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Legislative Record

House of Representatives

One Hundred and Twentieth Legislature

State of Maine

Volume II

First Regular Session

May 18, 2001 – June 22, 2001

Second Regular Session

January 2, 2002 – March 6, 2002

Pages 890-1770

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

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, 2001, June 30, 2002 and June 30, 2003 (EMERGENCY)

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

(H. "I" H-740, H. "J" H-741, S. "D" S-367, and S. "E" S-368 to C. "A" H-724)

TABLED – June 19, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – Motion of same Representative to **RECONSIDER FAILING OF PASSAGE TO BE ENACTED**.

Subsequently, the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

Representative BERRY of Livermore moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED**.

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 Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. Earlier this morning out of frustration I decided to go home. For the first time in the three years that I have been here I have decided to listen to my son. I wish to go on record with a statement as to why I will not support this budget.

The SPEAKER: Would the Representative defer? The pending question is reconsideration. If the member wishes to debate reconsideration, it would be appropriate at this time. If the member wishes to re-debate the entire budget, that will be appropriate at a later moment.

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

ROLL CALL NO. 431

YEA - Ash, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, 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, Muse C, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, 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 J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Buck, Labrecque, Lovett, O'Neil, Peavey, Smith, Watson.

Yes, 89; No, 55; Absent, 7; Excused, 0.

89 having voted in the affirmative and 55 voted in the negative, with 7 being absent, and accordingly the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On motion of Representative BERRY of Livermore, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-724)** was **ADOPTED**.

The same Representative presented **House Amendment "L" (H-747)** to **Committee Amendment "A" (H-724)** which was **READ** by the Clerk.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. House Amendment "L" to Committee Amendment "A" is a document required to proceed with the budget without a two-thirds majority vote. It removes the emergency preamble and it is necessary to push back the implementation of the cigarette tax and the meals tax so there is a loss of revenue related to that in balancing the budget. It pushes those dates out. It transfers money from the Fund for a Healthy Maine reserve to cover some of that loss. It authorizes the state controller to keep open the official system of general accounts of state government for fiscal year 2000 and 2001 to make post closing entries and adjustments to carry out the provisions of this act.

I think it is unfortunate that we are at the point where we feel that majority budgets are standard operating procedures and this is language, I guess, that has been used before. I suppose if we can't find a better way, will continue to be used. Part of this amendment also changes the date of the transfer of funds to the Governor Baxter School for the Deaf Student Trust Fund from July 1 to October 1. The amendment also strikes the language authorizing the tax anticipation note to cover the debt service costs associated with that note. The amendment also changes the reporting date on which the Maine State Housing Authority must report on the energy issues from September 1, 2001 to November 1, 2001. The amendment also strikes the language that authorizes expenditure of funding among pharmaceutical benefit programs administered by the Department of Human Services.

There are three items, I believe, that were placed when House Amendment "J" is removed. It will restore the Maine Heirs Program. It was a program established in the last Legislature and we do not see that as a new and expanded program. We would like to see that continue. It restores a section of House Amendment "J" dealing with the Maine Dental Education Loan Program. It restores the thermal imagining camera and it restores the death benefits for law enforcement, fire fighters and emergency management personnel.

I want to say that I am disappointed that this is the road that we will take. Maybe I am responsible that we are at this point. I can't decide that. It seems as though I have done everything possible to get us to a place where we could move ahead and meet the needs of the people of the State of Maine. Nearly everything in this Part II Budget is not new programs. It is some changes or adjustments. There are some expansions, necessary expansions. I am not excited about moving ahead in this manner, but I feel it is necessary to move on and get out of this place and I look forward to seeing you next year, I guess.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. First, I would just like to reject the notion that the House Chair just offered that somehow he is personally responsible for our impasse at this point. That is not what I feel. He worked as hard as all of us did to reach agreement. In fact, on the large majority of this spending plan for the next two years we did reach agreement. He worked very hard and very effectively to make the change here. What we are dealing with today, I think, is just basic philosophical differences between the two major parties.

