

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
23rd Legislative Day
Tuesday, February 26, 1991

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father John Bellefontaine of Augusta (retired).

The Journal of Monday, February 25, 1991, was read and approved.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

February 25, 1991

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 464 of the Public Laws of 1989, I have today appointed Paul Rackliff, of South Thomaston, to represent volunteer firefighters on the State Emergency Response Commission. He will be replacing Eric Dunn who has resigned.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolve were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Agriculture

Bill "An Act to Repeal the Sunset Provision of Simulcasting Laws" (H.P. 582) (L.D. 833) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative HUSSEY of Milo, Senator TWITCHELL of Oxford and Senator VOSE of Washington)

Bill "An Act to Stabilize the Maine Dairy Industry" (EMERGENCY) (H.P. 598) (L.D. 849) (Presented by Representative TARDY of Palmyra) (Cosponsored by Senator BRANNIGAN of Cumberland, Representative LORD of Waterboro and Senator EMERSON

of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act Concerning Workers' Compensation Self-insurance" (H.P. 585) (L.D. 836) (Presented by Representative McHENRY of Madawaska)

Bill "An Act to Establish a Consumer Advocate for Insurance" (H.P. 596) (L.D. 847) (Presented by Representative RAND of Portland) (Cosponsored by Senator KANY of Kennebec, Representative PARADIS of Frenchville and Representative MITCHELL of Vassalboro)

Bill "An Act to Promote Choice for Bank Customers" (EMERGENCY) (H.P. 580) (L.D. 831) (Presented by Representative HOLT of Bath) (Cosponsored by Representative KILKELLY of Wiscasset, Representative RICHARDSON of Portland and Senator THERIAULT of Aroostook)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Require Voter Approval for Disposal of School Property" (H.P. 573) (L.D. 824) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Representative CROWLEY of Stockton Springs and Representative SKOGLUND of St. George)

Bill "An Act to Provide Full Pupil Subsidies for Home School Students" (H.P. 579) (L.D. 830) (Presented by Representative HANDY of Lewiston) (Cosponsored by Representative KILKELLY of Wiscasset, Representative PARADIS of Frenchville and Senator CLEVELAND of Androscoggin)

Bill "An Act to Ensure Early Intervention Services to Eligible Special Needs Children from Birth to Age 5" (H.P. 588) (L.D. 839) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Senator BRAWN of Knox, Representative CROWLEY of Stockton Springs and Representative AULT of Wayne)

Bill "An Act to Establish a School Choice Program" (H.P. 597) (L.D. 848) (Presented by Representative STEVENS of Sabattus) (Cosponsored by Senator GOULD of Waldo, Representative SKOGLUND of St. George and Representative ST. ONGE of Greene)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Establish Equitable Environmental Relicensing Fees" (H.P. 584) (L.D. 835) (Presented by

Representative GOULD of Greenville)

Bill "An Act to Allow Reconstruction of Structures Destroyed by Acts of God" (H.P. 587) (L.D. 838) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Senator CLARK of Cumberland, Representative AULT of Wayne and Representative POWERS of Coplin Plantation)

Bill "An Act to Provide Greater Public Input into Public Lands Management" (H.P. 589) (L.D. 840) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative POWERS of Coplin Plantation, Senator TITCOMB of Cumberland and Representative JACQUES of Waterville)

Bill "An Act to Facilitate Municipal Review of Commercial Hazardous Waste License Applications and the Collection of Municipal Fees Levied on Commercial Hazardous Waste Facilities" (H.P. 590) (L.D. 841) (Presented by Representative NUTTING of Leeds) (Cosponsored by Senator BERUBE of Androscoggin, Representative ST. ONGE of Greene and Representative MITCHELL of Freeport)

Bill "An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices" (EMERGENCY) (H.P. 591) (L.D. 842) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative ANDERSON of Woodland and Representative GOULD of Greenville)

Bill "An Act Concerning Training and Certification for Land Use Code Enforcement Officers" (H.P. 595) (L.D. 846) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative PLOURDE of Biddeford, Representative TARDY of Palmyra and Senator VOSE of Washington)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Issue Doe Permits to Physically Disabled Persons Upon Request from the Commissioner of Inland Fisheries and Wildlife" (H.P. 571) (L.D. 822) (Presented by Representative HEINO of Boothbay) (Cosponsored by Representative CARROLL of Southwest Harbor)

Bill "An Act to Extend the Bow Hunting Season" (H.P. 569) (L.D. 820) (Presented by Representative GEAN of Alfred) (Cosponsored by Senator CARPENTER of York and Representative ROTONDI of Athens)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Provide More Equitable Reimbursement for Boarding Homes Serving Persons with Mental Retardation" (H.P. 575) (L.D. 826) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative MANNING of Portland and Representative CLARK of Brunswick)

Bill "An Act to Provide Funding for Certain Mental Health Services" (H.P. 583) (L.D. 834) (Presented by Representative MANNING of Portland) (Cosponsored by Senator MILLS of Oxford)

Resolve, to Create a Demonstration Program to Increase Utilization of the Food Stamp Program by the Elderly (H.P. 586) (L.D. 837) (Presented by Representative MANNING of Portland) (Cosponsored by Representative CARROLL of Gray, Representative CATHCART of Orono and Senator GAUVREAU of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Assist Victims of Crime" (H.P. 592) (L.D. 843) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative SWAZEY of Bucksport, Representative STEVENS of Bangor and Representative LAWRENCE of Kittery)

Bill "An Act to Amend the Wrongful Death Laws" (H.P. 572) (L.D. 823) (Presented by Representative CARLETON of Wells)

Bill "An Act to Amend the Law Dealing with Foot Pursuit" (H.P. 578) (L.D. 829) (Presented by Representative SWAZEY of Bucksport) (Cosponsored by Senator MILLS of Oxford, Representative PINEAU of Jay and Representative COTE of Auburn)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Clarify the Definition of State Employee in the State Employee Labor Relations Laws" (H.P. 574) (L.D. 825) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senator BUSTIN of Kennebec)

Bill "An Act to Clarify the Definition of Public Employer under the Municipal Public Employees Labor Relations Laws" (H.P. 577) (L.D. 828) (Presented by Representative LUTHER of Mexico) (Cosponsored by Senator CONLEY of Cumberland and Representative PINEAU of Jay)

Bill "An Act to Prohibit Employers from Harassing Employees Who Are Absent from Work Due to Illness" (H.P. 581) (L.D. 832) (Presented by Representative TRACY of Rome) (Cosponsored by Representative PINEAU of Jay, Representative MCHENRY of Madawaska and Senator CONLEY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Reduce Marine Pollution" (H.P. 594) (L.D. 845) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative GRAY of Sedgwick, Representative TOWNSEND of Eastport and Representative SKOGLUND of St. George)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Regulate the Disposition of State Surplus Property" (H.P. 570) (L.D. 821) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Senator BERUBE of Androscoggin and Senator EMERSON of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act Concerning Taxation of Time-share Condominiums" (H.P. 593) (L.D. 844) (Presented by Representative CARLETON of Wells) (Cosponsored by Representative MURPHY of Berwick and Representative MARSANO of Belfast)

Bill "An Act to Clarify the Laws Relating to Property Tax Abatements" (H.P. 576) (L.D. 827) (Presented by Representative HEINO of Boothbay) (Cosponsored by Senator HOLLOWAY of Lincoln and Representative SPEAR of Nobleboro)

Ordered Printed.
Sent up for Concurrence.

At this point, a message came from the Senate, borne by Senator CLARK of that Body, proposing a Joint Convention to be held in the Hall of the House at 10:45 a.m. for the purpose of extending to the Chief Justice Vincent L. McKusick and the Supreme Judicial Court, an invitation to attend and to make such communication as they may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 10:45 a.m. and the Speaker appointed Representative GWADOSKY of Fairfield to convey that message to the Senate.

Subsequently, Representative GWADOSKY of Fairfield reported that he had delivered the message with which he was charged.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 130) (L.D. 186) Bill "An Act to Continue Milk Pool Payments to Dairy Farmers Affected by the Newport Plant Closure" (EMERGENCY)

(H.P. 65) (L.D. 93) Bill "An Act to Authorize Certified Reserve Officers to Enforce Motor Vehicle Registration Laws"

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed and sent up for concurrence.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Make a Technical Correction in the Enabling Legislation of the St. Croix International Waterway Commission (H.P. 553) (L.D. 790) (S. "A" S-22)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

IN CONVENTION

The President of the Senate, Charles P. Pray, in the Chair.

On motion of Senator CLARK of Cumberland, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Vincent L. McKusick, Chief Justice of the Supreme Judicial Court and the Justices of the Supreme Judicial Court to inform them that the two branches of the Legislature were in Convention assembled ready to receive such communication as pleases them.

The Chairman appointed:

Senators: GAUVREAU of Androscoggin
BERUBE of Androscoggin
HOLLOWAY of Lincoln

Representatives: PARADIS of Augusta
COTE of Auburn
STEVENS of Bangor
ANTHONY of South Portland
FARNSWORTH of Hallowell

CATHCART of Orono
 KETTERER of Madison
 HANLEY of Paris
 RICHARDS of Hampden
 OTT of York

Senator Gauvreau, for the Committee, subsequently reported that the Committee had delivered the message with which it was charged and that the Honorable Chief Justice and Associate Justices of the Supreme Judicial Court were pleased to say that they would attend the Convention forthwith.

At this point, the Honorable Chief Justice and Justices of the Supreme Judicial Court entered the Convention Hall amid applause, the audience rising.

At this point, the Chairman welcomed the Honorable Chief Justice of the Supreme Judicial Court and introduced the following Associate Justices: the Honorable David G. Roberts; the Honorable Daniel E. Wathen; the Honorable Caroline Glassman; the Honorable Robert W. Clifford; the Honorable Morton A. Brody; the Honorable Elmer H. Violette, Active Retired Supreme Court Justice; Chief Justice of the Superior Court, the Honorable Thomas E. Delahanty, II; Chief Judge of the District Court, the Honorable Susan W. Calkins; Chief Judge of the Administrative Court, the Honorable Dana A. Cleaves.

The Honorable Chief Justice of the Maine Supreme Judicial Court, Vincent L. McKusick, then addressed the Convention as follows:

Mr. President, Mr. Speaker, Members of the 115th Legislature, my fellow Judges and friends all: I come before you again to give the annual report from the Judicial Branch. Today is an anniversary of special significance to the McKusick family. It was fifty years ago last month, in the 90th Legislature, that my father Carroll McKusick began his 12 years of service in the House and Senate from Piscataquis County. Through him I first gained my high respect for this institution and came to appreciate the big responsibilities you carry and your dedication to the job. My respect has never dimmed.

We meet in somber circumstances. We have shared the deep sorrow of Peter McKernan's family and our thoughts are constantly on the Gulf War and our men and women over there. As I entered the chamber just now, I was reminded of the tragic absence of Don Carter from Seat 122, back there on the aisle. In recent years, I have made much of the Three C's needed to be practiced between the great branches of state government — communication, cooperation, and comity. Don Carter as House Chairman of Appropriations had the lead in reviewing the judicial budget. In his relationship with us, he practiced the Three C's as a matter of course. It was simply his nature to do so.

Financially these are tough times for all of us in government — as they are for much of private business and for many family budgets. For us in the three Great Branches to handle our current budget

crunch, those Three C's — communication, cooperation, and comity — are more necessary than ever. I was pointing this out to my colleagues a while ago. One of them quipped that what we really need is a Fourth C — Cash!

Yes, we are in tough times, but I believe in the optimistic wisdom of the adage: Tough times will not last; it's tough people who will last. We Maine folk are tough and resilient. We are going to come through all right. We will because we must. We will because we will work together.

In tough times, we do well to go back to first principles. We meet in the fifth and final year of the bicentennial celebration of the U. S. Constitution. This year we celebrate the ratification of the Federal Bill of Rights in 1791. There we Americans guarantee to one another our most precious individual rights and freedoms. Every day our state courts, where some 98 percent of all litigation takes place, are called upon to apply and vindicate those federal guarantees. Our State Constitution contains counterparts of all the federal guarantees, and more. For example, Maine recognizes the fundamental right of every citizen to have access to the courts. Section 19 of our Declaration of Rights states: Every person, for an injury inflicted on the person or the person's reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

From 1820, the preamble to the Maine Constitution has declared the very first two goals of our state government to be "to establish justice" and to "insure tranquility", both the business of the courts. The Judicial or Third Branch created by the Constitution performs one of the core functions of government — parallel to and at the same level as the indispensable functions of the other two Great Branches — the Legislature and the Chief Executive. Either the courts perform the tasks they are set up to perform or no one in society performs them. Alexander Hamilton called the "ordinary administration of civil and criminal justice" — that is, the operation of the state courts, day in and day out — the "great cement of society." The central place occupied by the courts in Maine affairs has been symbolized from our earliest days by the building called the "Courthouse" in every county. We've never called it the County Building. Woodrow Wilson said it all: "A society is as good as its courts — no better and no worse."

Like Speaker Martin, I am this year presiding over the national organization representing my branch of state government. Like the Speaker, I have many opportunities to make interstate comparisons. In general, what I see elsewhere makes me feel good about the courts of our state. We in all three branches, year in and year out, have worked together step-by-step to improve the quality of justice rendered Maine citizens. But a clear challenge faces us all today. Can we ride through our financial crisis in a way that maintains the quality of justice in the State of Maine? I say to you, "We can and we must!"

We are being asked: Can the courts do more with less? The more part of that question is inexorable. Our caseloads, already nearly overwhelming, continue to increase. The courts have constitutional and statutory duties to perform and have no control over

the volume of their workload. That is decided on the criminal side by the police and the prosecutors, on the civil side by the public, the litigants.

