

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twentieth Legislature**  
**State of Maine**

**Volume III**

**Second Regular Session**

March 7, 2002 – April 25, 2002

**First Special Session**

November 13, 2002 - November 14, 2002

Pages 1771-2574

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**House Legislative Sentiments**  
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**COMMUNICATIONS**

The Following Communication: (S.P. 836)

**STATE OF MAINE  
120TH MAINE LEGISLATURE**

November 1, 2002

Hon. Lloyd P. LaFountain III  
Senate Chair, Joint Standing Committee on Banking and Insurance

Hon. Christopher P. O'Neil  
House Chair, Joint Standing Committee on Banking and Insurance

120th Legislature  
Augusta, ME 04333

Dear Senator LaFountain and Representative O'Neil:  
Please be advised that Governor Angus S. King, Jr. has nominated James A. Clair of South China, Gerald R. Cayer of Waterville, Kathryn G. Pears of Kennebunkport, Suzanne Grover of Norway and W. Godfrey Wood of Falmouth for appointment as members of the Board of Directors, Maine Consumer Choice Health Plan.

Pursuant to Public Law 2001, Chapter 708, these nominations will require review by the Joint Standing Committee on Banking and Insurance and confirmation by the Senate.

Sincerely,  
S/Richard A. Bennett  
President of the Senate  
S/Michael V. Saxl  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BANKING AND INSURANCE**.

**READ** and **REFERRED** to the Committee on **BANKING AND INSURANCE** in concurrence.

**COMMUNICATIONS**

The Following Communication: (S.P. 837)

**STATE OF MAINE  
120TH MAINE LEGISLATURE**

November 1, 2002

Hon. Betty Lou Mitchell  
Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Hon. Shirley K. Richard  
House Chair, Joint Standing Committee on Education and Cultural Affairs

120th Legislature  
Augusta, ME 04333

Dear Senator Mitchell and Representative Richard:  
Please be advised that Governor Angus S. King, Jr. has nominated David R. McCarthy of Cape Neddick for reappointment as a member of the Maine School of Science and Mathematics Board of Trustees.

Pursuant to Title 20-A, M.R.S.A. §8204, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,  
S/Richard A. Bennett  
President of the Senate  
S/Michael V. Saxl  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

**READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

**COMMUNICATIONS**

The Following Communication: (S.P. 838)

**STATE OF MAINE  
120TH MAINE LEGISLATURE**

November 1, 2002

Hon. Kevin L. Shorey  
Senate Chair, Joint Standing Committee on Business and Economic Development

Hon. John Richardson  
House Chair, Joint Standing Committee on Business and Economic Development

120th Legislature  
Augusta, ME 04333

Dear Senator Shorey and Representative Richardson:  
Please be advised that Governor Angus S. King, Jr. has nominated George A. Finch of Eastport for appointment as a member of the Washington County Development Authority, Board of Trustees.

Pursuant to Public Law 2002, Chapter 568, this nomination will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,  
S/Richard A. Bennett  
President of the Senate  
S/Michael V. Saxl  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

**READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

At this point, the Speaker recognized the Representative from Portland, Representative Brannigan; the Representative from Yarmouth, Representative Buck; the Representative from South Portland, Representative Muse and the Representative from Portland, Representative Quint and they were added to the quorum call of the First Special Session of the 120th Legislature.

At this point, the Speaker recognized the Representative from Bangor, Representative Baker; the Representative from Eliot, Representative Wheeler; the Representative from Portland, Representative Marley; the Representative from Biddeford, Representative Sullivan and the Representative from Penobscot, Representative Perkins and they were added to the quorum call of the First Special Session of the 120th Legislature.

**SENATE PAPERS**

**Non-Concurrent Matter**

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 Year Ending June 30, 2003" (EMERGENCY)

(H.P. 1746) (L.D. 2220)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1126)** in the House on November 13, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1126) AS**

**AMENDED BY SENATE AMENDMENTS "B" (S-630), "D" (S-632) AND "F" (S-634) thereto in NON-CONCURRENCE.**

On motion of Representative BERRY of Livermore, the House voted to **RECEDE**.

Representative WATERHOUSE of Bridgton **PRESENTED House Amendment "A" (H-1127) to Committee Amendment "A" (H-1126)**, which was **READ** by the Clerk.

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I came up here in the 117th Legislature. At that time, I thought the State of Maine was spending too much money. I will read the amendment summary. "This amendment decreases state spending by an additional \$484,383,522. This amendment reduces general fund appropriations to reflect the amount of the budget implemented in fiscal year '96, '97 adjusted for changes in the consumer price index since that time and further adjusted for amounts that are deappropriated in Committee Amendment 'A'."

We heard a lot through the years, certainly the eight years that I have been up here, that some legislator's amendments are frivolous or are never going to go anywhere, but many times people up here put amendments in in good faith. They believe in the amendments even though they don't think it is going to go anywhere because they believe the content of the amendment and they are consistent with what their amendment is saying.

Back in the 117th, and the Speaker remembers, and those of us who came up in the 117th remembers that the State Economist, Lori LaChance wrote a book called *Dollars and Cents*. In that book she made the point at that time during the '80s the revenues came pouring into the state, but the problem was that the state spent even more than the vast amount of revenues that were coming in. Maine, as we have heard many times before, is a state with a low population, a low per capita income, but it is also by anybody's standards one of the highest taxed. It has the reputation for being unfriendly for business. We want good paying jobs in Maine for Maine citizens, but our actions from my eight years up here, I think we have done everything that would hurt those chances.