I would just like to bring to your attention one item in the amendment and not offer any value judgment on it, but just try to point it out. You ought to read this on page 3 under, well, there are five a's about two-thirds of the way down the page. It is entitled State Controller Post Closing. Basically this is a message to our state controller after the end of this current fiscal year on June 30, to not close the books officially. The reason we are doing that, we have done it in the past, I don't want to suggest this is something new. We haven't done it often in the past, but what we are doing here because we don't have a two-thirds majority to pass this and because we don't have any time left, we are keeping the books open so that we can recognize the lapsed balances and excess revenue, especially the excess revenue when it becomes available, to use it for the new programs that are in the Part II Budget, new spending issues, which won't become effective until 90 days after passage.

Again, without making any judgments about this, just look at that. This is what we have to go through. It might be a gimmick. It might not be. It is what we are going to do. We are going to spend more money in the next biennium.

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "L" (H-747)** 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 Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. There has been a lot in the media about how this Part II Budget is new and expanded programs and what these taxes that are being raised by the Part II Budget are for new and expanded programs. We hear it a lot on the floor here about new and expanded programs and new initiatives. While that is not 100 percent inaccurate, it is, I think, inaccurate. That is why back at the beginning of the year when our committee worked well together, as it still does, and we reported out a unanimous report. That is why back in the Part I Budget when we agreed on funding, that is why back then, we supported these taxes at a higher level, not because we were funding any new or expanded programs in the Part I Budget. As we know, that is supposed to just be for current services. We did it back then in a bipartisan, tri-partisan fashion because that was needed to keep government going at the current level to take care of the ongoing needs of the people of the State of Maine and to account for a serious dip in the revenues that the state was experiencing at the time, and it was still experiencing at the time. It was felt that when we were in agreement on it a few months ago that that was the minimum amount of revenue needed to compensate for the tip in sales tax revenue and the dip in other revenue that was causing the decline.

I get kind of tired, I am not tired of what anyone says on the floor here, of what I read in the paper about this is a $75 million budget or whatever that is for new and expanded programs and my good friend from Acton just mentioned the use of one-time money from the transfer of year end balances will be funding a number of one-time items that I think have been quite appropriately identified here for use of this one-time money that is going to be available from this one-time surplus revenue at the end of this fiscal year that expires in a few days.

I just want to list some of those items that are on there because I think it is important to realize these are not new initiatives by enlarge. There is one new initiative. It is right at the top of the list, tourism promotion, $2.2 million. That was part of the agreement we had with the folks in the tourism and restaurant and innkeeper industry to get some of that revenue that we are getting from increasing that tax. That is keeping the faith there. That, I suppose, you could say is a new initiative although we already have a tourism promotion program in the state. This adds substantially to that and has widespread support. There is a particularly egregious one that I see as the second one here, which is the one-time funding of some lobster studies to help protect the lobster industry from federal interference. I guess that might be a new program. I apologize for that. That was the Marine Resources Committee number one priority and it is in here. There is a low-flow study of Aroostook water, maybe that is a new program. There are three things related to the consent degree, nurse coverage and contracted nurses, perhaps that is a new and expanded program, meeting the consent decree. I don't think so. There are repairs to the HETL Building across the river. That is in terrible shape and has health and safety issues to the employees there. Perhaps that is a new program fixing that building up. I don't think so. There is the Phase II of the Down East Correctional Facility, the implementation of Phase II, which is part of an ongoing commitment that was agreed on by previous Legislatures to get that up and going. I don't view that as new and expanded, but it is part of an existing commitment we have to the Machias area. There are the repairs to the Greenville Hanger. You have heard about that. That is an existing building. The Harlow Building, keeping that from falling down. Maybe that is a new program, but I don't think it is. I could go on here. Technology plan for corrections, I suppose that is new. It is part of our commitment to the corrections that we have made here. Calais Cultural Center, maybe that is new and expanded. I will give you that one. There are a couple others on here.