The Judicial Department is already a very minor net burden on the state's budget that runs into the billions. The total appropriation for the courts for this fiscal year is only about \$32 million, less than 2 percent of the state's budget. At the same time, the courts will collect this year, we expect, about \$28 million. These revenues are not dedicated to the courts, and I by no means suggest they should be. Nor should one look upon the courts merely as revenue-producers that should support themselves. Nonetheless, in practical result the courts are, I repeat, a very small net burden indeed on the state's budget.

Can the courts do more with still less? It is very difficult, but we are determined to do our part. We are already hurting badly from the cuts we made to help meet the \$210 million shortfall a year ago. For example, we had to eliminate all except emergency overtime and cancel \$1 million of capital expenditures, much of it for computers essential to our efforts to get our ever-growing caseloads under control and to give better service to the public. Even though the courts were already critically understaffed, we had to lay off 17 full-time contract employees. Three judicial vacancies are temporarily unfilled, and this comes when we need more judges, not fewer. Maine has had a remarkably small judiciary for its size and caseload. Maine is 50th among the states in the number of trial judges per 100,000 of population.

But, as I say, we are determined to do our part in the budget crisis. I announced last month the appointment of a Volunteer Business Committee to review the administrative and financial operations of the Judicial Department. John M. Daigle, the retired CEO of Casco Northern Bank, is its chairman. He is joined by John R. DiMatteo, President of Guy Gannett Publishing Company, and by Arthur M. Johnson, former University of Maine President and former Harvard Business School Professor. I have asked these businessmen to give us their best answer to this question: Are we in the courts making the most efficient use of the resources provided by the Legislature? The committee plans to complete its work by the end of March. However much I believe we're running the courts efficiently, I welcome any suggestions for running them even better. The management audit I have asked our Volunteer Business Committee to give our operations is sure to bear valuable fruit for many years to come.

I now turn to my specific report on court operations in 1990. Last year the Law Court set a new record in both case filings and case dispositions. New filings went to an all-time high of 622, 15 percent higher than the year before, foretelling a continuing heavy workload in the months ahead. Those 622 appeals of last year compare with only 269 cases filed as recently as 1976, the year before I came on the bench. Also, in 1990, the Law Court produced a record average of 51 opinions written by each justice, for a total of 359. My hard-working colleagues, at the same time, are carrying an administrative load by serving in effect as the "Board of Directors" of the Judicial Department. The Court sets Department policy, makes rules for all the courts, including the Probate Courts, and superintends the legal profession through

the Board of Bar Admissions and the Board of Overseers of the Bar.

In 1990, the Supreme Judicial Court amended the Code of Judicial Conduct to add detailed provisions for public financial disclosure. Judges made their initial filing last November 15th and will hereafter file public reports by May 15th of each year.

Last fall, the Supreme Judicial Court received a media petition for an experiment with allowing cameras in the trial courts. After a public hearing, the Court, by a divided vote early this month, authorized a two-year experiment at two locations for each trial court. The experiment will start on July 1 or as soon thereafter as the Court shall have approved detailed operating guidelines for television coverage of trials, along with a comprehensive plan for monitoring and evaluating the experiment.

I report now on our trial courts. During 1990, all three trial courts gained new leadership. The three new chiefs are with us this morning, Chief Justice Thomas E. Delahanty, II, of the Superior Court succeeded Justice Brody, who joined us on the Supreme Judicial Court. Chief Judge Susan W. Calkins and her deputy, Judge S. Kirk Studstrup, came to the leadership of the District Court following the successive retirements of Judge Devine and Judge Pease. Chief Administrative Court Judge Dana A. Cleaves took over on Judge Rogers' retirement.

I am very proud of the women and the men who work in the courts. I'm proud of their renewed dedication in the face of fiscal stringencies. The work of the courts is very labor-intensive. Many of our busiest clerks' offices were understaffed even before the budget crisis. Measures taken to meet the revenue shortfall of a year ago and again this year pile even more work on a reduced judiciary and a reduced staff. This comes at the same time that continued increases in case filings put even more demands on the judges and clerks. We in 1990 had to cancel all out-of-state judicial education and we did not have the funds to hold either the Judicial Conference or the Sentencing Institute, both provided by statute. We also had to cut back on training sessions for clerks and other court personnel. These cutbacks must be only temporary. To continue them for long would be false economy. Well-trained clerks are essential for efficient operations. For our judges to continue to merit their national reputation for high quality judging, they must keep current with the law.

Our active retired judges perform an indispensable role in keeping the courts abreast of their heavy workloads. In 1990, their combined service on the bench equaled that of about 4 additional full-time judges — and they served at a bargain rate. We are much indebted to them. In appropriate circumstances, I also use the authority the Legislature has granted me to assign judges of one court to serve briefly or for a special purpose in another court. For example, under the statute enacted last year, District Court Judge Ronald Daigle is sitting one day each quarter for Administrative Court hearings in Caribou. Such cross-assignments between the trial courts maximize the productivity of our small judiciary.

The budget crunch of last year, to my regret, prevented funding of a task force on gender bias in the courts. Even though we have thus been unable to do a study of the problem in Maine, all of us judges last month joined with lawyers in a program, funded

by the State Bar Association, designed to sensitize both groups to the kinds of gender discrimination found to exist in neighboring states. We in Maine cannot assume we are immune from similar blind spots. I repeat what I said last year: Gender bias has no place whatsoever in the Temple of Justice.

The Superior Court is our court of general trial jurisdiction, and is our only jury court. I am going into detail here but I think perhaps it is well for us to remind ourselves once in awhile what the court system consists of. The Superior Court sits in every county. It is authorized to have 16 full-time judges, but now has one temporary vacancy. Almost any criminal or civil case can be brought in the Superior Court and all the most serious criminal cases must be brought there. The Superior Court hears appeals from zoning and other municipal decisions and from decisions of state administrative agencies. It hears appeals on questions of law from the District and Administrative Courts. In 1990, the Superior Court's total case filings for the first time passed the 20,000 mark. Seventy percent of those filings are criminal. Despite some recent publicity that the crime rate in Maine has declined, criminal case filings in the Superior Court increased 15 percent in the last fiscal year. Since 1981, criminal cases have increased about 50 percent. Yet at the same time, the Superior Court has had only two additional judgeships authorized, and very small additions to clerical and other supporting staff. In the last two years, the increased number of criminal jury trials has raised costs for juries, for court security, and for indigent defense, and has reduced judicial time available for civil matters.

The pre-litigation screening panels for medical malpractice cases, created by statute starting in 1987, continue to be highly successful in diverting potentially complex and lengthy litigation from court. Under the administrative direction of Chief Justice Delahanty, the panels review about 100 malpractice claims each year. The panels, many of which are currently presided over by retired Justice William McCarthy of Rumford, are disposing of the bulk of these malpractice claims short of trial, to the advantage of all concerned.

Now, the District Court. Although that court is technically a court of limited jurisdiction, I like to call it our "court of not-so-limited jurisdiction." At almost every session, the Legislature has added to its powers, last year giving the District Court almost full equity jurisdiction. Its annual case filings have reached the staggering number of about 320,000. This caseload is handled at 32 District Court locations, reduced by one by the consolidation of the separate courts that previously operated in Bath and Brunswick. The court has 25 authorized judgeships, but two of those positions are now vacant. Again, this must be only a temporary measure.

The District Court is the closest we come to having a family court. It is our juvenile court and it handles most civil family matters — such as divorce, protection from domestic abuse, and termination of parental rights. Our Court Mediation Service and our Court-Appointed Special Advocate (or CASA) Program are now integral parts — and valuable parts — of court operations in family matters. In fiscal '90, 5,600 cases were mediated, mediations in domestic relations cases increasing 15 1/2 percent over the year before. The CASA Program, now in

operation for five years and available in most of the state, has provided over 360 carefully selected and trained volunteers to act as guardians ad litem for children at risk. A total of more than 1,200 children involved in court proceedings have now received the benefits of the volunteer program.

Last year, the Legislature authorized the Chiefs of our three trial courts to set up a pilot project for handling family law matters. Planning for that pilot project has begun under the front line responsibility of Chief Administrative Court Judge Cleaves. The project will gather in one place the family law cases in Portland of both the Superior and District Courts. It will start as soon as the extra courtrooms in the courthouse addition are available. This project will test whether we can achieve a functional unification of the Administrative Court with the District Court and whether we can give better service to family law cases, while using our existing judicial and clerical resources to the fullest.

Guidelines for determining the level of child support payments in divorce and like situations were promulgated by the Supreme Judicial Court in October 1989 to meet the federal deadline and then were enacted in all court orders for child support, regardless of the means of the parents. The courts are going to have to prepare themselves for a heavy added workload when two years hence a federal mandate kicks in requiring the courts to review existing child support orders against the Guidelines.

Good news comes from the Maine Court Facilities Authority. The Legislature created the Authority to raise funds for court buildings through the issuance of revenue bonds. The state will own the buildings when the bonds are paid off through rent payments. Up to this year, the state has owned the court building at only one of the 52 locations where the courts operate — and that one state-owned building is the Augusta District Court down here on the rotary. The other 50 court locations operate in county courthouses or in other space that is leased from counties, municipalities, and private landlords. That situation will start to change this year. Now under construction by the Court Facilities Authority are buildings for the Presque Isle District Court and for the consolidated Bath/Brunswick District Court. Those buildings are critically needed. By legislative resolve of last year, the Presque Isle Courthouse will proudly bear the name of the late Judge Julian Turner, the resident judge there for 26 years.

The Cumberland County Courthouse addition is on schedule for completion before the end of this fiscal year. This fine building will provide a new home for the Ninth District Court and expanded facilities for the Superior Court. Some 20 percent of the entire caseload statewide of our trial courts is handled in that one courthouse. The Legislature can take pride, along with Cumberland County and the Judicial Department, for meeting at last the longstanding need for more courtrooms in Portland.

The courts continue to have serious facilities needs elsewhere around the state — for example, in York County for both the District and Superior Courts, and in Androscoggin and Kennebec Counties for the Superior Court. We will continue to work with the Court Facilities Authority to address those needs as funding permits.

I commend our administrative staff for their

ongoing efforts to help us produce maximum results with limited resources. By national comparisons, our Administrative Office of the Courts is a relatively small one, and Dana Baggett's staff continues to face the same increasing demands as our trial courts. The budget crunch makes even more work for the Administrative Office in controlling costs throughout the Department. Let me give some examples of the special activities they were involved in last year. They revamped many of our payment and payroll functions consistent with the state's new MFASIS program, introduced Macintosh computers into the Law Court to help us keep up with our heavy caseload, installed computers in the Superior Court to reduce the time and cost involved in paying jurors, provided your legislative Office of Fiscal and Program Review with as comprehensive fiscal impact statements as any state agency, provided supervision for the courts of the planning and construction of the Cumberland County addition, obtained over \$400,000 in federal grant money for computers — and the list goes on.

In conclusion, I wish I could report that our trial courts are able to keep up fully with the constant growth in case filings, that their pending caseloads are being reduced, and that the time between filing and disposition of cases is shortening. I wish I could report that we are able to continue innovative pilot projects, such as the Alternative Dispute Resolution program started by the Superior Court in York and Knox Counties two years ago, and such as the indigency screening program we conducted for two years to weed out unqualified applicants for appointed counsel at state expense, and such as the valuable in-state judicial education project undertaken by Professor Zarr of the University of Maine Law School working with a judges committee headed by Justice Roberts. I wish I could report that we are able to do the very necessary full computerization of the Superior Court and of the District Court. Yes, I wish I could report all that to you, but I cannot. They have all fallen victim to the budget shortfalls of last year and this. I can report to you, however, that the courts, judges and nonjudges alike, are determined despite the fiscal crisis to maintain the quality of service we are providing Maine people under our constitutional and statutory mandates. That is our challenge.

You and we also have a second challenge. It is very easy when times are tough to become absorbed in the crisis of the moment and to give no thought to the future. I am pleased that the Legislature last year created a Commission to Study the Future of Maine's Courts, though regrettably it found no funds for the study. We four leaders of the three Great Branches have appointed retired District Court Judge Harriet P. Henry as Chair of the Court Futures Commission. Her 17 years on the bench and her leadership experience in national bar and court organizations qualify her splendidly for leading this study, including the initial job of finding outside funding. Five of your fellow legislators are members of the Futures Commission and five judges are advisory members. We face a host of societal changes as we move rapidly toward the next century. We must lift our eyes from our daily chores, however tasking, to look at the horizon ahead of us. Our current financial woes must not blind us from seeing the demands the new century will make on Maine's courts. Franklin D. Roosevelt once said, admittedly in a grander context: "The promise of the future is only

diminished by our limitations of today." In looking at the future of Maine's courts, we are all challenged to surmount the limitations imposed by the fiscal crisis of today.

In the next several months, you 186 citizen legislators are facing particularly difficult responsibilities. Included among them is the duty of preserving the high quality of Maine's courts, of assuring that they have the resources essential to carry out their constitutional and statutory obligations. On behalf of all of us in the Third Branch, I reaffirm our pledge to work closely with you of the Legislature to that end.

Thank you very much for your time and attention.

The Chief Justice and Associate Justices of the Supreme Judicial Court withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved.

The Senate then retired to its Chamber, amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

JOINT RESOLUTION RECOGNIZING THE ESTABLISHMENT OF CHILDREN'S CASTLE (S.P. 300)

—In Senate, read and adopted.

TABLED - February 25, 1991 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Adoption in concurrence.