I have heard up here today this budget referred to as the big push, putting things off to do later and using one-time money. Also back in that period when I first ran for office, the Executive had written a book called, *Making a Difference*. For those of you who have never read it, I recommend when you come up for the 121st that you do read it. In that book the Executive talked about the gimmicks in the '93 and '95 budget, the sliding of the state employees payday into the next fiscal year and the other gimmicks and the one-time monies and referred to an accountant friend of his that called the gimmicks creatively rigged accounting practices, CRAP. The state finished fiscal year '90 in the black, but only by spending the savings account, which we did and generally sliding things into the future in the hope that the economy would come to life and bail everybody out. These are things right out of that very same book. The author of that book, the Executive, referred to it as the push the problem out solution.

I will finish my statement on the floor by the last quote that I took from the book. "I think it is the responsibility of anybody running for Governor in 1994 to tell the people of Maine what he or she would do to close what will almost certainly be a significant gap. My answer starts with the basic options of which there are only three, raising taxes, find some one-time revenue sources or cut spending. You won't be surprised if I tell you that from me that the first two are out." Ladies and gentlemen of the House, you also won't be surprised if I tell you that for me they are out also. That is why I present this amendment in that spirit of being

consistent with my stances on other budgets up through the years that I never voted for and took no part in this deficit.

Representative BERRY of Livermore moved that **House Amendment "A" (H-1127) to Committee Amendment "A" (H-1126) be INDEFINITELY POSTPONED**.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. The Appropriations Committee has been working on the budget as proposed by the Governor for several weeks now. We had public hearings with input from all the committees of jurisdiction. They understand their areas of jurisdiction and they made recommendations to us. I know for many of them it was quite difficult and quite complicated to do so. When I look at this amendment, in Part SS-1, it appears to me that we are not going to withstand any other provision of law, the state budget officer will transfer by financial order upon approval of the Governor, the amounts identified in Section 2 of this part. The same budget officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amount no later than January 15. These transfers are considered adjustments to appropriations in fiscal year '02 and '03. This requires a report to the Appropriations Committee, not approval, not input, not approval by the Legislature.

Again, I would say that the Appropriations Committee, even though it is a divided report, all members worked very hard to come to an agreement as near as possible. I would ask you to vote for the pending motion. Mr. Speaker, when the vote is taken, I would ask for the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1127) to Committee Amendment "A" (H-1126)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1127) to Committee Amendment "A" (H-1126). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 693**

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

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

**ABSENT** - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Treadwell.

Yes, 81; No, 57; Absent, 10; Excused, 0.

81 having voted in the affirmative and 57 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-1127) to Committee Amendment "A" (H-1126)** was **INDEFINITELY POSTPONED**.

Representative NASS of Acton **PRESENTED House Amendment "F" (H-1132) to Committee Amendment "A" (H-1126)**, which was **READ** by the Clerk.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. It is my purpose tonight in offering this amendment to restore the Executive's curtailment of approximately \$8 million of general purpose aid to education. We are all aware that we need to make some significant cuts in the state budget. There is no doubt that in future efforts in the next session we will have to affect GPA spending.

It is my point tonight to bring up what I hope is a more important point. I think we need to look elsewhere before we get to GPA and some of the other things that are in this proposal. I don't think that we ought to be hitting GPA that has its greatest effects on students and the property tax at home before we talk about reducing the size of state government. There is nothing in this proposal that significantly reduces the size of state government. Putting a freeze on hiring does not do anything permanent. Not filling vacancies does not do anything permanent or ongoing to filling this budget shortfall. That is my point in doing this. Those things that have the greatest affect on property tax and on students I think ought to be the last things we do. There is nothing in front of us today that reduces the size of state government. It is my impression, and these numbers are rough, but the current proposal in front of you, 25 percent of it or \$57 million is ongoing savings. The remaining 75 percent or \$172 million is one-time reductions. In this instance in going into severe economic times, I think we ought to be looking at a proposal that reverses that.

Mr. Speaker, it is my hope that we take action on this. It is not likely that it is going to be permanent. I know that we have to do something about GPA, but we ought not to do it now, we ought not to do it first. Thank you.

Representative **BERRY** of Livermore moved that **House Amendment "F" (H-1132) to Committee Amendment "A" (H-1126)** be **INDEFINITELY POSTPONED**.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. Looking at the amendment, I am trying to find out how the \$8 million is funded. The nearest I can tell is the \$8 million is funded from the deficit. I would urge you to vote for the pending motion. Thank you Mr. Speaker.

Representative **GLYNN** of South Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-1132) to Committee Amendment "A" (H-1126)**.

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

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. It comes of no surprise to many of you that I rise this evening in support of public education and support of the reinstatement of the general purpose aid dollars to education. I think that this is a highly responsible thing for us to do. We should rate general purpose aid to education a priority in this

budget document. I can tell you in my community that we lost \$2 million in general purpose aid funding to education. There were a lot of impacts that happened in our community. I don't believe at all in this budget document that we can begin with cutting general purpose aid to education with all the other areas that we need to look at and other areas that I believe are of a lower priority than the funding for general purpose aid.

