests that laptops improve student learning. They do not improve learning in history, writing, reading and in math. They do not raise achievement scores. It is foolish to adopt a plan with no data available to us as to its effectiveness other than Microsoft's own study. Think about that.

As to the suggestion that this bill has been worked and reworked, we have not, as a group, had a chance to vote up or down on this issue. In fact, it came out of the Education Committee with a 7 to 6 vote. It went to the Appropriations Committee with a 7 vote against and 6 for. How, I ask you, did this $30 million cow become sacred? I ask you to support the pending amendment. Thank you.

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

Representative **RICHARD**: Mr. Speaker, May I pose a question to the Chair?

The SPEAKER: The Representative may pose her question.

Representative **RICHARD**: Thank you Mr. Speaker. If we were to vote Indefinite Postponement of this, this is part of the budget that we are voting now, right?

The SPEAKER: The Chair would answer that according to his reading of House Amendment "D," it repeals existing law from Section AAAAA, 3, PL 2001, see 358, Part 2, Section 7 and 8 and that it repeals the same section of Section 2 of that law and the same section of Section 1 of that law. It does not impact the existing Part II Budget, but it repeals things, which we passed earlier in this session or which are current law. The Representative may proceed.

Representative **RICHARD**: Thank you Mr. Speaker. Then it would repeal part of the Part I Budget.

The SPEAKER: The Chair would answer in the affirmative.

Representative **RICHARD**: Thank you Mr. Speaker. The point I am trying to get at is if the Chief Executive were to veto if we voted Indefinite Postponement, then does that mean he has to veto the whole budget or just the section of the budget?

The SPEAKER: It is the Chair's understanding that there are two forms the Chief Executive may take involving a budget item. One is the line-item veto and the other is the veto of the entire document. My understanding of the line-item veto is that it is restricted to appropriations. This is not an appropriation. The Chair is in error. The Chief Executive can line-item veto a de-appropriation as well. He has one day in which to do so following the enactment of the piece of legislation, at which time it requires a 50 percent plus one vote of the Legislature to overturn that.

A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-733) to Committee Amendment "A" (H-724). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 415

YEA - Ash, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Clough, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dudley, Dugay, Duncan, Dunlap, Duprey, Estes, Etnier, Fisher, Fuller, Gerzofsky, Hall, Haskell, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Mitchell, Morrison, Muse C, Muse K, Nass, Norbert, Norton, O'Brien LL, O'Neil, Patrick, Peavey, Perkins, Pineau, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Stanley, Tarazewich, Tessier, Thomas, Tobin J, Tuttle, Usher, Weston, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Baker, Berry DP, Bowles, Brooks, Chizmar, Clark, Collins, Cressey, Davis, Dorr, Duplessie, Foster, Gagne, Glynn, Green, Hawes, Kasprzak, MacDougall, Madore, McKee, McKenney, Mendros, Michael, Michaud, Murphy T, Nutting, O'Brien JA, Paradis, Pinkham, Smith, Snowe-Mello, Stedman, Sullivan, Tracy, Trahan, Twomey, Volenik, Waterhouse, Winsor.

ABSENT - Andrews, Bagley, Buck, Goodwin, Gooley, Labrecque, Lovett, Murphy E, Perry, Povich, Tobin D, Treadwell, Watson, Wheeler EM.

Yes, 97; No, 40; Absent, 14; Excused, 0.

97 having voted in the affirmative and 40 voted in the negative, with 14 being absent, and accordingly **House Amendment "D" (H-733)** to **Committee Amendment "A" (H-724)** was **INDEFINITELY POSTPONED**.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-724)** and later today assigned.

On motion of Representative MUSE of South Portland, the House adjourned at 11:04 p.m., until 10:00 a.m., Tuesday, June 19, 2001.