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

Representative CLARK: Mr. Speaker, I move that this Joint Resolution be indefinitely postponed.

I have asked that we indefinitely postpone this Resolution but not because I have anything against the Children's Castle. The truth is that this may be a wonderful idea but it is, at this point in time, only an idea. I think we as legislators should not be intervening in the process at this point in time. The Children's Castle has not been licensed by the Department of Human Services and I fear that this may be used as an inappropriate leverage to do that.

I also have some fears that we are supporting an idea that is only an idea at this point in time and we don't know how that it is going to actually play

out so I would urge you to indefinitely postpone this item and perhaps revisit it in another legislative session.

Subsequently, on the motion of Representative Clark of Brunswick, the Joint Resolution was indefinitely postponed in non-concurrence and sent up for concurrence.

(At Ease to Gong)

The House was called to order by the Speaker.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law" (EMERGENCY) (H.P. 192) (L.D. 274)

- In House, passed to be engrossed as amended by House Amendments "A" (H-11), "B" (H-12), "C" (H-13), "D" (H-14) and "F" (H-16) on February 7, 1991.

- In Senate, passed to be engrossed as amended by Senate Amendment "I" (S-21) in non-concurrence.

TABLED - February 25, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Further consideration.

Representative Chonko of Topsham moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: Some two weeks ago, we had a long, detailed, sometimes tedious, often repetitious and frequently acrimonious discussions about proposals for correcting the problems that result from a shortfall of \$160 or \$170 million in receipts for the period ending June of 1991.

For 26 days I was privileged to participate in one of the most unique experiences of my 12 years in the House of Representatives. I had a ringside seat, watching an unparalleled, political drama unfold before my eyes - to ask questions, to make comments, with no responsibility of voting until today. It was a most rewarding and educational experience that reaffirmed my faith in democracy and the democratic process, all cumbersome though that process may sometimes be.

Today ladies and gentlemen, I don't want to talk about L.D. 274. There are others who can do it more eloquently and more authoritatively than I and can answer questions of those who have questions about special interests, such as education, agriculture, fish and game or other special interests or concerns that you may have.

During that time, I observed the diversity of personalities, the variety of individual style, and the play of countless emotions that sometimes carried committee members to great heights and then other times down to the depths of despair and up and down they went for days and days as the search for answers went on. There were gains and there were losses,

there were changes, there were eliminations, there were additions and compromises as the search went on. The search went on from department to department, bureau to bureau, division to division, section by section, dollar by dollar, line by line - every segment of state government was thoroughly explored and examined. I think we should note that in a document of 276 pages encompassing the great variety of topics that had to be studied and discussed, that it was an almost impossible dream that we could ever come up with a bill that would be 100 percent acceptable to all.

Committee leadership offered too, somewhat diverse, somewhat contrasting, but equally important facets and one of those was the sincere desire to soften and assuage the fears of everybody and the other was the burning intensity of desire to present to this body and to the other body a truly, fair, and bipartisan report for your consideration.

Day after day, night after night, sometimes to eight, nine or ten o'clock at night, program after program was dissected for all to see. Commissioners, department heads, their deputies, their assistants and their specialists came, workers came, the general public came to answer questions and to provide information. Some came well prepared and spoke in a believable manner and others were disappointing in that they didn't have some of the answers and had to go back again and again to get answers. Once in awhile, there would be a little mistake - one was a \$16 million dollar error and you can well imagine the problem that the committee has had in trying to sort one item from another, the truth from fiction, and to find out what the true recommendations should be.

Some sessions were encouraging and others were discouraging but I was convinced that for 25 days every single member of that committee was dedicated to the idea of coming up with a truly bipartisan report and, at long last after 25 days, at eleven o'clock at night on a Wednesday night, it was finally decided that after agreement on each section from time to time had been made, an agreement that sometimes was not pleasing to everybody in all respects, but a decision with which everyone seemed to feel that he or she could live with - it seemed that, after 25 days, that a bipartisan arrangement could be reached. It was decided that the two or three remaining items would be finished in a couple of hours and so at eleven o'clock at night it was decided that the staff should be called in the next day at twelve o'clock to start the printing. The committee would come in at ten o'clock the next morning for the purpose of completing the preliminary work that had been going on for so many days. How happy most people seemed to feel and we adjourned at eleven o'clock at night and came back at ten o'clock the next morning. At ten o'clock the next morning, the chairs were advised by the minority members of this committee that they needed a little more time and so the hour was changed to eleven o'clock and later to twelve. To make a sad story short, we met at eight o'clock that evening. When the chairman said, well we have two or three items to take care of, we found that nobody wanted to do any more work, the discussions were at an end. "Ought to Pass" and "Ought Not to Pass" jackets were passed out, the Majority signed, the others didn't want to sign either one, and the meeting was adjourned. Within two hours, the Minority Party provided for the staff a 206 paged bill of their own, which was their

perfect right to do, but all this time we had been debating the issues, listening and searching for answers, had been in vain. It was very obvious to me, a new member on this committee, that such a bill (206 pages) couldn't possibly have been written in two hours, it wasn't written in one day, it probably took two weeks and my faith in democracy was shattered just a little bit.

We now have before us, what for 25 days appeared to be, a bipartisan agreement on the great majority of contents of 274. Now remember that 274 contains matter relative to every single department in state government, it is not one issue or two issues, but hundreds of decisions had to be made.

I would like to tell you a little bit about the caucus process. The new members may not know but every time the parties have a disagreement or have a desire to formulate a position, one group will meet privately and the other group meets privately and it is common misconception sometimes that there is where you do your dirty work, where you plan your scheming and conniving to trick the other fellow but I learned something. I have been to a lot of caucuses in both parties over the years and I was very pleasantly surprised to find that during those caucuses, sometimes three or four a day, that the primary interest seemed to be the desire to reach a bipartisan agreement. The question was, what concessions must we make, what compromises can we do, what can we give and it was an honest and sincere desire on the part of the Majority Party to try to reach a truly bipartisan agreement. It didn't succeed.

Those of you who know me and understand me as being probably one of the most stubborn, independent, contrary-minded old buzzards in this room, that if I had really felt that the Minority Report was better, I would have stood up and said so and I would have voted for it but I truly didn't believe that. I can understand the frustration of the good gentleman from Old Town the other day when he got up and said that neither of these reports were perfect and a pox on them both. I agree with somebody who also said to me, if the good Lord himself were to come down here today with a pen in hand, he probably couldn't craft a bill that would satisfy each and every one of us. Of course, there are errors and of course there may be mistakes in judgment, but don't forget that the good gentleman from Eagle Lake said the other day that much of the work we are going to be doing here this winter will be a correction or a change in legislation that has been passed by previous legislatures. If there are errors in this bill, we are going to be here tomorrow, we are going to be here next week, we are going to be here next month, and if we are not careful, we are going to be here in Special Session next Christmas and that is something we certainly don't want to do.

The point I am trying to make is that if there are changes that are needed and are necessary and desired that we can do them now, we can do them tomorrow, we can do them between now and next June.

Of course there are gimmicks in this bill but I will tell you one thing, ladies and gentlemen, I don't think there is a gimmick in there any worse than was submitted by the Administration which was to take from the Teachers' Retirement Pension Fund, an idea that was sweetened up a little bit by the idea of taking a little from the State Employees' Pension Fund — that was the worst gimmick that I have heard

in the last 12 years.

I am honestly convinced that 274 may not be perfect, I don't expect it is perfect, I can find things in there that I don't like and so can you, but I think it is the most fair, the most reasonable alternative that has been considered by this committee. This is a short-term budget problem, one that needs to be solved now in order that we can get at the major problem, which is the biennial budget by the shortfall that is expected to be in excess of \$900 million. I shudder and the people shudder to think what is going to happen if we can't take care of a \$160 million shortfall and if we can't stand up here and vote and be counted and vote for what the people want and what the people need, what are we going to do for the \$900 million shortfall?

The people back home in my district are extremely disappointed in the lack of action. They are sick and tired of our petty bickering and they are clamoring for action. With a near two-thirds majority in each of the bodies of this legislature, the constituencies back home are angry with us at being held hostage by a minority in this and the other body. If we truly want to downsize state government, if we really mean to reorganize state government in the interest of efficiency and timeliness in economy, if we really do care about eliminating waste and avoiding duplication and restricting mandates and improving service, we should stop wasting time and stop wasting the taxpayers dollars and get off dead center and move in real earnest.

While we sit here and fiddle and faddle, we, you and I, must assume responsibility for the confusion that exists in the minds of the general public and for the hardships being imposed on those who need our help and for the worry and distress that we are causing the elderly, the sick, and the needy. Superintendents and teachers will understand when we say we are not worried about them because they know that we are interested and truly and sincerely worried about the welfare of 210,000 children enrolled in the public schools of Maine. We are worried about the state employees who don't know whether they have a job tomorrow or not. They know that we are worried about the business community and by our actions, the actions of a few, we are holding hostage a million and a quarter of Maine people while we dilly and dally. This is politics, we must admit it is politics, but there is nothing wrong with politics unless we want it to be so. Politics can be good and politics can be bad, but politics will be what we want it to be and it will be what we make it to be.

I understand traditional loyalty to party and I recognize the importance of team play. We know that we should recognize and listen to the guidance and the recommendations of our chosen leaders and I know that we understand the Jeffersonian art of compromise but here today, there is something more important than any of these and that is the responsibility that we have to the people, the elderly, the sick and the poor, the taxpayers and workers, the people in business and the children — all of the people of the State of Maine. Orders from the second floor or the third floor should take second place to the orders that are coming to us from our own communities, from the homes and the barbershops, the restaurants, the businesses, the hospitals, the schools and the hearts of worried citizens who have been looking in vain for

answers that, up to this point, you and I have not provided for them. The people of Maine are watching us today and let us hope that our vote today to get off dead center and to move by accepting L.D. 274 will reassure the people that, for once, we have arisen above pure politics, that we have replaced both bad politics with good politics. Today our constituencies view us, unfortunately, as impotent, indecisive, lacking in will, courage, and confidence, vacillating, lacking in leadership, failing in statesmanship, forgetful of our commitment to our people — it seems today that we should replace absent leadership with action. The gauntlet has been thrown down and we have been told that it is our responsibility and we should stand up and accept the responsibility and act with responsibility and we should correct that mistake by passing a decisive vote for the people. We should forget petty jealousies and leave childish behavior behind and we should walk out of darkness and despair into the light.

This ladies and gentlemen, so far as the legislature is concerned, can be our finest hour. I hope that we will let our vote today truly reflect the wishes of the people, not your voice and mine. Let it be an answer to their needs and a fulfillment of their hopes and their expectations — that ladies and gentlemen, I think, is the responsibility, our primary responsibility, here today. I hope that we can live up to it and meet it.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I request the yeas and nays. I only wish to respond to some of the comments that have just been made by the good Representative from Howland.

It seems to me that we have had a theme develop which he articulates as a betrayal, if I follow his words correctly, of unfaithful bargaining by shifting the blame which, in my mind, camouflages some fundamental differences that lie between the philosophies of the amendment that is before us for legislative action and other ideas that have been discussed.

I wish to lay to rest the concept that there has been unfaithful bargaining. We feel the commitment of our people has been sincere. We acknowledge that there are differences but our people have continued to work inside and outside committee rooms until the last few hours. The document that we are voting upon now does not reflect the most recent discussions. There has been a fair amount of activity in the halls that has in the comments which were reflected by the good Representative from Howland who said that now this bitter element of politics has ended our discussion of the Supplemental Budget. It seems to me we are always betrayed, if we do not follow in lockstep, as being political. Yes, politics is part of the process but fundamental differences are as well.

We differ with the amendment before us, first and foremost, on the funding source. Beyond that, discussing the amendment before us, there are any other number of differences that do not reflect the unanimous opinion of either those in small discussions or the entire Appropriations Committee. Each person in this body has the duty and in fact the right to acknowledge difference sources of information, to listen to their different

constituencies. We truly believe that in our discussions that our opinion, collectively developed, reflects an opinion outside of this body and the entire State of Maine, an opinion of the average Maine taxpayer that talks about downsizing state government, that talks about making fundamental cuts as they have in their own lives. Each party, as it has fallen down, now offers their own version but it has been done in good faith.

This process is a process that is before this body now. We can attempt to spread blame, to share blame, to say others are at fault but it is now our decision and we will continue to be here....perhaps. I am willing to acknowledge a portion of the blame, if that is the way people intend it. Some have suggested that there are individuals in this body that should shoulder most of the blame — I suggest to each one of us that we have an obligation to present our viewpoints and present those without being accused of being any less than a fair representation of what they perceive to be the constituency that they were elected to be in this body to represent.

I ask rejection of this amendment based on fundamental differences. I respect those who have differing opinions and believe we will continue to work until a final document.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: It is clear that despite weeks of negotiations we do not have a unanimous budget. I would like to outline for you where the three major areas of disagreement with the motion before you rests from our perspective.

First, we believe that we need some spending cuts in this fiscal year '91 budget that are more than one-time, short-term proposals. We believe that we must begin to prepare for the biennial budget with cuts that will impact our long-term financial picture and that we cannot push those decisions off.

The second area I think of major philosophical disagreement is the funding source which we continue to find acceptable. This motion would put the bill in a posture of continuing to raise the June's General Purpose Aid payment, which we perceive as an accounting gimmick that only postpones the need to cut and makes our biennial problem even larger. I don't think we can get away from the fact that fiscal year '91 will always show 11 actual payments to our school districts.

