

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME V**

**SECOND REGULAR SESSION**

**House of Representatives**  
January 5, 1994 to April 14, 1994

roll call today.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 365

ROLL CALL NO. 364

YEA - Adams, Ahearne, Bailey, H.; Beam, Bowers, Brennan, Carleton, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heesch, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Lindahl, Lipman, Marshall, Martin, J.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pinette, Plourde, Plowman, Poulin, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Spear, Stevens, K.; Strout, Sullivan, Tracy, Treat, Tufts, Vigue, Wentworth, Whitcomb, Young, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Barth, Bennett, Birney, Bruno, Campbell, Clukey, Cross, Dexter, Donnelly, Farren, Foss, Greenlaw, Joy, Kerr, Kneeland, Libby James, Lord, MacBride, Marsh, Michael, Nickerson, Ott, Pendexter, Pouliot, Reed, G.; Robichaud, Ruhlin, Stevens, A.; Tardy, Taylor, Townsend, E.; True, Walker, Zirnkilton.

ABSENT - Aliberti, Cameron, Caron, Cashman, Driscoll, Hillock, Jalbert, Kutasi, Look, Martin, H.; Murphy, Nash, Pineau, Simonds, Small, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 93; No, 38; Absent, 20; Paired, 0; Excused, 0. 93 having voted in the affirmative and 38 in the negative, with 20 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

YEA - Adams, Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Beam, Bennett, Birney, Bowers, Brennan, Bruno, Campbell, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clukey, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Hale, Hatch, Heesch, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Joy, Kerr, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Mitchell, E.; Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pinette, Plourde, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simoneau, Skoglund, Spear, Stevens, A.; Stevens, K.; Strout, Tardy, Taylor, Townsend, E.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Young, The Speaker.

NAY - Carleton.

ABSENT - Aliberti, Barth, Cameron, Caron, Cashman, Clement, Cloutier, Driscoll, Faircloth, Gould, R. A.; Hillock, Jalbert, Ketterer, Kilkelly, Kutasi, Look, Martin, H.; Michael, Michaud, Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Pendleton, Pineau, Plowman, Reed, G.; Simonds, Small, Sullivan, Swazey, Thompson, Townsend, G.; Townsend, L.; Whitcomb, Winn, Zirnkilton.

Yes, 112; No, 1; Absent, 38; Paired, 0; Excused, 0. 112 having voted in the affirmative and 1 voted in the negative, with 38 being absent, a two-thirds vote of all the members elected to the House being necessary, accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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 Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 1306) (L.D. 1761) (Governor's Bill) which was passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101) and "F" (H-1102) thereto in the House on April 11, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by Senate Amendments "H" (S-627), "I" (S-628), "K" (S-648), "M" (S-659) and "N" (S-663) thereto in non-concurrence.

On motion of Representative COFFMAN of Old Town, the House voted to Recede.

The same Representative presented House Amendment "H" (H-1121) to Committee Amendment "A" (H-1081) which was read by the Clerk.

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

ENACTORS

Emergency Measure

An Act Regarding State Government Evaluation and Justification (H.P. 1485) (L.D. 2011) (H. "A" H-1122)

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

Representative GWADOSKY of Fairfield requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: As you recall, I presented this amendment before. This is asking for a \$200,000 appropriation to the Veterans Financial Assistance Fund. You all recall the explanation I gave on that the other day and you are familiar with the fund. I am sure you have probably been spoken to by members of the different veterans groups that have been here asking for this.

The problem that I ran into originally, when I presented it, was that I didn't have anywhere for the money to come from. So, I went on a quest looking for that \$200,000. I had it yesterday from a bill that was on the Governor's desk that wasn't figured in the budget, exactly \$200,000 but, when we adjourned at ten o'clock the Senate was still in, until eleven — and they stole my money. Excuse the expression — they appropriated that \$200,000.

So, I came back this morning and the good Representative from the Appropriations Committee, Representative Chonko, tipped me off to this and I went on another quest looking for another \$200,000.