Anyway, by enlarge it is a myth. I wanted to put that myth to bed and I urge you to support the adoption of House Amendment "L".

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "L" (H-747) to Committee Amendment "A" (H-724). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 432

YEA - Ash, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, 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, Morrison, Muse C, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bruno, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo,

McKenney, McNeil, Mendros, Michael, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Perkins, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bowles, Buck, Duncan, Labrecque, Lovett, O'Neil, Peavey, Pinkham, Smith, Watson.

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

85 having voted in the affirmative and 56 voted in the negative, with 10 being absent, and accordingly **House Amendment "L" (H-747)** to **Committee Amendment "A" (H-724)** was **ADOPTED**.

On motion of Representative BERRY of Livermore, the House **RECONSIDERED** its action whereby **House Amendment "J" (H-741)** to **Committee Amendment "A" (H-724)** was **ADOPTED**.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. Like the Representative from Acton said, I don't want the Chair of the Appropriations Committee to take this personally. This is nothing to take personally. It is a philosophical difference. These things should never be personal. Sometimes we take them to heart too much when we leave here.

On thing I want to do is thank the other party for consideration of four pieces of that House Amendment "J," which are very important pieces that you put into your majority budget and I want to thank you personally. Thank you.

On further motion of the same Representative, **House Amendment "J" (H-741)** to **Committee Amendment "A" (H-724)** was **INDEFINITELY POSTPONED**

Committee Amendment "A" (H-724) as Amended by House Amendment "I" (H-740), House Amendment "L" (H-747), Senate Amendment "D" (S-367) and **Senate Amendment "E" (S-368)** thereto was **ADOPTED**.

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

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

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. First, Mr. Speaker, I got carried away because I know how quickly things go in this House and I didn't want to miss my chance to go on the record.

First, let me say that I do appreciate the hard work of the Representative from Livermore, Representative Berry, and his colleagues on the Appropriations Committee. I recognize that the balancing different philosophies we all bring to the table is not a easy one. However, those varied interests are all valid. No idea is stupid, irrational or wrong. However, at the end of the day I, and I alone, am responsible for my vote. No one has the right to chastise me publicly or privately for that vote. I am responsible to the people who elected me here, period.

In the classroom I have always taught respect for different ideas. It is my hope that as this session comes to an end, hopefully, that each of us will continue to receive the respect that we have earned by being elected here by the people.

My decision not to support this budget is plain and simple. I simply cannot in good conscience support a budget that from my perspective is funded solely by a tax that predominately affects the people that can least afford it, the Maine working families. I am not opposed to tax increases. I have never subscribed to the conservative view that all taxes are bad, but I do believe that taxes should be fair. Will a 2-cent tax increase keep working families from going to McDonalds or buying a 16-inch pizza at the corner store? Of course not, but what message does it send? I would rather support a proposal to add a penny or a half a penny to the meals and lodging tax, a tax paid in part by out of state tourists, a tax supported by the tourism industry, a tax supported by the Chief Executive, a tax which would largely go unnoticed by people who choose to visit such restaurants and already pay 15 percent of more for gratuities for service and a 7 percent meals tax.

At the very time our federal government is returning billions of dollars in taxes, we can disagree as to whether they should be doing that. What message does it send if I, who, yes, am proud to be a Democrat, vote to tax the very people who can least afford the tax. I have never subscribed to the philosophy, and I never will, if that makes me out of sorts within my own party or within this chamber, so be it.