The third area of disagreement, which I think needs some discussion, is the Maine Health Care Program, which has received considerable attention. As you know, it just started in October and it has already outstripped its original \$2.9 million appropriation by over \$7 million if it were to continue with the enrollees who are on the program as of February 1st. At this point, I should remind you that it is impossible to even accurately define exactly what the total cost will be for this fiscal year. Despite rumors that Republicans do not support any funding for the Maine Health Care Program, I want you to know that in the spirit of compromise, we have proposed funding the program in the amount of \$6 million, which would cover all adult enrollees as of January 1st and continue the children. We see that as an enormous compromise, coming from zero in the Minority Report to \$6 million. We do believe, however, that setting parameters like that is the

only way to control the cost of that program which is spinning out of control. Cost projections for the Maine Health Care Program were severely underestimated. I don't think any of us are in disagreement on that. For example, it had been projected that by the end of June, four and a half months from now, about 9,500 people would have enrolled. The reality is that, as of last Friday, over 11,000 people were already on the program, we are still short four months in that same time period. It also had been projected that 55 percent of the enrollees would be adults and 45 percent would be children. The actual data shows that adults whose care is more expensive represent over 70 percent of the enrollees. Original projections also included a cost of \$1,190 per adult and \$590 per child based on an average Medicaid cost. In fact, actual costs to date are more than double those numbers, \$2,500 per adult and \$1,200 per child. Why is that enormous difference in cost? While virtually every program in state government is facing some cut or scrutiny this budget cycle, this program needs more than three times its original appropriation and probably more. The reality is that we cannot continue programs at that level without tight controls.

About 30 states are facing the same difficult decisions we do. Governors and legislatures, especially in the Northeast, are laying off state employees, imposing furlough days and yes, even deferring payments to the Teacher Retirement Plans. Some are even considering making cuts in state aid to education and in state payments to local revenue sharing.

I would like to read to you a portion of statement from another northeastern Governor, which clearly describes measures considered in some of our neighboring states. This is a speech to the legislature: "In balancing the 1990-91 budget, we must meet these two difficult tests. First we must produce savings of a billion dollars without new taxes and without deficit notes. New taxes would damage our competitive position in a weakening economy. Deficit notes would simply add to next year's substantial budget problems.

Second, we must take steps now that will help close the structural gaps facing us in '91-92. The plan I propose, not surprisingly, deals most substantially with the largest parts of our budget. Over 60 percent is local aid, including aid for education and social services. Nearly 30 percent of my proposed spending reductions are in state agency costs, including personnel and fringe benefits. This plan also presents my judgments about the most humane way to achieve those savings. In dealing with the work force, for example, I propose five mandated days for furloughs between now and the end of the fiscal year as well as a new voluntary retirement program. These actions will reduce the need for immediate layoffs to about 2,000 by allowing attrition to achieve a greater part of the savings required in this fiscal year and the next. Even with this measure, additional layoffs will be unavoidable in the next year's budget. In school aid, for example, I am recommending cuts averaging 2.2 percent. Revenue sharing, which constitutes a smaller proportion of the revenue strain of local governments is reduced by approximately 10 percent. To help offset these local assistance reductions, we are proposing a detailed and ambitious program of cost containment and mandate relief." That is from a

speech by Governor Mario Cuomo of New York in November of 1990 to the New York Legislature.

We in Maine have avoided drastic cuts in aid to education and revenue sharing but we as a state are not alone in making other tough politically unpopular decisions. It is our feeling that if we don't begin to make some of those tough cuts now, we will never be able to craft a biennial budget.

I urge you to vote against the pending motion on L.D. 274. I think we can and must do better.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: We continue tonight another saga of the never-ending story of the attempt of the administration of the Maine Legislature to reconcile a supplemental budget and it is a process that I think Representative Hichborn and others have indicated, certainly members of our caucus and I am sure members of the Minority caucus, were described as frustrating over a period of time. The budget debate, though frustrating, I would suggest is also an important part of our democratic process. A political document is the only way that I can think to describe the budget. The budget is a purely political document and through its budget and expenditures of state revenues, I think each society can most accurately reflect their values, certainly the values of any particular party. I would also suggest that our approach in dealing with a budget reflects the values of our party.

I have listened with interest to a former Representative talk about the problems of other states and I think it is fascinating to hear but I think it is also important to place into context that, to a great extent, we are much farther off than states like New York. In fact, if you look at our comparison with other states across the country right now as to what we projected for available revenues two years ago and what we have now, we are about the 6 worst in the country and that is not an accident. Many of us have been following its track for some time.

Fiscal year 1991, we knew going into this fiscal year that we were going to need a \$190 million more in actual dollars than the previous fiscal year, \$190 million more this fiscal year than last year. After three months of this fiscal year, July, August and September, we had only taken in \$9.6 million towards that \$190 million goal. It was painfully obvious back in September and October that we weren't reaching our goals, that we had a serious problem. It was more obvious to some than to others. The fact is, and it is not to lay blame, but the fact is that it wasn't until after the election that we were first approached with the scenario that, in fact, we did have a problem, a \$110 million problem and perhaps \$40 million worth of new supplemental spending which is going to be needed to solve our deficit. We had potentially a \$150 million problem we learned approximately eleven days after the election.

Since then, there have been a battle of words, there has been a lot of rhetoric exchanged from both sides. Both political parties have had their say. We have attempted not to replay the gubernatorial campaign, no one is better served by that scenario but, at the same time, I think we all recognize that there was an element of crisis and confidence in the information and availability of information that was

being provided to us as a legislature — certainly to the extent that we don't feel we are getting good information and it is very difficult to make clean, intelligent, thoughtful, and deliberate decisions.

Once the political rhetoric died down a little bit and the metaphors were exchanged and put aside — since then, that is when the problems began. How do we create a state government that Maine people can afford and how do we create an effective downsizing of state government? There has been a lot of talk about spending the last couple of days. The Governor today said that the Democrats still don't have the stomach necessary to make necessary cuts. I think most members of this body realize that that is not the case at all. In fact, spending cut proposals, as of last night, would indicate that both are very, very close. I would suspect the Democrats may have cut even a little bit more than the Republican proposal but both are very, very close. I say that only to reference the fact that, let's not pretend that we are really downsizing state government this session.

This is a supplemental budget and realistically, while we may be making \$30 million worth of cuts, we are using transfers from here to there. We are trying to get us through this fiscal year so we can deal with a larger problem, the \$931 million dollar problem. The \$931 million problem which was originally a \$400 million dollar problem because of what we did in the previous budget, the transfers of monies, the use of one-time monies, use of surpluses. We are not sin free to the extent that we have a \$931 million dollar budget. We have been saying that for some period of time but we have also been trying to work on that for some period of time. The Administration had their shot at this. In December, they put together a sketch of what their proposal would be. Any sense that that proposal represented the downsizing of state government or reduction was quickly dispelled because, in fact, they were calling for approximately \$40 million worth of cuts but also about \$40 million dollars worth of brand new emergency spending. Now that original proposal was highlighted by a major (some would call it) raid, a major borrowing on the retirement fund, both sponsored by Representative Foss. That proposal was rejected by an overwhelming margin in the House, 140 to 3 and unanimously in the other body, out of hand essentially because, as the Governor defined the problem at that time, we had a \$110 million shortfall. He was recommending that we needed about \$40 million dollars worth of new emergency spending. Their solution included borrowing and refinancing of about \$96 million, budget cuts of around \$40 million at that time and some miscellaneous money of \$2.8 to reach their \$150 million dollar problem. It was rejected out of hand and I think appropriately so because it didn't really solve the problem, it just put it off for three years. It would have had us repaying it at twice the cost, probably in three to four years. It made a disproportionate amount of cuts in our opinion, both Democrats and Republicans, on state employees, retirees, on the elderly — some 55 percent of the solution of that original proposal was to be had by the State Retirement Funds, then cuts to the elderly and low income represented another 25 percent, so that was rejected and fairly quickly.

Now the Administration's second proposal, and this was provided to us with all the information and

resources available to state government, was not a great deal of improvement. The second proposal was L.D. 108. L.D. 108 was given to us sometime, as I remember it, in January. You might remember that the Governor indicated on the day he was sworn in that he was going to provide us with a budget. He explained it to us the day of his inauguration and that he wanted action on Friday. The night during his inaugural address he said that he hoped for cooperation from the legislature. Then on Friday, he signed an Executive Order mandating cuts anyway. We didn't get the bill until approximately Saturday or Sunday, as I remember, and the Appropriations began a long series of hearings that Representative Hichborn has been telling you about. It was a very, very exhaustive set of hearings.

I think it was clear from their hearings that L.D. 108 was flawed for a variety of reasons. First of all, there was little planning or consistency in the cuts and where they were attempting to make those cuts. Some of the cuts would have contradicted, some of them would have reversed and some of them would have undermined some of existing policies of state government. Others would have traded for a loss of federal funds. So eventually, when it became clear that the parties were going to split and put out two reports, L.D. 108 was killed unanimously in committee and went on its way.

Since then, there hasn't been from that Administration a realistic proposal set forth to attempt to deal with the crisis. We haven't seen anything since that time. The Administration's first and second effort was completed with the eventual unanimous killing of L.D. 108. That left the problem with the legislature in an attempt to solve the issues that were before us. The legislature, without all the information and resources of state government, and to some extent some would argue about the cooperation of maybe some commissioners or agencies, was attempting to resolve the budget on its own. It made it a very difficult task, particularly when you have to do it in such a short period of time. Normally, a plan is essential to adopting and dealing with such a difficult thing in such a short period of time but the fact was, there wasn't much time and so the Appropriations Committee went to work and tried to determine the impact to the Governor's initial proposal. They tried to develop alternatives and, obviously, scrutinized state programs and services for cost savings. We looked at areas that had never been looked at before. Without question, they went into areas and I think both aisles would agree that they found areas for discussion that needed to be brought to the Table for years and I think that was an important process. It was a complicated process and it was made difficult by the fact that we had some brand new members on the Appropriations Committee. It was made difficult by the fact that our senior member, Don Carter, died during the course of negotiations and it was made difficult by the fact that Peter McKernan died also towards the middle and end of the negotiations.

The legislature and the Appropriations Committee would come to our caucus and say, it is one thing to cut but you ought to understand where those are going to come from. If you look at the budget for the fiscal year, you will find out that there is very limited room to where you can make cuts. Forty-two percent of our spending for this fiscal year goes towards education, K-12. Eleven percent of our

spending goes to higher education, the University of Maine, Maine Maritime and the Technical Colleges. Eighteen percent goes to Human Services, Medicaid payments, SSI, AFDC; another eight percent to mental health; three and a half to corrections; 3 percent to debt services and suddenly you are up to 85 percent of your budget for the fiscal year and where do you make cuts given that scenario?

I think the approach that the Appropriations Committee took and I think the approach that Democrats were concerned about, those on the Majority, was that we ought to make a determination of what we need to preserve rather than establishing an arbitrary figure of cuts that we are going to make and an arbitrary figure of savings that we are going to make — what do we need to preserve for state government? How can we make cuts that are consistent with the 1992-1993 budget? The Administration has told us that they would object to doing any type of restructuring because they wanted to be involved in that. They've got a special commission that they would like to advance forward and I understand where they are coming from. Obviously, it is the prerogative of the Executive to advance those types of considerations and they wanted to be able to do that. Obviously, the legislature is an equal branch of government and we want to be involved in that.

We saw some opportunities for making some cost savings and doing some restructuring now. We tried to advance that and, of course, the Governor indicated if we are going to negotiate during this process, you should know that restructuring has to be taken off the Table. That was fairly clear from day one. The same logic that the Governor was using that you can't talk about restructuring was the logic that we were using when we determined what we wanted to cut and what we didn't want to cut. There were a couple of areas that we knew we were going to have to cut in the 1992-93 budget. Maybe it is Community Mental Health, maybe it is Corrections, maybe it is a Health Care Plan — the fact is, this is a Supplemental Budget. We wanted to keep our options open as long as we could because the choices are going to be that much more difficult in the 1992-93 year. So using the same rationale that the Administration used to oppose restructuring, we used that rationale to make our determination as to what cuts we wanted to make. The bottom line is that, in the final analysis, we were prepared to make as many cuts as the Minority Party. We have a funding mechanism that is somewhat different. We tend to think it is better.

There is a real difference of opinion as to whether it is better but, given that the dollar amounts are so close, look what you get with the Majority Report. We are able to restore vital programs to citizens and programs that we think are important to the economic health of the State of Maine, whether it is the Maine Health Care Program, emergency shelters, elderly and adult services, DHS, Medicaid programs, probation officers that might have been restored, the Maine Youth Center, Community Mental Health, Corrections, regional offices for DHS and I could go on and on and on. Those things are reflected in the Majority Report.

When we talk about adjustments in the Health Care Plan, I hope that we would realize that the only bill before us now is the Majority Bill. Our failure to adopt the Majority Bill is going to mean some dramatic losses to hospitals. What we are going to

talk about is a cost shift. We have heard a lot about making cuts here and it is important to make cuts but our failure to adopt the Majority Report today is going to mean that hospitals across the state are going to lose dramatically over the next twelve months in Medicaid assistance, in Uncompensated Care Fund, the Medical Needy Program — you have probably seen this list, it wasn't provided by us, it was given to us by the Round Table, you can go on and on and on. The Arrostook Medical Center is going to lose \$1.3 million in the next twelve months. Bath Memorial Hospital will lose \$45,000; Blue Hill Memorial Hospital, \$236,000; Calais Memorial Hospital, \$700,000; Central Maine Medical Center in Lewiston, \$390,000; Down East Hospital in Machias, \$500,000; Franklin Memorial Hospital in Farmington, \$115,000; Jackson-Brook Institute in South Portland, \$1.4 million; Houlton Regional Hospital, \$316,000; Kennebec Valley Medical Center in Augusta, \$925,000; Maine Coast Memorial in Ellsworth, \$70,000; Maine Medical Center in Portland, \$1.1 million; Mayo Hospital in Dover-Foxcroft, \$60,000; Mercy Hospital in Portland, \$930,000 — I will spare the House the opportunity to go down through this entire list because it has three pages. The fact is hospitals across this state, by our failure to act on this bill, are going to lose a combined \$25 to \$30 million dollars in a cost shift over the next 12 months.