The property taxes in this state are too high. For us to continue to balance the budget on the backs of the local communities and my feeling is totally irresponsible, we have an obligation to keep our hometowns funded and when we make a promise and when we make a commitment, we need to stand behind that promise and that commitment. I sat through numerous budget hearings and I sat through numerous discussions by the Legislature as well as discussions by the Education Committee and through those discussions, I felt that there was going to be some effort to make the communities whole. The byproduct of this budget proposal has, in fact, been to cut schools and to balance it on kids and to balance it on property taxpayers. If we are serious about reducing the tax burden, the most regressive tax, the property tax, we would support this amendment. I applaud the Republican corner for putting forward this amendment. I urge you to vote in support of public education and against this Indefinite Postponement.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I can't help but find it a bit specious to argue out of one corner of our mouths that we must reduce taxes because we are the heaviest taxed state in the country and out of the other corner of our mouth argue in construction of great sluices to channel money to our home districts. The only responsible thing to do here to balance the budget, do the best we can to serve our people and to support the pending motion.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. What we do in this one day or two day special session is sending signals to the Maine outside of this State House of where the priorities are and how we deal with a crisis and what they can expect in the next Legislature. As an historian, I like to go back and look at how did we reach this point in terms of this tax burden, with the income tax, the sales tax. Politicians went out to the Maine people and said that education is our number one priority. We don't have enough to fund it. We are worried about the property tax so the income tax came into being, the sales tax came into being. About every three or four years it got cranked up another percentage and another percentage. The people were told that education is a priority. We want to ease the burden on the property tax. I think as we look at this proposal before us, that we are attempting to amend, you could almost call it the cocoon budget. All the pain is outside of state government. The problem with the property tax and the problem with not properly funding education is that between telling the voter education is my number one priority, when we get up here we get distracted. We don't keep our commitment. We spend the money elsewhere. It is like trying to build a house without walls. Those walls are education. They are our children's future. They are the future of this state. We get into such a rush to put the furniture into the house, that we think we will get elected or re-elected by starting every imaginable new spending program that comes down the pike and then we find out what the priorities are. Instead of saying that we went to you in the past and we have the highest income tax rate in the nation and we are a low-income state with a regressive sales tax,

supposedly because education is our number one priority that when the revenues slowed down one of the first items to get thrown from the stern of the ship is general purpose aid, investing in the schools and investing in the students, investing in our state's future and also trying to keep the pressure off the local property tax. I bet every one of us that is coming back in the 121st has said that, investing in kids and lowering the property tax.

This amendment, while symbolic, sends the signal that in the next Legislature as we set our priorities, we will think back to the past and the promises that were made when those taxes were raised that will keep the promise. If you vote no against this amendment, then you are telling your local property taxpayers, you are telling your school boards, which are starting the budget process this month and they are looking for a message from the Maine Legislature, times are tough at the local level and times are tough here. It is not because of revenues. It is because of the level of spending and the level of spending that replaced the priority of education. Instead of addressing that, we put a cocoon around state government and said it is protected, it is not going to be affected. We have taken a scattergun to almost every profession and area in the State of Maine, including school kids and the property taxpayers and said that they will feel the pain.

Let me tell you what it is like being in a community that has to have three referendum votes to pass a school budget. I can look around this chamber and it happened in other communities. When you see a community torn apart and polarized because the state has not kept its promise of funding education or having a school finance act that works where communities that value education are tearing themselves apart. With this amendment you can say the times are tough, but as we make our decisions, a lot of you said door to door that we need to set priorities, well this amendment is where it starts. Where are your priorities? New programs that haven't even started or your commitment to kids and education? This amendment is an opportunity for you to send a message back home to Maine school children, Maine school boards and also to the property taxpayer. Give them some glimmer of hope that in the next Legislature as was promised in the past when we came to raise the tax rates that education will be the first priority before the new spending.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Richardson.

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

The SPEAKER: The Representative may pose his question.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I would just like to know what specific cuts would be made to this budget in order to restore the \$8 million to GPA to local schools.

The SPEAKER: The Representative from Brunswick, Representative Richardson 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. In answer to the question, we have not proposed in this amendment any offsetting reductions. We have realized that this budget is not in balance. We don't even know by how much. We have upcoming revisions to the state's revenue projections that may be as high as \$30, \$40 or \$50 million. We are essentially by virtue of this proposal adding \$10 million to that. We have no plan in front of us at this point to deal with that upcoming shortfall. This simply would add to that. We have purposefully not made recommendations for offsetting cuts. This is a stand alone issue and I am asking you to vote on it based on

the priorities that have been discussed in the last few minutes. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I would like to follow up on a previous speaker's comments. Yes, it is true that the revenue rejections are likely to show a higher deficit in the '03 budget. Committee Amendment "A" is a balanced budget proposal. Committee Amendment "A" as amended by House Amendment "F" would not be a balanced budget proposal. When we talk about promises and such, the Constitution requires us to have a balanced budget. We don't have the ability of Washington to have deficit spending.

The speaker from Kennebunk talked about the cocoon that is around state government. I would say that possibly the Representative doesn't understand how curtailments affect agencies. The agencies are providing services to our citizens throughout the State of Maine. Those curtailments will affect those services. There have been hiring freezes and state employees have had furlough days. I don't think our school teachers have been subjected to furlough days yet.

This amendment is not a good amendment because it does not fund it. The Committee Amendment "A" does have a reduction in GPA as proposed by the Governor and as supported by Committee Amendment "A," a bipartisan report. It still leaves GPA funding at a level higher than the previous biennium. I will leave it at that. I think I have said enough. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. In the real world where I have lived most of my life, certainly not in these halls being the real world, companies grow and prosper and they add employees. Sometimes in the real world they find that times are not so good and they must retract. It is a common principle in the real world that when times go bad, you hold onto your core employees and you have to let the earlier ones go for the survival of the organization. Sometime you know that it takes more than one round to do that. The first in become the first out. The soul of the organization is kept for as long as possible to give you the best chance to recover from the bad times you are in.