I wish to make one final statement as it relates to one important issue in this budget. That is to the advocates who fought so hard for domestic violence funding and to the Representative from Gardiner, Representative Colwell, for sponsoring it. I am sorry that you may feel that my vote here today in some way diminishes my support for this very important issue. It does not. In the future I will continue to support legislation until this problem is irradiated in Maine. Yes, I will support a tax to do so provided it is fair. This problem is not only for the working family. Domestic abuse is at the very heart of Maine it has suffered in all economies and in all people and should be taxed and donated by all people. As this budget passes, and I am sure that it will today, let us remember the value of diversity and that in the end we sometimes must agree to disagree. I will not vote a 40 percent increase in taxes to working people who visit that corner store for a double ham Italian or the mom and dad who takes their three kids to a night out at Wendy's. It is unfair. I will vote no because I know it is the right thing to do for the Maine people. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I rise today to thank everybody, leadership, Appropriations members and anybody else who was involved in negotiation for their hard work, but I cannot support the budget. I know there will be a lot of people that will be upset over this and there will be a lot of people that will happy on how I vote. As adults I know we can walk out of here and shake hands and go forward. Living on the border, and I am sure you have heard this before from the good Representative from Berwick, is hard. New Hampshire has one of the lowest in the country. cigarette taxes, I cannot stand cigarettes personally. I wish that we could ban cigarettes completely from the United States, but I tell you that when we raise the cigarette tax each year, it just makes New Hampshire grow and grow.

In my other life, if I ever get out of here and get back to it, I am a salesman for Pepsi Cola in New Hampshire. I see first hand the business that we are losing from Maine residents. In one of my stores in Rochester, New Hampshire, this gentleman is the largest Marlboro cigarette dealer in the country. He took me aside one day and said, "Gary, if you people in Augusta would just stop raising the cigarette tax prices, the Governor of New Hampshire would raise it because of their school funding needs and other needs and you would have a lot less of a tax on cigarettes than we have in New Hampshire and actually would probably increase your sales on cigarettes." We are not going to stop people from smoking cigarettes by raising their tax. It is a proven fact. It is an addiction. We have to do it by education.

Again, I rise to explain my position, which I felt I should and being from a district, District 3, which I am the first Democrat in

100 years elected there and it wasn't because I was a big spender. It is because I am fiscally responsible. I cannot be fiscally responsible at home and come up here and raise taxes against my constituents. Those of you who will be mad at me getting up and speaking and mad at how I vote, I am sorry you feel that way, but I stand proud that I voted the way my constituents wanted me to. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I would just like to say that I have voted for budgets in the past, but not this time. When I first came into this body, the Part I Budget was $3.2 billion. Now it is $5.2 billion. That is an increase of $2 billion.

The good Representative from Livermore, Representative Berry, said that with this Part II Budget we would meet the needs of the people of the State of Maine. That may be what he thinks, but I do think a little differently on the subject. It was just noted today in one leading newspaper that Americans are spending 14.3 percent of their take home pay on debt. It is the highest percentage since 1986. The bills are coming due for the shopping sprees of the 1990s and Americans are having trouble paying for it. Personal debt is at an all time high and the amount of income Americans are dedicating to making payments on it is at levels unseen in 15 years. Mortgage delinquencies and write off by credit card companies are rising. Personal bankruptcy filings could hit a record this year. That translates to serious financial pain for families who are overextended at a time when unemployment is rising. We have seen the plant closings here in the State of Maine in recent years, including this year.

It also means that just when the cooling US economy needs spending by consumers to sustain growth, they are hard pressed to do so. I can't in good conscience support tax increases in the State of Maine at the present time. I am sorry that I have to vote against this Part II Budget, but I am going to have to. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I guess my first comments would deal with the process. A new day arrived this morning and I think I was fairly optimistic that we would take the time and that we would work together and put together a budget that very easily we could find consensus on and pass it with two-thirds support and then be able to finish out work. I really think we could have gone to that GPA at 4 percent. We could have gone through that list of the must dos, the consent decree, the collective bargaining, that bipartisan agreement worked on so well by the Appropriations Committee on those areas that they came together. We could have given the taxpayers of the State of Maine a breather just when they needed it the most. I think if we had followed that route, It would have been a win win for everyone. I think by the road you have decided to go today, if you have misjudged the Maine economy, we are not coming back until January and you will need a two-thirds again, but that two-thirds will be needed for emergency legislation to cut current service spending. The longer you wait and if you have misjudged this economy, everyday compounds and increases the size of the cuts that you are going to have to make. Our focus has been totally on new and expanded services. If you have made a misjudgment, then you are putting at risk current services.