We could probably debate this for several days, might change no votes, but I think there has been a good faith effort to resolve our differences. Since February 8th, this bill has been in the other body, I can't mention the name of it, and we have essentially gone under the same dialogue that, because the Administration didn't feel comfortable with the funding source currently envisioned in the Majority Report, that we had to accept the other funding source, the much more legitimate funding source, the transfer of the telecommunications tax. There are some who would argue that those are very similar in nature, they probably are, and because of that, there was a difference in the amount of money that we had available to fund these two programs, to fund the packages that we had before us. We have been told since February 8th — well, if the Democrats would come with about \$8.5 million, the Republicans and the Administration would provide \$8.5 million dollars worth of revenues and we'll have a deal. We have been working towards that end...forever. The other body has worked time and time again, attempting to reach a compromise. Eventually, that broke down and was sent to the House — you know what happened over the last couple of days, the same dialogue. Every time different negotiators were in place, the same old sheets came forward and we would be looking at the same number of cuts, the same number of things. We continue to try to make cuts because this Administration said, if you can come up with \$8.5 million dollars worth of cuts, we will come up with \$8.5 million dollars worth of revenue and we'll have a deal. We will work out the minor language problems. We attempted to do that in good faith. We worked and we worked and we worked. We sacrificed programs that we didn't think should be sacrificed at this time because we knew they couldn't stand the cuts. We filled our end of the bargain. Late last night, we said to the Administration, we are very close. The presiding officers and others were down there, they were \$6 or \$7 million towards our goal

and it was then that we learned for the first time that the Administration's funding mechanism didn't exist. It wasn't that they were holding it from us, they thought that it was an available funding mechanism but the fact was that it didn't exist. It didn't reach the funding mechanism that they felt. We left, went back to work, actually went to dinner, spent an hour trying to find out the rest of the cuts, developed another list of cuts to reach our \$8.5 million goal and contacted the Governor. At that time, the Governor told us, "I realize that you have met your goal but the new bottom line now for us is, no more than \$6 million in the Health Care Plan." We said that that is a different parameter. No one has talked about that since February 8th. Where did that come from? That is where we are. Not very far apart but miles apart. We could say that we are very close in dollars and cents but what the Majority Report accomplishes is tremendous. What you get in the Majority Report, compared to the other report that we were dealing with, is the difference between night and day.

The Majority Report preserves vital services. It does start us down the road towards restructuring, downsizing, streamlining, it allows us for significant more accountability and oversight in regard to programs and, most importantly, I think it funds a Supplemental Budget that we all want so badly with the least impact upon Maine citizens and absolutely the least impact upon Maine municipalities.

Ladies and gentlemen, I think the difference between the two reports speak for themselves. I can't urge you to endorse and support the Majority Report enough. I think it is time we move on and deal with the many issues that we are going to have to deal with in the next four to five months.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I beg your indulgence, I am sure you all are as tired as I am so I will be very brief.

First of all, I want to make it crystal clear that Senate Amendment "I" does not contain any funding package. Senate Amendment "I" does some very specific things and I will run through them very quickly for the Record.

Senate Amendment "I" restores the Maine Commission for Women. It abolishes the Office of Volunteerism Services and makes technical changes in the law governing the Office of Community Services which is transferred to the Department of Economic and Community Development by the Majority Report. It transfers housing programs outside the Maine State Housing Authority including the weatherization program to the Maine State Housing Authority. It transfers the Driver Education Program to the Division of Motor Vehicle. It deappropriates one less position from the State Planning Office, which is abolished in the Majority Report and its functions transferred to the Department of Economic and Community Development. It establishes a Commission on Governmental Restructuring to consolidate programs for children that are currently operated by the Department of Human Services, Mental Health and Mental Retardation and other states agencies. It establishes a special task force to evaluate health care options. It establishes an extended time schedule for preliminary plans and engineers estimates for salt and sand storage facilities according to the priority of each project. It

provides that local school boards may eliminate or defer a state mandate enacted after January 1, 1984 until the state restores Aid to Education at the level on January 1, 1990. It requires the state employees laid off after November 30, 1990 and before June 30, 1991 be returned to their positions if these positions have not been abolished and if they are vacant. It provides that the Economic and Community Development must work with and provide resources to any group conducting a preliminary assessment to determine through a comprehensive study the feasibility of a company or a group purchase of a manufacturing plant or company in danger of closing. The Majority Report exempts from review by the Appropriations Committee any money borrowed to purchase the Lewiston-Auburn College facility. It restores a legal secretary position in the Workers' Compensation Commission and establishes a \$10 million dollar Rainy Day Account. It provides for \$3.8 million in deappropriations. \$3.8 million in additional cuts in what was previous authorized by this legislature in state spending, including \$500,000 from the State Contingent Account; \$500,000 from the Consumer Credit Protection Dedicated Account; \$1.3 million in miscellaneous cuts from the Judicial Branch for debt service, from ASPIRE, from Corrections, from the Maine Health Program, the Office of Volunteerism and from the Legislature. It retains the Office of Public Advocate within the Executive Department, abolishes the Office of Alcohol and Drug Abuse within DHS. It makes some changes in the Harness Racing Commission.

There is no new funding mechanism in Senate Amendment "I." A vote against Senate Amendment "I", a vote against the motion to recede and concur, to me, would be perceived as voting against what I just stated.

I would like to talk a little bit about some of the rhetoric that I have heard for a long time — a government that Maine people can afford. Well ladies and gentlemen of this House, the Majority Party in this House has proposed or placed within the bill before you approximately \$38 million in deappropriations. Again, either in this bill or have been proposed and placed on the Table \$38 million in deappropriations. The amount of deappropriations in the Minority Report is approximately \$2 million less for \$36 million. Government Maine people can afford — I guess we are not too different there.

Downsizing state government — the Majority Report proposes to do away with the Division of Community Services because all of its functions are replicated elsewhere in state government and it would be more efficient to transfer those functions to those other places where they can be carried out. That's downsizing state government in the Majority Report. It combines the Department of Economic and Community Development with the State Planning Office because many of their functions overlap and we can reduce the bureaucracy and overhead by doing so. Downsizing state government, the Majority Report.

I have heard a lot about how the Majority Report does not make spending cuts. We need more cuts. I pointed out the numbers to you but I only continue to hear one program that is designed for the axe, constantly hearing about that program. I haven't heard a lot about other programs or other proposals. We have made a lot and they have been rejected. The other party has made a lot and we rejected them so let's get the rhetoric straight, let's say where we

are here tonight, let's move on. It is time for this legislature to move on, let's pass this budget and move on to the great task ahead of us, which is the biennial budget.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I guess beauty really is in the eye of the beholder and I think there are many members of the Majority caucus who really look at this Majority Report much differently from the way a number of the rest of us do. From the very beginning of this process in the Appropriations Committee, on issue after issue, we had nine to four votes. A number of those issues have stayed with us right straight through until the present time.

All of you were right who mentioned that we worked hard from December 26th on, we did, we worked morning, noon, and night. We have been trying to find a compromise for very different philosophies that exist. I think a compromise means just that, two sides working to meet each other in the middle. That has not been happening. For example, in the much discussed Maine Health Plan, we started at zero, we moved to \$5.5 million and, then in another spirit of compromise, we moved to \$6 million and the Majority Party started at \$7.1 million and they stayed at \$7.1 million.

One night last week, we in the Republican caucus, were really excited for the Majority Party brought us a compromise of 3/10ths of one percent across the board. At first, we didn't know if we were too happy with it or not but we considered it, we considered it was a compromise and we decided to accept it excepting General Purpose Aid to Education and the Teachers Retirement. The next day the Majority Party withdrew the offer and said they were afraid they couldn't sell it to their caucus.

Ladies and gentlemen, we have a biennial budget to consider, to hold hearings on, and to pass. That will be a huge problem in comparison to the one we have today. If we cannot compromise on this one, how are we going to consider a \$3.2 billion budget that may have up to a \$1 million shortfall? What we do with this budget has a very strong bearing on the next budget. We must lay the ground work for that. Furthermore, schools, organizations and towns, are preparing their budgets for next year. Schools are wondering whether they are going to lay off teachers, eliminate programs, have flat funding, more than that or less than that. They are wondering just what they are going to do.

I think this legislature has to compromise on a budget. There is never a perfect solution but it has to be a fair budget and we have to begin to provide for the future. The people of this state do not like this partisan bickering that has been going on, on both sides. Somehow we must put our differences aside and get on with the business of the state. Let us reject this partisan bill with its flawed funding and try, again, to reach a compromise.

I urge you to vote against the Majority Report.

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

Representative RYDELL: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Yarmouth, Representative Foss — you spoke about the need to make spending cuts that would impact the long-term financial picture? I

would like to ask the Representative to elaborate on that statement, please.

The SPEAKER: The Representative from Brunswick, Representative Rydell, has posed a question to the Representative from Yarmouth, Representative Foss, who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: As the good Representative from Brunswick knows, we had several issues under discussion in committee that would have had an impact in the long run. We talked about the GAP in the AFDC, we have agreed to language to look at that in the next biennium although we have not agreed to make any changes. We have agreed that we will look at the Medicaid costs in the next biennium. We have agreed to language on the Maine Health Care Program, to have a task force to study that and to look at reducing perhaps the benefit levels. We have not agreed to do anything in that area.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: The Representative from Yarmouth, Representative Foss, has mentioned a number of things, all of which have been agreed to by both sides and which may make an impact on the long-term financial picture. We certainly hope they will and we hope that we will be able, through task forces, to reach agreement on how to restructure some of these programs and how to reduce the amount of state funding that must go into these programs. As yet, there was no mention of actual spending cuts that would affect that long-term picture. The reason for that is that it is extremely difficult to do that, if not impossible to do that, in a hurry, in a Supplemental Budget, in the middle of the winter, because the programs that cost the most are the programs that impact our citizens in need, our low income citizens who are dependent for their support on AFDC, who are dependent for their medical care on Medicaid or the Maine Health Program.

We need to, in a different atmosphere, in a atmosphere where we look at data, where we can look at what other states have done, where we can discuss with the federal government and where we can try to reach agreements on what is a sane and practical way of making those changes, making them in a way that will not harm our citizens in need. Maine is different from any other state. We are known all over the nation for our caring for citizens in need. We have, over the years, been committed to sharing whatever resources are available in our state with our neighbors and our fellow citizens who are in unfortunate circumstances, who are unable to pay for their daily support or unable to pay for health insurance. We have tried to keep hold of programs even in the face of federal cuts. We recognize that these are difficult economic times and that recent economic events may force us to make some changes in some of our programs. We need to do that with a rational plan to avoid unnecessary pain to our citizens.

If we were to do that now with some of those changes, I think we would not avoid that pain. We would inflict on many citizens the kind of pain that would not easily be forgotten or easily changed. We would destroy their chance for a successful future.

We enacted the Maine Health Program because we recognized that many of our citizens, many of them

working and working full-time, did not have access to health care, that our children were not healthy as they should be and that their parents were not as healthy as they should be because they lack that access. We enacted that program because we also recognized that every citizen in our state was paying more for his or her health care than was necessary. They were paying for it, not for their own care, but for the care of others. We needed to stop cost shifting. We added additional revenues and those who were here in the previous legislature all voted for those additional revenues because they were for a health care program. I don't need to go over all of those revenues or to remind you of that, we have done that in previous discussions.

I do think I need to remind you or perhaps tell you for the first time the effects of not funding the Maine Health Program, of not voting for the Majority Report. Some providers have already been notified of the lack of funds to pay claims. Hospitals have been notified, perhaps today other providers have been notified. Some providers have already started to refuse Maine Health Program enrollees because they know that outstanding liabilities will not be paid. Hospitals will not refuse these enrollees, but other providers who often can provide a service at less expensive costs, can and will refuse to serve Maine Health Program enrollees.

Enrollees have been or will soon be notified that they will not be able to receive any services. That includes enrollees who may be in the middle of receiving medical treatment. That can include anyone from someone who was operated on yesterday, someone who had an operation a couple of weeks ago and is receiving radiation therapy, chemotherapy, a whole host of necessary services. How will these people feel when they read in the newspaper tonight or when they receive a letter tomorrow or the next day that says: "Dear Maine Health Program Applicants and Enrollees: I must inform you that sometime in early February, 1991 the appropriation for the Maine Health Program ran out of money. The department cannot legally obligate that account any further. Therefore, benefits provided to enrollees under the Maine Health Program can no longer be paid. If more money becomes available and/or other changes occur, we will advise you if you are again covered under the Maine Health Program. We apologize for any inconvenience this may cause you. If you have any questions about this or any other programs, please contact your nearest DHS office. Rollin Ives, Commissioner." It doesn't even say "sincerely." Are they going to understand the legal obligations? Are they going to understand that, if more money becomes available? Will they be sicker? What will their condition be by the time that money does become available?