Here in these halls we are not living like we are in the real world. The parallel is that in our programs education is our core group. It is our core employee of how we will solve our problems. We are not proposing a first in/first out for this situation. We can see numerous cases where a new social spending is causing our budget crisis, as was alluded to, programs that haven't even begun yet. We are not offering the last in to be the first out. We are not rotating our programs. We are tossing out the 401 first before we get around to things which we know we don't need and in addition to being poor immediate public policy it is setting a very poor message, I believe, to how we intend to solve all of our problems in the future in the 121st. For that reason, I hope that you will join me in opposing the current motion knowing that there are more rounds to come that we look at what we started and what can we live without before we toss what we know we need in the very first round of making a budget adjustment.

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

Representative **MUSE**: I, too, had entered an amendment to address GPA and I withdrew that amendment at the request of several members. I can't sit still quietly without addressing this piece. When I hear it mentioned how fortunate teachers are that

they didn't have furlough days, in my community they were fired. 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. In the real world if you are not part of the solution, then you are part of the problem. In the real world if you don't like the responsible methodology of balancing the budget, then you come up with your own methodology of balancing the budget. You bring it before the people of the State of Maine and you get response and you get public hearings on it and you do that responsibly. That is what happens in the real world. The amendment that is before us is not acting responsibly. It is highly irresponsible. I ask you to please support the Indefinite Postponement. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-1132) to Committee Amendment "A" (H-1126). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 694**

YEA - Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Clark, Colwell, Cowger, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Kasprzak, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Richard, Richardson, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Wheeler GJ, Mr. Speaker.

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

ABSENT - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Rines, Treadwell.

Yes, 79; No, 58; Absent, 11; Excused, 0.

79 having voted in the affirmative and 58 voted in the negative, with 11 being absent, and accordingly **House Amendment "F" (H-1132) to Committee Amendment "A" (H-1126) was INDEFINITELY POSTPONED.**

Representative **SNOWE-MELLO** of Poland **PRESENTED House Amendment "H" (H-1134) to Committee Amendment "A" (H-1126)**, which was **READ** by the Clerk.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Right Honorable Members of the House. I rise before you in support of Committee Amendment "A" to House Amendment "H." I have put forward this amendment and have looked forward to your support for the following reasons. Since the state simply does not have the funds to hire 300 employees, I believe that we should extend the hiring freeze until January 2005. During the year 2004 the Chief Executive shall propose a plan no later than January 30 to the Appropriations Committee. The plan must include a detailed plan for eliminating for filling each of the

vacancies and must be accompanied by legislation necessary to implement the plan.

Times are tough. We have heard that mentioned before tonight. We need time to catch our breath. It is blatantly irresponsible to assume additional employees when we do not know what our financial conditions will be in the future. Many of our small businesses are experiencing a similar shortfall and cannot hire new employees. They must wait until the economy gets better to hire and so should state government. Please follow my light in support of this amendment. Thank you.

Representative **BERRY** of Livermore moved that **House Amendment "H" (H-1134) to Committee Amendment "A" (H-1126) be INDEFINITELY POSTPONED.**

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. It was said earlier tonight in the other body that this amendment might be like putting lipstick on a turkey before you lop its head off. I think we see where there will be amendments offered and there will be no intention of voting on the resulting package. I would urge you to vote for the pending motion. Thank you.

Representative **SNOWE-MELLO** of Poland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-1134) to Committee Amendment "A" (H-1126).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "H" (H-1134) to Committee Amendment "A" (H-1126). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 695**

YEA - Andrews, Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Clark, Colwell, Cowger, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Murphy E, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Carr, Chase, Clough, Collins, Crabtree, Cressey, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Mayo, McKenney, Mendros, Michael, Murphy T, Muse K, Nass, Perkins, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Waterhouse, Winsor, Young.

ABSENT - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Treadwell.

Yes, 95; No, 43; Absent, 10; Excused, 0.

95 having voted in the affirmative and 43 voted in the negative, with 10 being absent, and accordingly **House Amendment "H" (H-1134) to Committee Amendment "A" (H-1126) was INDEFINITELY POSTPONED.**

Representative MENDROS of Lewiston **PRESENTED House Amendment "G" (H-1133) to Committee Amendment "A" (H-1126)**, 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 have often been accused by the good Representative from Bridgton, Representative Waterhouse, for being too liberal. Once again, my soft heart came through on this amendment. Much like his amendment that would have brought the state back to the budget passed by the 117th Legislature with an increase based on what inflation was. Mine does that, but it also tacks on an extra 10 percent above and beyond inflation. I think that is a pretty good rate of growth for government, even higher than the rate of inflation. It caps spending at that point for this budget. What that would do is it would also put \$20 million back into education. We actually would be giving more money to the school districts that are losing money and it would put \$300 million aside to create tax relief, real tax relief for Maine's citizens. I guess we are pretty proud of our title as being number one in taxes and now we have no states left to compete with. I guess the next thing to do is to compete with the provinces of Canada. I hear the Yukon has pretty low taxes, maybe we can go after them. We need to do something about the problems of our spending. That is the problem. We spend too much money, that is why our taxes are so high. I eat too much, that is why I am overweight. It is not a gland thing. We take in too much money and spend it and that is why our budget is bloated.

I am tired of young people, my age, leaving the state. I am tired of it, my friends leaving or opportunities. I am tired of the boards that I serve on having senior citizens with money leave the state. I don't want to be in Maine. We are one of the fifth worse, the heck that we are called by web sites. It is called the opposite of heaven for the senior citizens to retire in. I am tired of that. What I am most tired and saddened by are people that I talked to when I went door to door. There was one 83 year old woman in tears telling me that she got this house that she lived in. She bought it with her husband and she was so proud of the day they paid off their mortgage and it was their house. She showed me that. She showed me her tax bill. She pays more in property taxes every single year than what she paid to buy the house. Who can plan for that kind of a retirement? Are you going to be able to pay? What do houses go for? Maybe \$120,000 a year in property taxes if we continue at this same rate that these people have to deal with. I am tired of this. These are the people that elected us. They don't deserve to be punished just because they voted for us. I ask you to stop the spending.