I am hearing from both caucuses that there is a note of caution that has come into this legislative body and if we are in the troth and from this first day forward we come out of the troth of this economy and things begin to improve and we get to next January and there is a surplus, then that is the other win. The caution allows you, no one here today can judge the direction of that economy, but it allows the people of Maine to win both ways. If you have guessed wrong, I wasn't here during the cutback in services and there are a few members in this body that either because of staggered service or service in the other chamber that were here. The start on the cuts were so delayed that it became, instead of a surgical knife, it became a meat cleaver. We still feel the costs today.

I totally disagree with these two regressive taxes. Those of you who haven't raised taxes on the state level yet, this tax bill isn't going to be delivered next April by an accountant or a financial advisor. September 30th or October 1st, the 30, 40 or 50 percent of your constituents who smoke and will always smoke are going to go into the store that day and buy a pack of cigarettes. By the best that I can calculate it, given our actions with this budget and in the proceeding health care bill, by the time you factor in the sales tax, we are up to $1.15 or $1.16 cent increase taxes and sales tax. New Hampshire is 52 cents. I have kind of joked at times about sitting by the road side and someone said they were going to make sure I get a chair that has a cup holder so that I can be comfortable and not miss the traffic. When you start looking at a carton of cigarettes that is $5 or $6 a pack, you know where they are going and you know that the impact it is going to have on the revenue source that you are counting on spending. When they drive south through York County and they get to New Hampshire or they cross over in Oxford County, you are losing that money. The money isn't going to be there. There will be a tax protest by their feet and by their car. The two taxes you want to support today, the news is going to be delivered face to face. When they are there for the breakfast sandwich, the sub or they are sitting down with their family for that one family meal out that they have to fight for and scrape for, they are going to deliver the tax increase to them face to face.

The timing of this bill is such that we are hearing projections of a surplus late October or early November. They are going to be in your corner store in the morning getting their cigarettes and getting a dramatic tax increase. They are going to get the breakfast sandwich and they are going to be there with the family and the bill has gone up and they are going to get the *Bangor Daily News* or the *Portland Press Herald* and the headline is going to be State of Maine has a Surplus. It is going to be within a week or two of each other. On one hand you are going to raise their taxes and you are going to be told by the mom-and-pop storeowner or the small restaurant owner that they have to look over to the newspaper counter that the State of Maine has a surplus. I think the timing is going to be there.

The question was asked last night, what has changed since March where some people supported a tax increase in March and they are not supporting it in June? Envisionet, BIW, we have buildings where people used to work and make great manufacturing wages and had a future. Every town you drive through in Maine, those buildings are becoming ghosts. What has happened is those statistics of people getting laid off are our neighbors, our friends. They might be stitching a shoe or they may be someone wearing a tie to a managerial job, but now in June every corner of this state we know people have lost their jobs and they will never go back to work at that same rate of pay and they will never have the security. It turned out to be a false sense of security. We are in June and what direction is the unemployment rate point pointing? This is the season where the unemployment rate drops. The arrow is pointing up. About the only sector of the economy that is up, ironically, is the value of your house and that is because the housing shortage we have in some areas of the state. The only way that you can keep up is to re-mortgage your house or sell your house. That is called moving ahead in Maine.

If you come down into Kittery, the malls, the discount places, they are an economic engine that provides money for GPA, for people in need in this state. It is like a pipeline coming into this Maine state government. It allows us to do the things we want to do. If you start talking to the store owners, the managers and the people that work there, things were great, January, February, March and April. The first week of May it collapsed. It went flat. There was an article in the *Portland Press Herald* yesterday, Contractor working, but I am not going to buy any machines, because I have been through the shutdown of the economy. I have been there. I don't want to go there again. I think for some of you that the stock market was so bloody and the analyst during that downturn said that it went so bloody because so many new investors had never gone through a downturn. They didn't understand what it was. They always thought the cash cow or the market would continue. As I look at bonds and I look at this budget, we are almost in that same kind of mentality. The cash cow will go on forever. You know in terms of economics that you go through cycles. It looks like the cycle has changed. That affects our revenues. I think I am opposed to the taxes. I am opposed to the philosophy that drives this. I am afraid in your rush to spend that you create the possibility, no one can assure me on this floor the opposite, of coming back here in January into a nightmare. When we begin to cut current services, rather than new and expanded services, that will be a trauma that none of us, because every one that is here cares about the people in your district, you do not want to put them through that trauma. If you do this today, you start us down the road and then you collectively have to hold your breath until January and hope and pray every night that history won't repeat itself in terms of what Maine state government had to do in the early '90s.