I spoke with Sam Shapiro, this morning in Florida — he said he is having a great time down there but, he assured me he was there on business and not on pleasure, meeting with the executives of News Week. The reason I called him is I understood that there was a debt service fund that when we have bond issues and the monies are waiting to be given out, interest secures on those monies and right now there is a \$300,000 surplus there. That is free money, so to speak. It is nothing that was figured into the budget, it is just extra. That is where we found this \$200,000 from. So I would ask that you consider this amendment and to appropriate this \$200,000 from this surplus and knowing full well that it goes to a very good and very needy cause. I spoke about that before and I will spare you that now at this late hour.

I would appreciate your consideration on this matter.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I applaud Representative Coffman's efforts and determination on coming up with the \$200,000. I am going to support this initiative and would urge everyone else to also.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "H" (H-1121). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative CLARK of Millinocket requested a roll call on adoption of House Amendment "H" (H-1121) to Committee Amendment "A" (H-1081).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: There is no such thing as free

money. I would like to read to you the fiscal note to this bill. It says, "Reducing the fiscal year 1993-94 appropriation to the debt service program may result in an emergency fiscal year 1994-95 request if this carrying account lacks sufficient resources to meet debt service expenses for that that fiscal year."

My personal opinion is that we ought not to be messing around with the amounts in a set-aside account without having a thorough examination of whether or not that particular account is going to be left short by an appropriation such as this at this late hour. This is the reason I oppose this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "H" (H-1121). Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 366

YEA - Ahearne, Anderson, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Campbell, Carr, Cathcart, Clark, Clement, Cloutier, Clukey, Coffman, Cote, Cross, Dexter, DiPietro, Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gean, Gould, R. A.; Gray, Greenlaw, Hatch, Heeschen, Heino, Hichborn, Hognlund, Hussey, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lord, Marshall, Martin, J.; Michael, Morrison, Nickerson, Norton, Pendleton, Pineau, Pinette, Plourde, Pouliot, Rand, Reed, W.; Ricker, Rotondi, Saxl, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Tardy, Tracy, True, Tufts, Vigue, Young, Zirnkilton.

NAY - Adams, Ault, Bowers, Brennan, Bruno, Carleton, Chase, Chonko, Coles, Constantine, Daggett, Donnelly, Dore, Foss, Holt, Jacques, Lindahl, Lipman, MacBride, Marsh, Melendy, Mitchell, E.; Mitchell, J.; O'Gara, Oliver, Ott, Paradis, P.; Pfeiffer, Plowman, Poulin, Reed, G.; Richardson, Robichaud, Rowe, Ruhlin, Rydell, Saint Onge, Taylor, Townsend, E.; Treat, Walker, Wentworth, Whitcomb, The Speaker.

ABSENT - Aikman, Aliberti, Cameron, Caron, Carroll, Cashman, Driscoll, Dutremble, L.; Gamache, Hale, Hillock, Jalbert, Kutasi, Look, Martin, H.; Michaud, Murphy, Nadeau, Nash, Pendexter, Simonds, Swazey, Thompson, Townsend, G.; Townsend, L.; Winn.

Yes, 81; No, 44; Absent, 26; Paired, 0; Excused, 0. 81 having voted in the affirmative and 44 in the negative, with 26 being absent, House Amendment "H" (H-1121) to Committee Amendment "A" (H-1081) was adopted.

Representative STROUT of Corinth moved that Senate Amendment "K" (S-648) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: It is kind of tough for me tonight to make this motion. But, I have to because I believe the amendment that I offered on Monday of this week, (and by the vote that we received in this body), that it was our priority that that was the way that we wanted to go.

Let me tell you that basically the difference between Senate Amendment "K" and the amendment that I offered the other day is that the way that this is set up (with that property tax relief program that the proposal that I put before you on Monday) would allow us to have a program in place that (I believe)

would give money back to the property tax payers of this state.

The amendment that I just moved the indefinite postponement — on yesterday I had partially agreed to go along with this proposal. But, when I arrived here this morning I found out that exactly what that amendment did was not what I wanted to do.