Representative BERRY of Livermore moved that **House Amendment "G" (H-1133) to Committee Amendment "A" (H-1126) 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 think in my opinion that this is complicated enough to require the review of the Taxation Committee or at least a public hearing. Further comments would say that that same person that maybe is struggling with their property taxes also are reliant on home-care services or other state services, which people who cannot pay their taxes sometimes desperately need. I would ask you to support the Indefinite Postponement. Thank you.

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-1133) to Committee Amendment "A" (H-1126)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "G" (H-1133) to Committee Amendment "A" (H-1126). All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 696**

**YEA** - Andrews, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Clark, Colwell, Cowger, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Murphy E, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Mr. Speaker.

**NAY** - Annis, Berry DP, Bowles, Bruno, Buck, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, McDonough, McKenney, Mendros, Michael, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Waterhouse, Winsor, Young.

**ABSENT** - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Treadwell.

Yes, 89; No, 49; Absent, 10; Excused, 0.

89 having voted in the affirmative and 49 voted in the negative, with 10 being absent, and accordingly **House Amendment "G" (H-1133) to Committee Amendment "A" (H-1126) was INDEFINITELY POSTPONED**.

Representative SAXL of Portland moved that the House **CONCUR**.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. We are almost done. I think a review of how we got into the position that we are in right now is in order. I think you need to go back to March 2001 when we were grappling with a biennial budget that we thought we had a two-thirds agreement on. That fell apart in the Senate. We realized as we went along that that budget that we had an agreement on raised taxes, increased spending beyond what the tax increase was and left us with a \$300 million deficit before it was enacted. It passed with a majority budget and the Chief Executive signed it. Many of us warned you that that budget spent too much money. We said in March 2001 that you are raising taxes and you are spending too much money, but it passed anyway.

We came back in January after the economy really slowed down in April 2001 and revenues started declining in the State of Maine. All of a sudden we miraculously found, the Revenue Forecasting Commission found, \$90 million, how fortuitous. We didn't have to make any cuts. It didn't cause us any pain because somehow \$90 million fell out of the air and we all said that this is a great supplemental budget. It passed by two-thirds. We go home and guess what? Now we have a major problem. That \$90 million that fell out of the air all of a sudden got evaporated back up in the air. We had a major budget problem and that is what got us to this point. Let's talk about real world

and let's talk about responsibility. This budget as crafted doesn't really cause a whole lot of pain. Seventy-five percent of this budget is one-time gimmicks, one-time surplus accounts. If you were here in the early '90s at least we left some money in the bank. This doesn't do anything. This takes every last dime you have. You also passed a \$250 million tax anticipation note that hasn't been done in the state's history before. You still have a negative cash flow problem and this budget doesn't even come close to addressing that fact.

Say what you want about how painful this is, but, ladies and gentlemen, the next Legislature has a billion dollar problem and more and growing because this budget doesn't slow anything down. How are we going to fix the next one?

I received a call from the next Chief Executive, Governor-elect Baldacci. He called me and he said, "Joe, we have to work together to solve the problem." I was really hoping that we could do it on this budget. We need to put fixes in place now. We had two areas of disagreement and we couldn't even reach a compromise on two areas. You would have had your two-thirds budget. You would have been there. All of a sudden we were told that you are in the minority and we will just pass the majority budget. That is unfortunate, not only for us as a Legislature, but it is unfortunate for the people of Maine.

In the 118th Legislature when the majority budget became the way to go in this body, we have ruined the State of Maine. You don't arrive at compromises. Everybody has to agree to a compromise. Everybody gives up a little in a compromise. Go ahead. I understand the numbers. I have been told many times what the numbers are. I have been reminded many times that you are in the minority. That is okay. I am going into my fifth term now and I have been in the minority all five of them. You know what, I am telling you that I will work with you in the 121st Legislature, but the fact of the matter is this current budget doesn't solve a whole lot. I am disappointed that we couldn't reach a compromise. I think my caucus is very disappointed that we couldn't do it over two issues. We will look at the green lights and the red lights and it will come out to 81-58. That seems to be the theme tonight. That is unfortunate. Hopefully we can work better in the next Legislature. We still have a \$60 million problem facing us in this current year. By June '03 you still have another \$60 million to deal with. I don't know how you are going to do it. This thing doesn't do anything. There is no more money. There is no more pot of gold somewhere that you can just go in and grab. Let's look forward to the 121st. We have some major problems ahead of us. You have my commitment to work with you. You can continue to remind me that I am in the minority or you can reach your hand out and say, let's work on this together. Thank you Mr. Speaker.

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

Representative COLWELL: Mr. Speaker, Men and Women of the House. I certainly want to take this opportunity to take my good friend the Representative from Raymond, Representative Bruno, up on his offer to work together in the 121st Legislature. I mean that very sincerely. The answer to the question, how are we going to fix the next one, is clearly together. I believe that. I believe that my good friend from Raymond believes that. I also just want to back up a little bit about what we have seen here tonight. It does show the tremendous difficulty and the very divergence opinions, the great diversity amongst all the people of the State of Maine as shown by this wonderful body. Each and every one of us is duly elected and we are here to serve the people who sent us here. I treat that very seriously. I respect that. I certainly don't think that, at least not in this corner, is it about in any way, trying to disadvantage the minority. It is about

balancing the budget. We have seen amendments tonight that would have cut state spending by \$484 million with proportionate cuts. I guess that would mean roughly a \$240 million cut to education, because that is roughly 50 percent of this budget.

