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

ROLL CALL NO. 485

YEA - Annis, Ash, Baker, Belanger, Berry DP, Bliss, Bouffard, Bowles, Brannigan, Bruno, Bryant, Buck, Bumps, Bunker, Canavan, Carr, Chick, Clark, Clough, Collins, Colwell, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Haskell, Hatch, Hawes, Heidrich, Hutton, Jodrey, Jones, Kane, Koffman, Labrecque, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Berry RL, Bull, Chase, Cressey, Duprey, Hall, Kasprzak, McDonough, Mitchell, Muse C, Pinkham, Waterhouse.

ABSENT - Andrews, Bagley, Blanchette, Brooks, Chizmar, Cote, Cowger, Honey, Jacobs, Landry, LaVerdiere, Lovett, Mayo, Morrison, Savage, Watson, Weston.

Yes, 122; No, 12; Absent, 17; Excused, 0.

122 having voted in the affirmative and 12 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-791) as Amended by House Amendment "A" (H-809)** thereto and sent for concurrence.

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

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-419) - Committee on TRANSPORTATION on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow for Loans to be Repaid With Federal Transportation Funds

(S.P. 705) (L.D. 1907)

TABLED - February 19, 2002 (Till Later Today) by Representative FISHER of Brewer.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I have opened my copy of the Maine Constitution to Article 14 so many times that the binding has broken. It is falling out of the book. That is because I have seen numerous assaults on the provisions contained therein. I will thank the Transportation Committee for bringing this proposal through the front door. It is very refreshing to see this up front and done properly. However, I hope, ladies and gentlemen of the House, that you will close that front door on this proposal. When I first saw this proposal, I thought it was Government Facilities Authority like. However, that is not the case. I understand the intent behind the measure. The argument that it will save money is a compelling one. However, the dangers I see in its adoption

outweigh, in my opinion, any gain in expediency or cost savings that are hoped to be achieved. Where will it stop? If this agency, why not others? A case certainly can be made for saving money through adoption of these provisions through other agencies. Our Constitution has few provisions or limitations on the state's appetite to borrow and spend. I am not one to support measures to weaken those provisions. The provisions found in Article 9, Section 14, are there to act as a firewall, if you will, between the state's ability to borrow and spend and the citizen's right to affirm or negate it. Let us maintain that firewall in tact. I ask you to vote against this measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. First my appreciations to the good Representative from Bridgton, the Transportation is among many things, but an honorable group that always goes through the front door. As you all know, Maine has a very short construction season. It becomes very important for us to be able to hit the ground running very early in the season if we are going to get our jobs done. Sometimes the federal dollars that we need to complete these projects don't come in in a timely fashion. This bill simply gives the department the ability to bond, very similar to what all of our communities do, with revenue anticipation bonds. They are up to 50 percent of the revenue that is going to be sent by the federal government. The revenue has to be paid back in 12 months. It is not a long-term loan. It enables us. It enables the department to do the job that we need to have done to keep our roads and our bridges in good shape. I hope you will follow the unanimous committee report. We did not take this lightly. We understand the questions that some of the folks in this body have about it. We think this is the responsible way to handle our problems. Thank you.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. As with other borrowing proposals, I am urging that you defeat this proposal solely on the basis that the State of Maine is borrowing too much money in too many creative ways. This certainly fits that bill, in my opinion. Don't think for an instant that this is where it is going to end. There was a recent article in *Governing* that indicated that some states are now borrowing in anticipation of funding from HUD to build housing for poor people. Is every piece of federal money, are we going to borrow in anticipation of that? We get about \$100 million every two years in education funding. God knows we could use that up front. We don't have enough money to do anything and certainly not everything. Are we going to borrow in anticipation of doing everything or anything? Please vote against this.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. From time to time our colleagues accuse us, on the Transportation Committee, of being a rubber stamp for the DOT. I can assure you that that is not the case and it certainly is not the case in this issue before us today. We worked very hard to make sure that the language on this Constitutional Amendment tied their hands very tightly so that a future DOT commissioner could not abuse this borrowing provision. I share Representative Nass' concern about our level of borrowing. This particular provision allows DOT to only borrow 50 percent of the highway funds that they had received in the previous year and they have to pay it back within 12 months. It is a very short-term borrowing arrangement.

Those of you who are in business probably recognize the term, line of credit. It is nothing more than a line of credit for the Department of Transportation to be able to smooth over the rough spots in their construction projects. This is primarily for projects that would last multi-years, several years, where they might have to start and stop a project because the incoming funding is not there. Their line of credit, in this case, GAN as they call it, Grant Anticipation Note, would smooth over those rough spots. One of the things that comes to mind is the 302 project that is going to be a multi-year project that will have to fund from several fiscal years. The other one that comes to mind is down in Biddeford at the five points project. Those are major projects. They may not be able to bring these in on time and efficiently without this kind of a tool. I urge you to vote with me and vote for this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. My first question is, how many other states presently do this practice? Have we checked with the Treasurer of the State of Maine about the long-term financial implications for us doing this?