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

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I will be supporting this budget. I urge the Majority of this House to do so. I will tell you why. It is because of the property tax relief that is included in the budget. I know we have heard a lot about the burden of taxes as part of this budget, but if we look around this state at what is going on, the pain that people are feeling, it is by the unavoidable burden of property taxes and they are going up in every corner of our state. The only mechanism that we allow our local municipalities or the vast majority of what they can do for revenues is what we allow them to raise through the property tax. As has been argued, they have the discretion over two numbers and that is the mil rate. For some of the communities in the state, that is actually one number, but that is the extent of what they have available. In this budget we have the ability to give them real substantial and enduring property tax relief. For me when I weigh out all of the things that are at issue here, that is the decisive factor. I hope that the members of this body will see it that way as well and vote for property tax relief in this budget. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I spent a lot of time going around to diners in Lewiston talking to people. You can probably tell that just by looking at me. I meet with a lot of senior citizens there. They like to go there, have a breakfast, talk, hang out. When those diners increase their coffee by a nickel from 50 cents to 55 cents, it is the end of the world. It is a big upheaval with this increase, because they are used to going there. That is what we are doing. These are the people that can't afford it, these senior citizens that are going to these little diners that are now going to be paying 7 percent taxes. It will easily be about the same as that nickel every day for just a breakfast. When they go for other meals or they go to hang out, those are the people that we are hitting. The people who have a little more money go to the Class A restaurants. They don't find that cheap diner to go to where you can get a good meal at a good price, which is what Maine is known for. They go where they can spend a little more money. They don't care, but yet those are the people we are hitting with this tax.

The good Representative from Biddeford, Representative Twomey, said that this budget gives something to this side of the aisle. It protects the BETR Program. I like the BETR Program, but I would rather not tax those poor people, which there are an awful lot more of in the diners, than protect that program that only goes to a few people. I don't want to go home and tell the people of Lewiston you have to pay more for a Happy Meal so that Wal-Mart can get a kick back. If I had to choose, that would be my choice. You have heard about property tax relief. My answer again was we should have more money in this budget for the GPA. We have raised taxes and we still haven't put more money for GPA. That is real property tax relief. We all know that. It is not only education. It is property tax relief that these same senior citizens are now going to have to pay more now when they have to go out to eat. They are going to have to pay more to keep their homes.

As far as tax on smoking, I hate smoking, I volunteer to go speak to organizations against smoking. I hate it. It is the worst thing. I hate being around smokers. They are people too and we just keep bludgeoning them and bludgeoning them and bludgeoning them and no one will stand up. If you stand up and say it is wrong, you are bought off by the tobacco industry. I am not for sale. I am not even for rent to them. I am not a smoker. When are we going to stop beating these people up? Who are we beating up when we put a tax on cigarettes? Poor smokers. Again, if they are wealthy, they don't care, but if they are picking up empties, like the gentlemen in Representative Young's district, they are the ones that are suffering. That is what this is doing. We are suffering. We are making our most poor and needy suffer for this tax. It is a very regressive tax.