We have seen amendments that would have added \$10 million or \$8 million back to GPA. Every one of us wanted to do that. The difference and the problem is we do have to balance this budget as the good chair of Appropriations said. We can't run deficits. The simple fact is we have doubled the state commitment to GPA. The simple fact is we did cut spending in the last budget. We came up with over \$200 million. We are talking about tonight doing exactly what we are sent here to do, fulfill our constitutional obligation to balance this budget, right now, with the official numbers that are given to us by the Consensus Economic Forecasting Commission. I am frustrated by the economists too. The day after or the week after we adjourned and someone found that piece of paper wherever it was hidden and said, oh by the way, you are \$90 million short. I am frustrated with that. We did pass that budget in a bipartisan way. You know, it was a good faith effort. The Republicans did it. The Democrats did it. We did it together. The economists were wrong. You know, I don't have a lot of faith in them anyway, but we have to work with the numbers that they give us. That is the way it works here. We are working with those numbers here tonight. The number is \$240 million. That is the problem that we have to deal with in this budget. I want to thank the Appropriations Committee for all the work that they have done in finding the \$240 million. I think as we saw in this debate earlier that there are cuts to education, social services and state employees. Maybe some people wanted more and maybe some people wanted less, but the fact is this budget is balanced. It is balanced tonight. I think we owe it to the people of the State of Maine to get this job done for them and for us and for this institution. I do welcome the opportunity to work with each and every member of this chamber in the upcoming session to deal with whatever challenges we have and to do it in a spirit of comedy and a spirit of dignity that uphold the traditions of this body. 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. As I stated earlier, the Appropriations Committee has been in and working hard. In response to previous comments, I would say that my intentions were to pass a two-thirds budget until last Friday afternoon at 4:00 when the members of the other minority report stated that they weren't interested. I was a member of the Appropriations Committee in the 118th Legislature when we did the majority budgets and I know when I was appointed the chair by the present Speaker in this Legislature I committed to doing everything I could not to go down that path. I think our committee has worked well together. Although we have disagreed, we have been respectful of each other and we have presented our differences. This discouraging minority report is discouraging to me. With the comments criticizing the majority report, but the minority report is Ought Not to Pass. It does not present a balanced budget. It does not address the needs in any way of the current situation. It leaves it to the Democrats and the Independent member of the Senate to come forward and expect to have the support of the Executive to deal with this situation.

We have passed balanced budgets and the revenue we have, a system of non-partisan experts that forecast the revenues. They took it out of the Governor's Office to present the numbers that are necessary. I think that is still the responsible way. I think they have done the best they can. You can look across the nation and look at the numbers. I think I should have presented

an amendment that would have legalized casinos and outlawed the stock market. I think the Americans and the people of Maine have been let down by those with the money in corporate America that have made the decisions based on greed and fear that they have. The working people that have invested in 401Ks and believing that they are going to benefit from an economy and that they support American industry, the industry that takes their money and runs overseas or takes their money and is buying gold faucets for their executive suits. I know some of you will think that I am reaching on this, but I am discouraged that the State of Maine is impacted by those decisions, by an economy based on greed and fear.

I am not happy about having to come back and do this budget in this way. I think the members of our committee stepped forward on almost all of these pieces in a bipartisan way, an honest way. The better proposal was the delay that was proposed in the Governor's package. He did not do that lightly. The effort of some in this building to use this as a way to reduce property taxes in other areas without the necessary public hearings, such a complicated package, or the public input from municipalities and how they might be affected. I think it was unreasonable to expect that. The people that had made that demand made no effort to present a real proposal. The Appropriations Committee met for a whole week of public hearings. We met for a whole week of report back to the committees and we had work sessions. We met with leadership. They said there was no point in the Appropriations Committee continuing to meet unless there is agreement on BETR. We still had concerns. We had time to work out some of the concerns on the hospital proposal. I am not happy with where we ended up, but that is where we ended up.

I will support the package, Committee Amendment "A", as a means to have a balanced budget. There are items in this budget that are new spending from the previous Legislature. It is Drugs for the Elderly. In this budget it takes that money one time, but if this waiver is approved you will see from the Fiscal Office in their structural gap that there will be a savings of \$45 million from this program if it is approved. Some of these investments that we have made will be extremely helpful to Maine citizens and a budgetary savings. I think I have said enough. I do thank the Appropriations Committee for their hard work in coming in in the fall and sacrificing their own time and doing the best that they can. I hope you will support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

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

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. To anyone who can answer, this budget proposal that we have before us now should by a strange twist of faith not pass, what would be the next procedure? Would it mean that we would go back to more hearings, more suggestions on ways to balance the budget or looking at different ways of reaching that goal? What would be the next step?

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I appreciate the Representative's question, because I did want to point out that by not passing this budget, we leave it for the 121st Legislature. They will start with a possible five members of the Appropriations that may return if the two members added switch bodies and are able to be reappointed to

the committee. They will be necessary to organize that committee and to learn how the budget documents work. By leaving this with an Ought Not to Pass, I believe leaves us in a terrible position for the next Legislature. I don't know what more this Legislature can do. The Constitution does require us to pass a balanced budget. The Executive has called us into Special Session and I believe we are hereby required to balance the budget. I hope that is enough. I don't know exactly what will happen. I am ready to go home after this. I put everything I can into this and hope you will help us get out of here. Thank you.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to correct or attempt to correct a misunderstanding that the House Chair of Appropriations has in terms of why we are here today. I don't believe we are here today because of the perceived greed of corporate America. We are here because the people in this room and the other body over the last eight years have spent more than we have taken in. It has absolutely nothing to do with the perceived greed of corporate America.