I already told you that the providers will not be paid but there are several other effects. We are due to receive federal funding starting, we hope, April 1st. That federal funding is a demonstration grant. It is premised on testing the cost effectiveness and the results of covering enrollees through employer-based coverage. With the adverse public relations resulting from a letter to employers, which will have to go out because we have some of our enrollees who are on employer sponsored plans now, this may jeopardize the operation of the demonstration. In turn, it will jeopardize our federal funds. What employer is going to want to

cooperate with the state, given the present circumstances? Enrollees will not receive their eligibility cards for the month of March. In fact, enrollees who have been declared eligible in the last several days have not received their enrollment cards for the rest of February so technically we have many people who are eligible and are enrollees but they don't have any way to collect their benefits. As of Friday, there won't be anyone with a card in the Maine Health Program. Enrollees for whom premiums are being paid for an employer-sponsored coverage plan will no longer be covered because the department will not be paying the premium. If they cannot make the premium payment themselves, they will lose third-party coverage and we know they can't afford to make the third-party premium payments themselves because they hadn't been making it before the Maine Health Program. Employers will be notified of the state's inability to continue payment of those premiums. As I said, employers will be reluctant to participate in any program with the state.

What about the providers? Not only those who are serving Maine Health Program enrollees but providers who are serving Medicaid enrollees — we have had a very difficult time having enough providers, motivating providers across our state to participate in the Medicaid Program. Will provider participation in that program be jeopardized? I would tend to think so. Hospitals can't refuse treatment but other providers can. The loss of the Maine Health Program and the correspondence that is going out around this will force the current enrollees to take one of two courses of action, not to seek medical care or only to seek medical care in hospitals in emergency rooms.

Cost shifting — over 10,000 people actually have valid cards right now and so they are covered by this program but when they lose their cards and the people who are enrolled but don't have cards, who will pay? Will those with pre-cancerous conditions wait until their condition is serious? What about the people who currently have medication for chronic conditions, such as asthma, diabetes or kidney disease? I have received many phone calls from these people who don't know what they are going to do when their medication runs out, who are functioning now and functioning well and were not functioning so well before the Maine Health Program.

We have a little philosophical difference here which I think perhaps ought to be discussed. Let's talk a little bit about education versus health care. In an earlier part of this debate, the Representative from Yarmouth talked about education and the decrease in education funding being proposed by another state. Well, in our state, we are continuing to buy all the books and supplies of all Maine children regardless of the income of their parents so long as they attend public schools. I am not opposed to that. I think it is correct, I don't think there should be any kind of a means test for education. We have now made the decision, not because we don't have the funds but because of some philosophical difference, we have now made the decision to stop paying for the health care of people who are eligible for the Maine Health Program, for adults whose incomes are below 95 percent of the federal poverty level and for children whose incomes are below 125 percent. While we continue today, tomorrow and next week to pay for the public education of even our most wealthy citizens, we are stopping payment for the health care of our most low

income citizens. To me, that doesn't make any sense and I hope it doesn't make any sense to you.

I hope you will vote for the Majority Report so we can get on with the business of the biennial budget, so we can also continue our commitment to citizens who are truly in need, so we can make those cuts that make sense in February of 1991 and prepare to make cuts that make sense for the next biennium.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I want to remind you that the original appropriation for this health insurance part of the program was \$2.9 million, the projected cost now is over \$10 million.

I would like to pose a question through the Chair to the Representative from Brunswick, Representative Rydell. Perhaps she could answer for us why the program costs twice as much per person as Medicaid?

The SPEAKER: The Representative from Yarmouth, Representative Foss, has posed a question through the Chair to the Representative from Brunswick, Representative Rydell, who may answer if she so desires.

The Chair recognizes that Representative.

Representative RYDELL: Mr. Speaker, Men and Women of the House: First of all, I would like to remind everyone that the original appropriation for this program was \$9,946,885. We recognized, at that time, that the program would undoubtedly be expensive. The program does cost at this time more than Medicaid. We are prepared to cap this program. It has been agreed that when the budget is passed that we would do that, we are prepared to look at what we are paying for. We have repeatedly asked for a printout of what the Maine Health Program is paying for, what kind of services are we paying for — are we paying for services in a more expensive environment, that we could change the scope of our benefits, that we could change the place where benefits are received? 72.2 percent of the expenditures are going to hospitals, 56.4 percent to in-patient care — are there other ways of delivering some of that care? I would hope so. That is why we proposed the task force, that is why we proposed taking a look at this program, that is why we proposed not expecting any new adult enrollees so we will have an opportunity to examine the program. I don't believe that the Representative from Yarmouth can tell me either exactly why this program costs more than Medicaid.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, I would like to pose a question through the Chair.

A question to the Representative from Yarmouth, Representative Foss — I am a novice as far as the Maine Health Program is concerned but as one person who voted for the taxes which were included in the piece of legislation that created the Maine Health Program, I am concerned about information that I have been trying to gather. It is my understanding that those taxes, that combination of taxes that we all voted for, have raised revenues of \$16.1 million through June. It is also my understanding, through my own private investigation, is that all spending under this Public Law 588, has been \$9 million to date. My question would be, if we were to eliminate the Maine Health Program, if this amendment does not pass, would you support repealing these taxes on used

boats, lounge drinks and cigarettes?

The SPEAKER: The Representative from Waterville, Representative Joseph, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: This is a familiar question. We have gone over this ground many times in committee. As you all know, those taxes were not dedicated to this, although we all knew when we voted for them, some of them we all did not vote for, but the understanding was that it would be used for this program. It was projected that \$20 million would be raised over two years, it has, indeed, only raised \$16 million and this legislature last spring amended the original appropriation, which a prior speaker mentioned as almost \$10 million, which was to cover an entire year's cost. Now they have moved the starting date back to October instead of July to live within the lower appropriation. It has been my position all along that if we do not spend it in the next biennium on this program, that we should remove those taxes and I have even proposed dedicating them. I believe both parties recommend that they live within the revenues of those taxes or repeal them.

At this point, the Speaker appointed Representative Gwadosky of Fairfield to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I think what I am hearing tonight is a series of frustrations and frustrations among the Appropriations Committee members, frustrations among members of leadership about the breakdown of negotiations. One thing that I am hearing that fascinates me is continued references to the Majority Report. As I see it, we have a bill here or no bill, that is what we have to vote on. Are we going to accept this bill or aren't we? Unfortunately, negotiations have broken down and that is a frustration for me too. I guess I wanted to speak the frustration of a rank and file member of this body. I am not one of the high level negotiators in this or the like and I am just sitting and waiting, hoping that this thing will be negotiated out successfully and it hasn't.

At this point, my frustration also, as we continue to go over all these words about what things should have been different and so on, we have a proposal before us and we have to choose whether to support it or not. From my point of view, it is pretty clear, that this bill is far better than no bill and that is what we are being asked to vote on. Do we support this bill?

The area that I know about the most is the area of Corrections and clearly, under the current situation, we have cut 42 positions in the Department

of Corrections, those 42 positions include basically eliminating the intensive supervision program, one of the few decent intermediate sanctions that is available in the Department of Corrections. It also eliminates (totally) all community programs and the vocational-educational programs at the Maine Youth Center, one of the few programs that gives kids a sense of self-esteem. If we pass this bill, all that would be restored. I have to choose, I have to sit here and choose — now, do I want to pass this bill or don't I want to pass this bill? I am not choosing among various proposals that have been tried and haven't succeeded, I am choosing whether to pass this bill or not. It is pretty straightforward to me and, for me, it is a very simple choice. This bill is far better than no bill, so I am voting for it.

I also want to share a frustration of a constituent. I got this letter last night when I got home. It says: "Dear Representative: I have three grown children living at home. I am a widow and all four of us have jobs. Expenses were running high so one of my sons suggested we have a six month surcharge on their board. The three of them decided that for six months each would pay \$5.50 per week extra for their board from November to May and assess it at that time. The extra did cover the cost of the oil increase, electric and water so far. Now one of them got a letter saying they are forced to lose days at work to save money for the state. This opened my eyes — who thought this idea up? Why should state workers be the only ones to lose a day's pay to save money for the state? Are we all not Maine citizens? State workers earn less than private businesses; yet for the good of the "state", you target those who work for less, the people who work for the state. If the state is in trouble, wouldn't it be fairer if all Maine citizens contributed to that need? I may not be smart but I do pay my own way while paying my taxes, my bills, my insurance and have managed to keep our home since becoming a widow. Why do you penalize state workers?" I would correct this writer that it was not I that penalized state workers, it was the Administration that has chosen to do certain things in the face of not having a bill passed by this legislature. "I know the ammunition is to take days off or you lose your job altogether but it sounds like a threat to me to keep scared people in line. If you need money, let us all pay, why don't you consider a six month tax surcharge from all Maine taxpayers? I don't know how so many people from all over the state can even gather in the same hall and not one of you sees how unfair this is, how it is always the poorest paying the price. What about the doctors, lawyers, insurance, business, restaurant owners, rich people living in grand houses? Why a low-paid state worker? We struggling, good, happy, honest people find a way to keep our little homes. We all do it fair but you tell me, please, why just because you work for the state and work hard you should punish them? Well, no one listens to old widows who keep paying and keep quiet. If you are a decent man, all of the citizens of Maine should equally pay the bill. Signed, A Family in your District (fear of giving out our names in a sad society)." That is the frustration of constituents and I suspect we have all heard the frustrations of constituents.

Ladies and gentlemen of this House, I suggest to you all that it is time we passed a budget. That is my frustration, I can't understand why we have to

keep talking and talking about all of the various proposals that have been tried and failed and I wish they had succeeded but they haven't so why can't we just pass this budget and get on with it and deal with the frustrations of the people back home and get them off our backs and deal with our own frustrations? I would urge passage of this recede and concur motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped to spare you this evening but as information has continued to come in the last two months that I have sat in the Appropriations Committee, it became clear that I am not sure that anyone is in charge. Mislead, I am not sure; misinformed, perhaps; uninformed, perhaps; lack of thinking, perhaps; lack of foresight, lack of planning all went through my mind. Executive Orders — projected layoffs, furloughs, all of them done without consultation with members of the legislature for the most part. The last one this afternoon just breaks the camels back. It is appropriate that you use the word camel in the definition of how it breaks one's back. Guess what? We have military personnel from this state who are serving their country that are state employees who are not being paid. The way in which furloughs are handled, it will affect them. If they come back before the 15th of March, they must take three furlough days. If they come back before the 15th of April, they must take two. If they come back before the middle of May, they must take one. You see, men and women of this House, that is how much thought has been given to this.

I want you, especially members of the Republican Party, to be the ones to tell your constituents who are state employees and who are defending this country. What will you tell them? What do you want to tell them? Frankly, I am ashamed to be here because it would seem to me if those things had been talked out, people could have worked out details instead of games.

Let's talk and I am sorry that Representative Foss is not in her seat but I am going to go ahead anyway. The question was posed by the Representative from Brunswick about this program going over its appropriation (Maine Health Care) that \$2.2 million was put in. The original appropriation, as we all know, was \$9.9 million. The changes, of course, were passed by the previous legislature and this Governor upon recommendations of the Commissioner of Human Services when he assured the Appropriations Committee, "Don't worry, there's money."

Let me tell you about another game that occurred at the same time and that was in AFDC and we couldn't see it until yesterday when we were having our discussion. When the Appropriations Committee met, we were told that the caseload is going out of sight and we must plan on 600 new cases for December, January, February, March, April, May and June. As a result, we must increase the appropriation on AFDC by \$17 million and if "the Democrats won't give us GAP, we have got to add \$1.9 million more." Guess what? When we asked the question yesterday, "What are the actual cases?" In December, 549; January, 575; February, 469, not 600, but we need more money anyway. You've got to add another \$1.1 million, which we did yesterday, by the way, in negotiations. Guess what? The reason why we are adding is because they took away too much last year. Why? Because

they wanted to balance the budget last year at all costs. Health care was not the only one in which cuts were made which should not have been made, it was AFDC, the Medicaid Program, it was General Assistance, it was the big items. Misinformation may be unintentional, we all can make our guess, but there it is.

I challenge the Administration tonight to recall its furlough order and to deal with the question of the military citizens of this state who are state employees serving in the Middle East. More than that, I plead with him to do it in justice and in fairness.

I will go one step further because when we left last night, in my opinion, we were very close. I would ask that someone find Representative Foss so I can pose a series of questions to her. I think the time has come to put this issue to rest. Let us get the exact things that are differences between Representative Foss and this end of the aisle and let's see what they are. Let's all do the purpose for which we all have been elected as legislators and that is to legislate. It seems to me that we have already spent too much time. Last night when we left, I felt (and I believe the Governor did too) that we were within \$2 million dollars on the "Democratic side" of bringing it to a head. The Governor said he didn't have the \$8 million but he could find his monies. Then, of course, it all fell apart.

As you know, in this negotiation yesterday and the day before, there were very few of us that were there, the Governor, the Senate President, myself, the two Chairs of Appropriations, Sawin Millett, the Commissioner of Finance, a member of the legislative staff and a member of the Governor's staff. That is the entire group.