I guess, like the good Representative from Eliot, coming from a district that is opposite. It has been a while since a Republican has won up there. The people of Lewiston don't have the kind of money to spend on this. A lot of them are retired. We are hitting them that are out of work in general. We are hitting Maine citizens with the worst, the most regressive tax. We are making the poorest Maine citizens suffer. If you want to go after some other revenue sources, that is fine. This could easily be made up for with the laptop money. We heard that was one-time money. The net operating loss carry back that we just voted on that was one-time money too. Just like I don't want to say the things that we charge you more to take your kids to McDonalds for a Happy Meal so we can give Wal-Mart a kickback. I don't want to go home and say we raised your taxes on your same meals so that our Executive could have his legacy. Thank you.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. Funny things seem to happen on the way to the budget vote. We went from a love fest last night and birthing babies to wondering if we are even going to have a budget now. I thought at one time we would hold hands and sing Kumbaya last night. All of a sudden now the gloves seemed to have come off and we don't know where we are going. I think that is just wonderful. I am ready to stay here a couple of months if we need to. I can start singing the South Portland budget song again. I am in no rush. I am here to represent the people of South Portland.

When it comes to those people who are going to buy the Happy Meal, who are lining up in the corner store to buy their morning pack of cigarettes and a breakfast sandwich, Representative Wheeler is right, we need to educate those people. The stuff they are ingesting is not good food.

For a number of years we increased the cigarette tax because we knew these are the people that are driving the cost of Medicaid and Medicare because they continue to ingest poisons and we pay for it. Every member who is in this room, that is not a freshman, had a hand in that. Times were good and that was all right to do. Times aren't so good now and now we all want to point fingers and it is not a good thing to do. These people are still ingesting poisons. Where do we go? What do we do? I say what we need to do is take the good that is in this budget, let's run with it. Let's vote on it. Let's go home and let's come back in January and work with the next budget. Let's move on.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I once said that I was a resident of Bushey Circle, which is in the Town of Lewiston, which is in the County of Androscoggin, which is in the State of Maine. When I was elected here, yes, I was elected to represent the people in a part of Lewiston. Goodness gracious, I think I am supposed to represent all of the people of Lewiston, all the people of Androscoggin County and all of the people of the State of Maine. When we have representatives that come up and say, I am representing the people of South Portland or I am representing the people in Biddeford or I am representing the people in Kittery, I say to you that you are being selfish. You are here to represent the people of Maine, nothing more, nothing less. It is all the people of Maine who will benefit from this budget. Some of us will probably benefit a little bit more than others. Some of us will benefit a little bit less. This is a budget that needs to be done and it needs to be done quickly now because we just messed up the first part. It should have been done back in April. It would have been done in April if across the way here, they would have been a little bit more cooperative. They weren't, so now we are stuck with this mess. It is fine. Maybe there will be other times that we can tinker with this in January of next year or what have you, but I want to remind people that these two little taxes that they keep talking about. When I was working in the mill in Lisbon Falls, I couldn't afford to buy the sandwich in the sandwich shop. I brought my own croissant sandwich from home. I used to smoke. I didn't smoke that much, just a pack of cigarettes a day. I quit 30 years ago and 30 years ago the nonsmokers were in the minority. Right now the nonsmokers are in the majority. We are not in the minority anymore. We are in the majority. Those people that want to continue smoking and kill themselves as they are going along, it ain't going to bother me any. It will probably bother them. They have a choice. They can save all that money just by quitting, which is exactly what I did 30 years ago. Those of you who think that children are going to continue smoking at a young age and that this isn't going to stop them, look at the statistics all around the country, it does stop them from starting to smoke. If it doesn't stop the kids, it is us that we have to blame because we are the ones that are giving them the allowance that allows them to buy those cigarettes at $3 and $4 a pack. If I had a child or a grandchild coming to me and asking for $3 to buy a pack of cigarettes, I would tell them to go out and weed some in the garden then maybe I might consider it, but not until then. When are we going to start thinking that we are adults and that we have responsibilities, not just for two or three people or just a certain segment of the state, but the whole State of Maine. We are at the cross roads now where we have to do something and the time is up. Thank you.

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

ROLL CALL NO. 433

YEA - Ash, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, 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, Morrison, Muse C, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bruno, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Michael, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Perkins, 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 - Bowles, Buck, Duncan, Labrecque, Lovett, O'Neil, Peavey, Pinkham, Smith, Watson.