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

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. First, I want to apologize for standing while my friend Representative Berry of Livermore was talking. I thought you had finished. I apologize to you for that.

I would like to respond a little bit to Representative Stedman's request for information. My personal belief is that if this fails nothing changes, the bill itself has the emergency preamble stripped. It is not going to come into affect until the next Legislature is seated and so on. The majority of the items in this budget are just simply transfers and recognizing the monetary value of the curtailments and the things that I think that are particularly objectionable are the things that I would hope that we could with the force of a rejection from this body, it would force both the Republicans and the Democrats from the committee to renew their efforts to come to some sort of satisfactory conclusion.

While I am here, I would just like to tell you that I cannot vote for this bill because regardless of what my chair says, you can put all sorts of lipstick on this, but I think this is a turkey and I think so for several reasons. One, it does not face the real problem that our state government has and that is that it has grown too expensive to sustain with our current gross product. If we want to spend more money, we have to grow our economy. It is in my view a quick fix for today's problem. Because it fails to make substantial programs in the way we deliver services, it will make future solutions to our looming budget even more difficult and the reductions more painful. The reason we have a budget problem today is quite simple. People are not earning the money that they were expected to earn that we originally put together our documents. In addition to that, we have appropriated over the last three years \$300 million more than the revenue we anticipated receiving on ongoing programs. If we had spent that money in one-time programs, I don't think we would be having the difficulties that we have today.

You cannot spend more than you make for long, nor can your government do. Spending in excess of known revenue has caused Maine's financial problems. It is as simple as that. The plan to change the BETR Program, which is a substantial part of this document will send, in my view, the wrong message to the investment community inside and outside of Maine. It will reinforce the belief that Maine's government is unfriendly to investments and cannot be trusted to keep its word. It will shake

corporate America, the very people that my chair is saying are greedy. They work in ways that they want more than anything, which is consistency and predictability in government policies having to do with tax and regulatory matters. If it is a good thing to have the business community invest in new production and equipment here in Maine, then I think we are sending the wrong message and the effect in the future of our action today will be to depress their investment in our economy. That is not a good thing.

Regardless of our spending problems, we cannot expect the economy to grow in Maine if our regulatory and tax policy are out of line with our neighboring states and provinces. We cannot expect it to grow. I listened to every candidate running for major office in the state and every single one of them said that growing our economy is the major goal for their administration.

The bill does raise taxes. It raises taxes by delaying an accelerated depreciation program that was part of the federal tax code. It assesses a new tax on hospitals. It assesses a new tax on nursing homes and residential treatment facilities. The last two groups on this bill are taxed with a hope that the federal government will allow the tax to be a cost reimbursable under the Medicaid Program. We use a significant amount of this anticipated money to increase spending in some areas of these programs. However, this increased dependency on federal programs will cause an even greater problem for the State of Maine should the federal government reject the match program in the future. Those of you who were around in the early '90s would remember how difficult it was to make up that \$200 or \$300 million tax that we had grown used to.

It is unfortunate, but this budget does not face the problem of a government that is too expensive to sustain. Again, the reason that we have a problem today, in my view, is that we have, in fact, appropriated over \$300 million more in spending than we have anticipated in revenue. We have a \$1.2 billion problem to cure in the next budget cycle. I think we are sending exactly the wrong message to the very people that we want to invest in our state and our communities by changing the tax code in this way. Mr. Speaker, I thank you very much.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. In preparing to come here today, I did a little bit of research to find that among the states in this nation our budget deficit pales in comparison to most. There are 44 states, as I understand it, that have budget deficits and 30 of which have worse deficits than we do. What do we do? We set the Appropriations Committee out to make sure that they took care of this \$240 million budget deficit. The cuts they made are surgical. There is not question about that. This is a budget that is lean, but not mean to the people of the State of Maine. It is true that next year we, who are coming back, will have to face a large budget deficit and we will, together, deal with that issue. We shouldn't belabor what we are doing here. This is \$240 million in cuts and we have made those cuts. The Governor proposed the package. We had a public hearing and now, thank God, we are at a point where we can vote on something, which the Maine people have waited for for some time. I understand, and if I am wrong I am sure I will be told so, but if we don't pass this budget today, the Governor will be forced by the terms of the Constitution to cut funding for education and health care through the use of his curtailment powers. We, the Legislature, will have little or no impact when that occurs. I am not prepared to do that. I am not prepared to allow the Chief Executive to cut this budget through curtailments when we have the right and the obligation to do so. I will ask you to please support the pending motion because we

have invested in the past in education. We have provided tax cuts and we need tax reform and we will get to that business. First we need to address this \$240 million shortfall. We can do so tonight and go home, get rested and come back. Thank you.

Representative MURPHY of Kennebec **REQUESTED** a roll call on the motion to **CONCUR**.

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 Kennebec, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This is the first time in my life that I have ever walked away from a job that isn't finished. It bothers me. Almost two years ago we had taken an oath to uphold the Constitution. I felt it went further than that. We had an obligation to complete our work to make things whole. What I see is that when we leave here either later this evening or tomorrow morning, we will be leaving a billion dollar mess. That is not the mess for the next Legislature, that is our mess. That happened on our watch. What we did was we advocated our responsibility. We overspent. No one should be surprised because the fiscal notes told us the scope of the shortfall, three times the amount of any other shortfall ever approved. We knew what we were doing. If it was a credit card, we maxed out and we went to other credit cards and we maxed them out. What concerns me as a coequal branch of government is we let the Chief Executive decide the route that we were going to go. The route that we decided to go was right back to the early 1990s. There are things in this budget, BETR, that by pushing the BETR into another fiscal year that at some point in the future you will have to find \$50 million new money to bring it back to where it was before this bill began to move through.