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

Representative FISHER: Mr. Speaker, Ladies and Gentlemen of the House. I wish I could give an accurate accounting to the good Representative from Sanford. I believe it is 11 states are using this now. As to the second question, I don't know.

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

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. I, too, appreciate the Transportation Committee coming through it this way, the appropriate way, to amend the Constitution. I just don't agree that this is the most important issue going and that this is good reason to amend the Constitution. It seems to me that the purpose is for us to spend money that we don't have in our pocket more quickly. As to the seasons that we have, the amount of time that we have to improve roads in this state, it seems it is the same state and we have had the same seasons all these years, so I don't know what the difference is there except that maybe they are a little longer because of supposed global warming.

To address the fact that there may be 11 other states that do this presently, because 11 other states are foolish enough to get into deeper debt, I don't believe is a good reason for us to follow. If the whole country follows this pattern, I don't believe it is a good pattern to follow. I would urge you to vote against this committee report and I would request a roll call.

Representative KASPRZAK of Newport REQUESTED a roll call on the motion to ACCEPT the Ought to Pass as Amended Report.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative TRAHAN: Mr. Speaker, Ladies and Gentlemen of the House. To anyone in the chamber that would like to answer, it seems that a session ago we passed a sizable bond issue to try to reduce the debt load within the Department of Transportation. Would this increase and be contradictory to that bond that we just passed? Thank you.

The SPEAKER: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House. The answer to that would be no. We are getting off the subject. We all stay in this body and we talk about good management and best business practice. Why don't we do things more like they do on the outside and run this government like a business? Ladies and gentlemen, this bill right here is exactly that. We are asking the people out there to allow DOT to run their shop like a business so that we can efficiently take bids, do construction, get the people out in the field to do the right-aways, to do the planning, to get that environmental stuff done in anticipation that that money is coming and then we start talking about this crazy stuff about seasons. We can do much of this work at various times during the year in anticipation that that money is coming. We are only talking about 50 percent of the project money so it is very, very conservative in nature, but allows us to make our business in DOT efficient like the business that we all like to look to out in the private sector. This has nothing to do with going in debt greater and going into a greater deficit and all those kinds of things. We are not borrowing to do get into debt further to do a project where all we are doing is asking for the ability to act like our municipalities, collect the money, get the project on the road and then repay it in an efficient way. I think it is good business sense and I ask all of you to support it.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote for this bill. It is good business. It is expedient and it gets our roads fixed and gets them fixed now. I beg you to pass this bill.

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

ROLL CALL NO. 486

YEA - Annis, Ash, Baker, Berry DP, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Clark, Collins, Colwell, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jodrey, Jones, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Schneider, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Twomey, Usher, Volenik, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Belanger, Bowles, Buck, Carr, Chase, Clough, Cresse, Duprey, Foster, Glynn, Goodwin, Haskell, Kasprzak, Labrecque, MacDougall, Mendros, Michael, Murphy T, Nass,

O'Brien JA, Perkins, Pinkham, Rosen, Shields, Snowe-Mello, Stedman, Trahan, Treadwell, Tuttle, Waterhouse, Winsor.

ABSENT - Andrews, Bagley, Blanchette, Chizmar, Cote, Cowger, Dugay, Fuller, Honey, Jacobs, Landry, LaVerdiere, Lovett, Mayo, McGowan, Morrison, Savage, Watson, Weston.

Yes, 101; No, 31; Absent, 19; Excused, 0.

101 having voted in the affirmative and 31 voted in the negative, with 19 being absent, and accordingly the **Ought to Pass as Amended Report was ACCEPTED.**

The Resolution was **READ ONCE. Committee Amendment "A" (S-419) was READ** by the Clerk.

Representative FISHER of Brewer **PRESENTED House Amendment "A" (H-842) to Committee Amendment "A" (S-419)**, which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-419) as Amended by House Amendment "A" (H-842) thereto was ADOPTED.

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

Under further suspension of the rules the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-419) as Amended by House Amendment "A" (H-842) thereto in NON-CONCURRENCE** and sent for concurrence.

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

The **SPEAKER:** The Chair recognizes the Representative from Bangor, Representative Norton who wishes to address the House on the record.

Representative **NORTON:** Mr. Speaker, Ladies and Gentlemen of the House. In reference to roll calls 475 through 480, that would be LD 1953, 1118, 1868, 2017, 1516 and 2043, if I had been present, I would have voted yea on all of those.

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

SENATE PAPERS

Bill "An Act to Implement the Recommendations of the Workers' Compensation Board Governance Study" (S.P. 789) (L.D. 2133)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** in concurrence.

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

On motion of Representative SULLIVAN of Biddeford, the House adjourned at 12:30 p.m., until 9:30 a.m., Wednesday, February 27, 2002.