Yes, 83; No, 58; Absent, 10; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-724) as Amended by House Amendment "I" (H-740), House Amendment "L" (H-747), Senate Amendment "D" (S-367)** and **Senate Amendment "E" (S-368)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

ENACTORS

Acts

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 Fiscal Years Ending June 30, 2002 and June 30, 2003

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

(H. "I" H-740, H. "L" H-747, S. "D" S-367 and S. "E" S-368 to C. "A" H-724)

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

On motion of Representative WATERHOUSE of Bridgton, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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, Ladies and Gentlemen of the House. I know this is pointless, but I ask you to please think of the people of Maine and let's not punish them with new taxes just because they choose to live here.

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

ROLL CALL NO. 434

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

NAY - Andrews, Annis, Belanger, Berry DP, Bruno, Bumps, Carr, Chase, Clough, Collins, Cressey, Daigle, Davis, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Perkins, 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 - Bowles, Buck, Crabtree, Duncan, Hutton, Labrecque, Lovett, Michael, O'Neil, Peavey, Pinkham, Smith, Watson.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Bouffard who wishes to address the House on the record.

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I offer a humble apology to the Representative from South Portland, the Representative from Biddeford and the Representative from Eliot for the remark that I used.

SENATE PAPERS

The following Joint Resolution: (S.P. 651)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO SUPPORT STATES' EFFORTS FOR ELECTION REFORM

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, Maine citizens believe election outcomes are rightfully determined by voters, not state and federal courts of law; and

WHEREAS, in recent local, state and federal elections, outdated voting technology and numerous other problems concerning the election process in the nation as a whole have led to action in state and federal courts; and

WHEREAS, concerns about the integrity of the voting process, whether well-founded or not, point to the inadequacies of voting procedures that exist nationwide; and

WHEREAS, we wish to acknowledge the citizens' desire to channel these concerns into action to result in substantial election reform that will ensure nondiscriminatory equal access to the election system for all voters, including seniors and the disabled and minority, military and overseas citizens, and to ensure the complete and accurate counting of all valid votes cast; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the Congress of the United States to support significant reforms to our nation's voting system; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of the Maine Congressional Delegation in support of major electoral reform in order to ensure that the true intent of the country's voters determines the outcome of all future elections.

Came from the Senate, **READ** and **ADOPTED**.

READ.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. This Joint Resolution is similar in title to one that we saw earlier this session, but in content quite a bit different. It memorializes Congress, requesting Congress to devote resources toward election reform in the country, following some problems that were highlighted by the recent Florida election, but certainly weren't limited to Florida or to that particular election.

This was never intended either in the beginning or now to be a partisan effort. In keeping with that, I worked very closely with the Representative from Sanford, Representative Bowles, to hammer out some language that would gain the respect of both parties in trying to address the issue of confusing elections, of a confusing situation that might end up in the courts, a situation where judges are making decisions about outcomes of elections instead of the voters. I don't think it serves either party to have elections removed from the context of the voting booth. In keeping with that and working with my Republican colleague, I think we have hammered out some language that I am hoping that most of us can find agreeable. I want to let everybody know that the intention behind this is not partisan. It is bipartisan and I have worked very hard with members across the aisle to try and find language that we could all agree on. That is it.

I am having distributed right now an article that I read recently in the *New York Times* in that the Secretary of State from Florida, Catherine Harris, mentions that despite the great strides that the State of Florida has made in reforming its system. There is a need for resources to really finalize, really ultimately improve the inadequacies that they identify. Further, the Secretary of State from the State of Arkansas, who I believe is the Chair of the National Conference of Secretary of States, in the final paragraph of that article it mentions that it is very important for people to contact members of Congress to try and urge the Congress to devote resources to this very important issue, which is a bipartisan issue. I think this is a great way for the Maine State Legislature to do just that, to get the attention of our members of Congress and encourage them to enact some reform and to devote some federal resources to this issue. I