We let the Chief Executive bring forth a budget proposal that put the pain out into all the areas of the state and insulated state government. It is my understanding other than the vacant positions, which traditionally have been the slush fund for every department, that there is a reduction of one state employee. In York County Mainers have lost their jobs and I am sure in every one of your counties and your communities. Businesses are shutting down, our constituents are losing their jobs. When they ask us what we are going to do to control the spending, our answer is we have put a cocoon or a bubble around state government and it is immune from what is happening out there. The Chief Executive came to us and said that state government, which for eight years have had layer after layer after layer of programs, almost like an 11-tier cake built up, was a sacred cow and it could not be touched. When you go through all these summaries, health care providers, hospitals, schools and Maine businesses, that is where the pain is. It is not within state government.

My greatest frustration is that the committees and the members of the House and Senate, all of us who created the mess, should have been here in July and August. It would not have impacted anyone's election. Those policy committees that understood those departments and knew the way to get back into those departments and meet with the commissioners and say, we have to set priorities here. How are we going to go in to these 15 or 16 programs and find the savings? We didn't meet in July and August. We let the Chief Executive carry the water and it was the same old gimmicks of the early 1990s. I am frustrated.

It is the first time that I have never completed a job. I see a horrendous mess. The state of one million people has a billion dollar shortfall, twenty-two percent of its budget when we return is unfunded. We are walking away tonight or this morning and we are saying it is okay. I, we, made the mess, but we didn't want to

take the time or the courage to solve our problem. In an hour or two from now, we will leave and we will congratulate ourselves. The job was not done. We have walked away from our responsibilities and we left those responsibilities to the next Legislature. I don't feel very good this evening.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. I am getting frustrated myself. I have looked all over my desk and I have heard a lot of bla, bla, bla about overspending and who is doing it. I looked all over my desk and I can't find any other budget. Where is the budget that is going to fix it that we are all talking about? There is one budget here that sets us up to do our constitutional duty and balances the budget. It is here in front of us. I would ask my colleagues to go ahead and vote for it. Thank you.

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

Representative **MAILHOT**: Mr. Speaker, Ladies and Gentlemen of the House. When the Representative from Kennebunk says that we didn't have the courage to do our job here, I hope he meant his side of the aisle. I ask you tonight to solve a problem that you can all do by giving us a two-thirds vote on this budget so that it becomes law immediately instead of 90 days. I certainly hope that you have the courage to do your job. Thank you Mr. Speaker.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. And now the political rhetoric starts. First of all, let me address the good Representative from Brunswick who said we made \$240 million in cuts. Obviously if you know how to read the budget, there are \$57 million in cuts and \$172 million in fund transfers. That is a big difference. The Governor does not have a responsibility to curtail if we do not pass this budget. He is only doing it because he feels he is responsible for doing it. He doesn't have to do it. There are a couple of things there.

As I said earlier tonight, I was reminded many times that you are in the minority and we will just pass a majority budget. Why don't you have our alternative plan in front of you? We didn't want to waste state resources. We can count. We can read budgets. If you have to sit there and tell me you are in the minority and we just have to pass the majority budget and the Chief Executive said that he will just negotiate with the Democrats, why would we waste our time? We negotiated during the Appropriations Committee. You knew where we were. Frankly, at the last minute you really didn't care. As soon as the Chief Executive said that he was going with you, everything moved away, just like that majority budget in the 120th first session, just like the majority budget in the 118th Legislature. As soon as the Chief Executive went to your side, you said adios, see you later. We can point fingers, but we didn't pass the last biennial budget. We voted against it. If you want to take the credit for passing that, then take the credit for causing a billion dollar shortfall. I am not blaming you for it. I am blaming the Maine economy and I am blaming a lot of spending policies that were not very smart.

This is not how we should be going away tonight. If you want to keep reminding me that I am in the minority, go right ahead. I am not going to just sit here and listen to your rhetoric. Thank you Mr. Speaker.

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

Representative **MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House. I have seen two budgets offered by

people on this side of the aisle that didn't seem to have very many takers. One by the gentleman from Bridgton, Representative Waterhouse, and one by the gentleman from Lewiston, Representative Mendros. Both those budgets, from what I understand, did not increase taxes, contrary to the budgets being offered on the other side of the aisle and both Representative Mendros and Representative Waterhouse's budgets were in the spirit of the promises made by the new Chief Executive elect. It is something, also, that I do not see paralleled by the budgets on the other side of the aisle.

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

**ROLL CALL NO. 697**

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

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

ABSENT - Chick, Cummings, Landry, Lovett, McNeil, Mitchell, Morrison, Perry, Quint, Tracy, Treadwell.

Yes, 78; No, 59; Absent, 11; Excused, 0.

78 having voted in the affirmative and 59 voted in the negative, with 11 being absent, and accordingly the House voted to **CONCUR**.

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

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At this point, the Speaker recognized the Representative from Auburn, Representative Michael; the Representative from Embden, Representative McGlocklin and the Representative from Vassalboro, Representative Mitchell and they were added to the quorum call of the First Special Session of the 120th Legislature.

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**ORDERS**

On motion of Representative COLWELL of Gardiner, the following House Order: (H.O. 50)

WHEREAS, Michael V. Saxl of Portland has served the people of his district and the State of Maine for 8 years as a member of the Maine House of Representatives; and

WHEREAS, since being elected to the Maine House of Representatives, Michael V. Saxl has worked to ensure access to health care for all Maine people through his commitment to the Elderly Low Cost Drug Program, the Cub Care Program, the