The two differences are that my proposal on Monday would put in place and be in competition with those other programs like the government's Contingency Fund, the FAME Loan Fund and the Quality Centers. I don't know how to say to you tonight that whether there is going to be sufficient funds available to put money back to municipalities if my amendment was to stay in place. But, somehow, I have got to believe that we are talking with various people and (people who seem to know what may happen in the months ahead) that in fact time will tell us that there was sufficient funds to do what we want to do with this program.

I honestly believe — and I have to tell you that all I am asking you to do is to set in place a law that we had in effect in 1989 that what in essence would say to the municipalities across this state that once the budget has been put in place; and all the monies are there and expended with the balance; that any surplus over and above that would go back to the municipalities on one-half of the one-half.

I am sure the Appropriations Committee understands that and today I have got a better idea in my mind what it does. I am not going to touch that Rainy Day Fund if the money is there.

Just to give you an example, if we should be lucky enough to see the economy turn around and there was \$8 million to \$10 million (over and above) if there was, (God love us if there is) one-half of that would go into the Rainy Day Fund and the municipalities would receive one-half of the other half.

I think tonight we ought to send a message with our budget to the municipalities that we are trying to do something for them. It may be only a little bit but I feel confident in my mind, having spoken with people who know (in the last 12 hours), that there is a very good possibility in the months ahead that there will be some funds go back to the municipalities.

I hope you will support me on this indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, I would pose a question through the Chair.

As we work through the budget and all the deliberations, it was clear to us that we had reached about all the revenue reprojections we were going to reach.

I would like to ask the previous speaker if he is aware of some new parts of money somewhere that we in the Appropriations Committee were unaware of that we may be able to tap at this point in the process or, if in fact this is just wishful thinking on his part?

The SPEAKER: Representative Carroll of Gray has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I will try to answer in the best way I can. I don't think that there is any of us that can really say if there are going to be extra funds

available down the road. I have reason to believe, and have had information given to me today that there is a possibility that there might be a little bit of money in that pot down the road. I don't know how much plainer to tell you that it is just possible that maybe some people want to use it for a different purpose, maybe different than what I wanted to. But, we have, I hope, when we put together a balanced budget — and if my amendment was to stay in place and, there just was a possibility that there was a little bit more money at the end of the rainbow, I would love nothing better than to see a little bit of this go back to the municipality.

To answer you, the way you would like to have me answer you tonight, I can't do as well as I would like to.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, I would pose a question through the Chair.

I am confused (at this late hour). Could anyone tell me if I am interpreting Senate Amendment "K" properly when I think that the property tax relief fund is being moved from one level of priority to a level of priority which is a lot lower, which would be addressed only after not only on appropriated surpluses but balances in various departments have been expended for various other purposes? If that question makes sense. There is some confusion here, it is not only with me.

The SPEAKER: Representative Chase of China has posed a question through the Chair to Representative Strout of Corinth who may respond if he so desires.

The Chair recognizes that Representative.

Representative STROUT: Mr. Speaker, Men and Women of the House: The answer to the question is exactly right, the priority in my amendment is higher than the amendment that I am asking to be indefinitely postponed.

The SPEAKER: The Chair will order a vote. The pending question is the motion of Representative Strout of Corinth that the House indefinitely postpone Senate Amendment "K" (S-648). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 98 voted in favor of the same and 9 against, subsequently, Senate Amendment "K" (S-648) was indefinitely postponed.

On motion of Representative PARADIS of Augusta, tabled pending passage to be engrossed as amended by Committee Amendment "A" (H-1081) as amended by House Amendments "D" (H-1100), "E" (H-1101), "F" (H-1102) and "H" (H-1112) and Senate Amendments "H" (S-627), "I" (S-628), "M" (S-659) and "N" (S-663) thereto and later today assigned.

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SENATE PAPERS

The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 13, 1994

Honorable Joseph W. Mayo  
Clerk of the House  
State House Station 2