I would like to ask Representative Foss, in speaking for her party because she is the only one here who was there, if she feels that we had reached an agreement on the Task Force for Health Care and the Task Force for AFDC and other related items?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: Yes.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, I would now ask through the Chair if we had reached agreement between the Governor and the Republican Party on a commission to restructure state government, the reporting date and its implementation for July 1st?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: Yes. I think it would be more productive, however, Mr. Speaker if I could suggest that the list be presented and, rather than jump up and down, I could answer them all at once.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, I would pose an additional question through the Chair to

Representative Foss, if we had not reached agreement on the Governor's proposal for a government efficiency study to report on December 1, 1991?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I assume the answer to that is yes. I would pose an additional question through the Chair as to whether or not we had reached agreement on the fact that the Democrats would not use as a funding mechanism (if there was agreement) the delayed payment of school subsidy and that we would, in fact, use the Republican proposal of advancing the telecommunication tax?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: The answer is yes, predicated on the agreement that the \$8.5 million generated by this salary push and furlough be used, that the remaining \$17 million be split half and half, the Majority Party reach a target of \$8.5 in cuts and we would help find sources to cover the remainder.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, I would like to pose an additional question through the Chair to the Representative from Yarmouth, Representative Foss, as to whether or not we had reached agreement on the language provisions of what were in the Majority Report, specifically on the advancement of vacation time and other related items that are contained in the original Majority Report?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: The answer is yes and I would like to pose a series of questions through the Chair to Representative Martin.

There has been a great deal of discussion today about whether a target of \$5 million had been reached or \$6 million or \$8.5 — it is my understanding there were several issues on the Table, do they still remain in that package? Does a \$500,000 out of the Governor's Contingency Fund, as suggested by the Majority Party, used for job development? Does that still remain in whatever package of cuts the Majority Party has proposed? What is the amount of cuts and what are those cuts totaling \$8.5 million?

The SPEAKER PRO TEM: The Representative from Yarmouth, Representative Foss, has posed a question through the Chair to Representative Martin of Eagle Lake who may respond if he so desires.

The Chair recognizes that Representative.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I was going to ask the same questions so I appreciate the questions.

First of all, the Representative from Yarmouth, Representative Foss, may have forgotten that the

proposal for the \$500,000 from the Contingency Account was proposed by one of the members of the Majority Party. It was subsequently rejected by your side. Later in the day, the Governor said he would put it back on the Table and count it as a cut so yes, it is an item that is carried on the side of the Majority Party.

I would also ask the Representative from Yarmouth, Representative Foss, to specifically answer the question as to how much money there was in cuts when we left last night? I think it has been said publicly, privately and otherwise that we had, prior to our break last night, agreed to \$6 million between you and the Governor and the Democratic Party.

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: The Contingency Account of \$500,000 which is used for job development was a suggestion by a member of the Majority Party. The Governor did agree to give it up provided it was matched by an equal cut from the Legislative Account.

My question through the Chair to the Representative from Eagle Lake, Representative Martin, is, does that mean that \$500,000 from the Legislative Account is also in that \$6 million?

The SPEAKER PRO TEM: The Representative from Yarmouth, Representative Foss, has posed a question through the Chair to the Representative from Eagle Lake, Representative Martin, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Yarmouth must have been in a different room than I was because that is not the fact. If you recall the discussion, the Governor said he would put the \$500,000 on the table and count it as a cut provided (as he said) a big fish came along, remember the words, big fish, the legislature would put the money back in for training money and we all said, of course we would.

I would also ask through the Chair to Representative Foss of Yarmouth, what was the original proposal from the Governor for the \$8 million in proposed raising of fees?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I do not know. The Governor has assured me that he has that source of revenue. You have said that you have \$8 million, you have told members of my caucus that you do — now you say you have \$6 — what is the other \$2 million in cuts? I would also beg to differ, on my version, of my understanding, the offer of the \$500,000 from the Governor's Contingency Fund was specifically mentioned and that the offer stood as a match to an equal cut in the Legislative Branch. As the Representative from Eagle Lake knows, this was an issue of great debate in the other body's negotiating session when there was discussion about cuts from either the Executive or the Legislative Branches and they would be dollar for dollar.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: What a fake issue. \$100,000 coming from the Governor's Office is absolutely peanuts compared to the Legislative Account because when you deal with the Governor's Office, you have to remember that you are not dealing only with the Governor's personal office, you are dealing with State Planning, Community Services, all of those issues.

I would suggest that the Representative go back and talk with the Governor and I think he might be able to refresh her memory in terms of the \$500,000 but I can assure you that that was the fact as I lay it out to you. There is absolutely no question.

As I said to the members of my caucus today, when we broke up last night, we had \$6 million in cuts that was agreed to between all parties. The difference between the \$6 million and the \$8.5 million was never discussed because we never got back together. What happened, as the Representative knows, was that the Senate President had a conversation with the Governor who indicated there was no sense getting back together because, after all, it was \$6 million or nothing for Health Care.

I would like to pose a question through the Chair to the Representative from Yarmouth, Representative Foss, what was her comments to me as we came through last night when I asked whether or not \$6 million was bottom line or no budget and it didn't matter at that point and if that was an accurate statement? And if it was not, what was her statement and what was her intent?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: That question was posed to me and I did answer that \$6 million, which was an enormous movement from my caucus to go from zero to \$6 million for the Maine Health Care Program, was the bottom line.

I would like to also pose a question through the Chair. There is an issue of whether it was \$6 million or \$8 million in cuts. I am reading from a press release from the Speaker's Office today. Our agreement was to try to find another \$8 million in budget cuts which we did. My question remains, where is the money between \$6 million and \$8 million or \$5 million and \$8 million?

The SPEAKER PRO TEM: The Representative from Yarmouth, Representative Foss, has posed a question through the Chair to the Representative from Eagle Lake, Representative Martin, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: At this point, between the \$6 million and the \$8 million, let me just give you the rest of the scenario because I think it is important that Republicans hear this. When we left the Governor's Office last night, we were at \$6 million. In fact, it was agreed to by both parties, everyone. Then we had another side of the coin, money on the side we call "soft money" of potential cuts where people said it really wasn't a cut so let's not put it there for now. For example, \$1

million in the oil overcharge money and the whole list which I don't have with me. After that, when we went to dinner that night, we developed an additional amount (and the amount escapes me) but I believe was about \$3.5 or \$4.49 million that we were going to come back to prepare to see if we could get an agreement from the other side to find the other \$2 plus million. So it is fair to say that we did not get agreement on the remaining \$2 million because we never got back together. I don't mean to imply that we had \$8 million in cash in hand agreed upon, that is not true. What we have is \$8 million plus that was not agreed to by all parties that was easy to find.

By the way, in the course of today, we have found another \$2 million that can also be cut from existing sources without any problem.

You may find this difficult to believe but you see we, on this side of the aisle, do not control the figures. The information is on the other side of the aisle and that is not a problem from my point of view because I have been around long enough to know where some of these dollars are. All you do is ask a question and if you ask the right question, you will get the answer from most of the people, with some you will not. There is no hope, there never will be, never has been. So to answer the question, there is plenty of available resources and cuts to reach the \$8 million. If the Representative from Yarmouth, Representative Foss, is worried about that, it is there and we can reach agreement on the \$2 million. What I am trying to do is assure everyone in this body is that \$8.5 million of cuts is there, is available, as was agreed to. \$6 million was already previously agreed to, \$2 plus million not yet agreed to by both parties. We have yet to see anything from the other side because the Governor broke off the negotiations this morning so we have absolutely no idea where this \$8 million plus was going to be coming from. I was told and have heard rumors that part of that is coming from the (I think Representative Foss knows this but probably doesn't want to disclose it) oil surcharge money, probably \$1 million from that, because that was going to account for the other \$2 million prior to the cut. There are some other sources too as well.

Leaving that aside, I think we all agree where we are on that disagreement. If there are any questions and I have not explained it appropriately, I would hope the Representative from Yarmouth, Representative Foss, would correct me on it.

I would pose a question to the Representative from Yarmouth, Representative Foss, is it fair to say that the only thing that separates the Majority and the Minority Party (or some members of the Minority and most members of the Majority) is on the amount of funding for Health Care?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I thought I made it clear in my earlier comments that we were looking for indications of cuts that were more than one time in the long run. Yes, Health Care does symbolize that kind of a cut but we also presented a list of potential cuts, maybe two weeks ago, of at least \$8.5 million that did not include Health Care. We have worked ever since. The prior speaker would have you

think that \$2 million is very easy to find — yesterday we were talking in \$50,000, \$100,000 and I do have my list here, I have been somewhat the object of ridicule for taking lists everywhere, in fact I take them home every night because I try to sort of combine them but everyone seems to have a different piece of information that is important.

I do not come to \$6 million unless that strip of well money is included. If the Speaker could provide a list of what he thinks were agreed upon without that money, I don't think there is agreement.

I would like to pose a question through the Chair if his list does include the Department of Labor Safety Fund, which is for workplace safety equipment? This is for an example, that is funded by a premium tax on Workers' Compensation Insurance, it was suggested yesterday that there might be \$500,000 there but for example it is not there?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Yarmouth, Representative Foss, may have forgotten but that was one of those that was rejected. However, it was kept on the "soft money" side and is not included in our list. As a matter of fact, the figure that we had for that amount was about a quarter of a million dollars, the amount that could actually be used based on additional research done last night is \$130,000, but it is not in that figure.

I have not gotten an answer to my question as to whether or not Health Care is the issue but I think it is clear that the only issue that remains between the two parties is finding \$2 million and the Governor coming up with his \$8 million plus in Health Care. That's it.

If I were an average member of a caucus, whether it be Democrat or Republican, I would chastise pretty heavy because I asked the question — downsizing, the words don't change, that is where we are folks, you make your own judgment now. I believe it is clear enough. If there is anyone in this House who feels that they can put 15 votes together to get 101 by adding from our side and your side, rise up now and table the bill until tomorrow morning and put it together and let's stop making a mockery of the legislative process because that is exactly what you are doing. The time has come to act responsibly as elected leaders of Maine. We all know now what we are really down to. It is very clear. We are so close and yet so far away. The people of Maine deserve better.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have learned quite a few lessons in the past few days by getting quite a lot of information. To those of you who have extended that information, I am indebted to you for some tuition.

However, the thing that strikes me most that has been said here today and in the last couple of days is just how close we are. With a funding mechanism in the present bill before us, which I might out has been amended several times and I no longer refer to a Minority/Majority Bill, the Minority Report is dead and the Majority Bill has been amended. As much as I want a budget, I do not like that funding mechanism and I don't like restructuring done in such a hurry.

I was a member of state government for many years

and I was around when a thoughtful process went on in state government in 1971, which restructured the whole of state government. That study was a two year proposition and it resulted in the creation of, basically, what we had until the Longley Commission acted upon that government. That was done over a period of months, and I hasten to add, didn't improve a lot from my perspective.

If the sides are as close as I suspect and I base that on what I am hearing today, I would urge, rather than vote on something that we have trouble with in terms of that funding mechanism and if that could be overcome, I would be a lot happier. If we didn't restructure the government, and I believe those two things were taken out during the compromise, and if you are within that close of a balance, I would urge you to go back and try to make that gap closed. I think we would have a better budget, I think we would represent all of our people better but I will tell you one thing, in the absence of a budget, I am going to vote for a budget, but I still would urge the art of compromise.

Compromise is give and take. I commend the members who spent so much time at that task. You must be tired. Sometimes I am sure there has been some comments made that have inflamed the feelings of one another and I understand all that. I even get upset once in awhile when my snowblower doesn't start. There are other occurrences more personal that I won't get into but I urge a reconsideration and another try. If you are truly that close, that gulf can be bridged.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I am pleased to hear the comments of the gentleman from Eagle Lake because I have sought sorrowfully for leadership from that individual for some time on the floor of this House and have felt that he has failed. I thought I heard in the plaintive words that he used the first harbinger of hope that I have heard in some time. Leadership, of course, is the most important ingredient that this legislature needs to generate if it is to move forward to answer the questions which are confounding and confusing to all.

Before I get to that point, let me tell you about last night and let me do it in reference to something that the Representative from South Portland said a few hours ago about the frustrations of being a part-time player in this budgetary process. I am a part-time player in the process too. I was here Sunday during the long hours when the committee of however many there were were attempting to make sense out of the fiscal dilemma which confronts us. I had the opportunity to meet and visit with them at break. I talked with the two members of the Republican House Appropriations Committee who were my colleagues in my cold office on that Sunday. Representative MacBride, Representative Reed and I talked about many of the things which we knew were being discussed and discussed them into the late hours of that Sunday evening.

Last night, again sometime in the evening, we all went down after the primary negotiators finished, and I was met with a reaction of what amounted to nearly despair. One of the most sophisticated of state workers who was a member of that group was as near to tears and as near to emotional disquiet as I have ever seen him and was literally at a loss to describe

how bad he felt and how badly the negotiations had gone. He talked, we talked, all of us, immediately after the conclusion of that meeting about the failure of the process at that point. There were those of us who discussed Health Care, which we have known was a problem, I think you have heard discussed here tonight the fact that there was a problem — we didn't know what the answer to the problem was and you haven't heard any answers here tonight nor in any of the debate that has been offered. You haven't heard any answers to that problem because there aren't any answers, Health Care does not have an immediate answer. It is a crisis, the legislature responds to a crisis, that is what we attempted to do with the Maine Health Care Act — heard about all the funny funding that we did last year, you heard about all of those things, it hasn't answered the problem and what we are doing today won't answer the problem. Perhaps some day we will have an answer in the best interests of our citizens.

If there was a state of euphoria, and I refer to the gentleman from Eagle Lake — last night when you left the meeting, I can assure you that it was not shared by the Republicans who met their negotiators. It was, instead, a sense of sadness with which we were confronted by the Chief Executive as well as others. We were attempting to focus upon matters, which from the point of negotiation, might get us to a position where we could recommend to those Republicans who have stood solidly with the Chief Executive, in attempting to manage the tattered remains of the fiscal policies of this state created, I think, by the legislature. We were at a loss to decide how the issue could be forged in such a fashion so there would be a fulcrum of resolution and we went to the Health Care.

I spent one other weekend in the lower part of the halls of this House ferreting out the same information which you heard eloquently debated by the Representative from Brunswick who was largely responsible for the creation of the project and the Representative from Yarmouth who had a fiscal analysis that turned out to be right, even last year, that we were getting into something which we probably could not afford. It turns out that she was right but the hopes of the Representative from Brunswick are also right so we have the kind of crisis that confronts legislators and legislatures from time to time.

What we decided, apparently wrongly as far as the Majority Party is concerned, is that we could not make that as a reasonable statement. We could not say that the movement from zero dollars beyond the \$5.4 million, which we discussed at great length two weeks ago, to a \$6 million dollar point would not be a satisfactory compromise. That, in some fashion, would have to be recognized by the Majority Party as a significant Republican effort to have failed the program because of the good ideas that were involved in it, that we wanted to make it clear to the people of the State of Maine that we were prepared, in some fashion, to do something with respect to this issue that we could not handle. It wasn't enough. It strikes me, as a person who is involved in negotiations from time to time, that \$6 million out of \$7.1 is, in fact, a fair offer. That doesn't mean that it has to be accepted but it certainly was fair and within the parameters of the position in which we were. We felt that we were acting fairly because we are convinced to a moral certitude that the spending

policies of this state are out of control and unless and until we are prepared to come to grips with that, in each of these programs in some meaningful fashion, we will in the long-term, do more harm than we will good. It is good that we all seek to do.

You are already aware of the fact that we are really not debating the matter before this House, we are all standing here seeking some solution with respect to an issue and this issue is not a whole lot different than the money issue that confronted us last night. We are not really talking about receding and concurring and why we don't agree with the other body or why we agree with the other body, we are talking about altogether difference which is not really relevant. But there are times when the rules in this House must yield to common sense that controls us as we seek the solutions of the people. If we are committed to seeking a solution, it is my view that we do that.

Representative Norton has told you that he will have a budget at any price. So did the Representative from South Portland — that I suggest to you, ladies and gentlemen, is a failed, a flawed philosophy. We do not need to do that. We need to move slowly, we need to move in good hearted ways towards a solution and we need to do it with adequate leadership generated by this House, by the competent people we have in this House available to lead us to a solution. We should not be rushed to it and we cannot, in good conscience, suggest that it is responsible, legislative leadership to stand here and talk about the joinder of fiscal philosophies which are so close while, at the same time, we all recognize that nobody wants to raid the funding source which supports the bill which we are talking about. If we recede and concur, we will agree to postpone the school funding in the way in which it has been discussed into the next fiscal year.

What are the vehicles available to us? Somebody has suggested that we ought to call everything off tonight, that there ought not to be a vote. All of those opportunities are available to us. As long as this legislature demonstrates a willingness to reason, there is no sense in forcing ourselves into a solution where we accept the budget at any cost. It makes no sense fiscally, it makes no sense from a position of a proper analysis of our roles as legislators — instead what we need to do is to seek that vehicle — what is it? Well, somebody around here, I am sure, will be able to suggest it if the theories that are being advanced, that there lies within the penumbra of all of the fiscal machinations that have gone on all these days and weeks and hours are a better solution than the raid that is suggested if we adopt the motion to recede and concur and engross that bill so it will come back for enactment, so we can all vote on it, one way or another, then we will either have or not have a bad budget. What we need to do is recognize that, although we do not applaud it, that the fiscal policies of this state are mending ever so slightly as the allotment orders, as the management by the Governor, does its work.

For the gentleman from Eagle Lake to suggest that this House has done something evil with respect to furlough orders of the soldiers is not appropriate. It is not really a reason for us focusing — we, after all, had legitimate debate about whether or not we should support the President and the soldiers in the Gulf. That was a Resolution that was discussed at great length, we still have a matter tabled

pending a ruling, it has been on the Calendar for nearly a month, but what we really need is to focus on what is the right fiscal solution for us at this point. Let's try and do that. Somebody around here, a leader, will figure out a way.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, I would like to pose a question through the Chair.

I listened to this constructive debate and I don't want to stick a crow in this thing but I have written down six times and I haven't heard the answer although I have heard it asked back and forth from the Representative from Eagle Lake and the Representative from Yarmouth, Representative Foss, as to what the \$6 million that the Republicans have agreed to in cuts. Again, I have written that down six time already so I could write down what those agreements are and I still don't have an answer to that question so I would pose that question to the Representative from Eagle Lake, Representative Martin.

The SPEAKER PRO TEM: The Representative from Hampden, has posed a question through the Chair to the Representative from Eagle Lake, Representative Martin, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, unfortunately I don't have the full list with me. I am sure if he just went two steps over to Representative Foss from Yarmouth, she has that list as well because she was writing it down last night while we were doing it.

There were additional cuts in the Attorney General's Office, Corrections, the Executive, DHS, Judiciary, Mental Health and Mental Retardation, Secretary of State, food stamps, the Medicaid AFDC over-collection, oil account and so forth. Those were all figures that we had and those were agreed to last night.

If the Representative from Yarmouth, Representative Foss, doesn't have it, I am sure that the Representative from Topsham, Representative Chonko, can give her one. She probably has the complete list. I know that the person who was keeping the complete list was Sawin Millett and you might want to check with him. I have it in my office. I can assure you that, with the cuts that are in the Senate Amendment, they come up to the figures that we talked about. That is not an issue.

Keep in mind that we also came back with — just to give you an example of another one that we dealt with but that was not agreed to nor have they ever heard because we never got back together and that was basically some printing costs that could be controlled very easily by the Bureau of Purchases. We have those figures, I think, available.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, I would like to pose another question through the Chair. My understanding is that there are \$6 million of proposed cuts, specifically item by item, and those have not been agreed to in full by the Republicans?

The SPEAKER PRO TEM: The Representative from Hampden, Representative Richards, has posed a question through the Chair to the Representative from Eagle Lake, Representative Martin, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Frankly, I don't know what you have been told. Let me state what the facts are. I don't know why you are not getting this information from your own people.

When we left last night, we had an agreement of a \$6 million dollar figure, counting where the other body came from, taking those figures and adding them on. Then there were all those that had been excluded. For example, the \$500,000 that was in the Amendment from the other body, which deals with the Contingency Account and the Governor's figure which was originally thrown out. Then the Governor himself said he would agree to put that in provided that, if there is a problem and you remember my words, I don't need to use them twice, then we would agree to the figure being put in there. In fact, yes there was \$6 million and yes, it was agreed to by all parties present in that room. I don't know what happened after that. Maybe Representative Foss from Yarmouth couldn't sell it to her group, I don't know that because we never met with that group. I know this is awfully confusing for the rest of you who are not a party to this and I apologize. I will say though, perhaps, what it does demonstrate is that it is a process that is flawed. You see, it is "you said, he said, she said, they said." You are sitting there saying, "Who is telling the truth? What is going on? What are the real facts?" I apologize to all of you but the one thing that I have in this process and my years in the legislature is a good memory. Members of my caucus know that and some of the members of the Minority as well. I don't pretend to make up stories that are lies.

By the way, I do want to correct the Representative from Belfast, Representative Marsano — I suspect the person he was talking about was the Commissioner of Finance because you are right, the Commissioner of Finance was disillusioned, did look like he had been put through the wringer, was in fact feeling awful and let me tell you the story. As we were negotiating back and forth, I said, "I've got a million. As a matter of fact, I've got \$2 million, let's take the overcharge money." His face turned red and he looked at the Governor and the Governor smiled and said, "Uh, uh!" Sawin said, "That's what we are using to fill up our hole." I said at first, "It's mine." Then later in the evening, when everyone felt that this was going to be hunky-dory and we said, fine, that makes \$6 million and the Governor had then found \$6 of the \$8 million — isn't that great? The Governor has found his \$6 of the \$8. Sawin came in with another memo and at that point we were discussing AFDC. The Representative from Yarmouth will verify this. We talked about what the figures were on AFDC — could they take a cut of a million or would they, in fact, need more money? So we brought in John Wakefield, the Director of the Legislative Office of Fiscal and Program Review. We got done the AFDC discussion, Representative Foss will agree with me, and looking at me, Sawin said, "John, do you mind if I ask John a question and maybe he can help us on the overcharge money?" I said, "No, of course not." He said, "John, is it possible and in your belief do you think we could get federal approval and we can take \$3 million of the overcharge money and we can match it with the emergency money to make \$6 million?" After some discussion, John Wakefield basically said, "No." Sawin did look like he had been put through the wringer. I understand

why because he had lost \$6 of his \$8 million. I appreciate that, I understand that because I tell you, at that point, that's where we were.

Now to bring this to a head, I pose a question through the Chair to the Representative from Yarmouth, Representative Foss and to anyone else in the Minority caucus. Is what you are saying tonight that if the Democrats compromise on Health Care that you would agree to a package?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: That is the first time I have heard the Speaker offer to compromise on Health Care. I certainly think it is something we can talk about.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, I would like to ask the Representative from Yarmouth if that was a yes or a no?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: The answer is it is something that we can talk about. As we have said to you for weeks, the contents of the cuts are critical. I should tell the House some of the other cuts that were offered yesterday and I beg to differ. In honesty, I honor my integrity and I have lists and I do not see \$6 million that we have agreed upon and I am sure that that is an honest disagreement, Speaker Martin, because I have everything written down, unless you include the stripper well on that, which I thought was on this side — I do not see it. These cuts do not come easily and things that were thrown out yesterday I think were very discouraging for us. Things like considering buying one ferry instead of two, I don't know that issue, I don't know whether that is good public policy, I don't know what it saves. The original agreement was that we would look for that \$8.25 or \$8.5 million in cuts out of the increased spending in the Majority Report. We left that position days ago.

There was a suggestion that we cut more from the University, cut their cars and their administration, I assume that is not on the list now. There was a suggestion we cut some money in block grants for comprehensive planning, that is an issue I think is very volatile at the local level. We have tried to tell our communities that, in order to develop growth management plans, we as a state will help them fund it, and they are moving ahead and if we pull that money back now, I am afraid that we will leave them another unfunded mandate.

We had discussions about assessment tests on kids again. I have always been opposed to cutting that, I think it is the only part of accountability in the Education Reform Act. We talked about a cut of \$500,000 out of Adult Ed, that wasn't there.

My answer to you, as I have said to you for weeks

and my presence here has demonstrated that, that I am willing to talk but it is certainly the content of the cuts that is critical. I certainly think it would be helpful to find compromise, I think our position on Health Care is a compromise. We started out with zero and we have offered \$6 million dollars.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: I would just like to clarify a couple of things. We on the Majority Report have made a series of compromises as well and I don't want to let that go unnoticed or unmentioned.

We did compromise on the Health Care Program and I think Senate Amendment "I" addresses that. We took some positions from the Health Care Plan, half of them, changed some language on the Task Force, we were willing (I think in the original report) set the program so we wouldn't have new enrollees — at one time it was February 5th but because we continued to negotiate and negotiate, it was then changed to five days after the effective date of the Act. I guess that would make it somewhere around March 1st, if it was somehow enacted tonight.

I would like to pose a question through the Chair to someone from the Minority Party — if they could respond to that? I would like to say that I think them for allowing me to sit in their caucus this afternoon and they treated me with respect and welcomed our presence. In fact, they even asked me a question. I continually hear that the number of cuts that we have had, we have to do more cuts, but the cuts have to come from the new spending in the Majority Report. I specifically need to know what our new spending is? If someone would specifically list our new spending and where our cuts must come from, I think that would help to clarify some of the confusion that continues to fly back and forth?

The SPEAKER PRO TEM: The Representative from Gray, Representative Carroll, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: As the good Representative from Gray knows, there were several issues that have never surfaced in the debate in the House. As an earlier speaker mentioned, there were many 9 to 4 votes, there were many positions restored. We felt that the fiscal issues needed focus and it was our position from the very beginning that the Majority Report included, because of the shift in the General Purpose Aid, about \$17 million in spending more than ours. Our request was that the cuts be found in that spending. We have had many discussions since, I have had many privately with the Speaker about the issue of AFDC and I think this House should know, as difficult as a cut that will be, that program in Medicaid will have to be brought under control in the next biennium. I have said that on the floor of the House before and I know that we are going to be facing this issue again in the biennial budget so we decided on a task force. We felt strongly that the gap which makes us sixth in the country was something we couldn't afford to do now. Because the Majority Party couldn't agree to cut the whole gap and we didn't feel we could do it partially without waivers between now and July 1, we agreed to language, There are still several other places where the Majority

Party has spent and we have not. However, since we have gone to different levels of negotiations, we have moved away from that as is evidenced by discussions in the other body in negotiations and during the last few days between both bodies and the Executive Branch.

Many of the issues that were discussed yesterday were not discussed before — they are in areas that were not considered. I have no objection to taking, for example, surplus that does not have a use in this biennium if by removing that it doesn't put an added burden in the next biennium. I think I have shown accommodations as far as accepting cuts outside of the increased spending in the Majority Report. I do oppose finding cuts that only make the next budget more difficult.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I thought I would rise now and speak. I didn't know but perhaps you were tired of listening to Representative Foss and Representative Martin and you might like to hear another voice. I don't imagine I have a solution to the problem but I would like to say a couple of words.

I congratulate the people on Appropriations, the people in leadership, all the people that have worked so hard for so long a period to try to bring this to some kind of resolution. To be very frank, I think it has failed. I think sometimes you can get to a stage where people have looked at each other across the table for six, seven or eight weeks, you are tired of seeing each other, no new ideas are coming forth, you are into a gridlock where nobody is going to give and I think we have reached that situation here tonight. I think they have done a wonderful job, I truly do. I know the time they have spent and I think they should be commended for it.

I think I have to say too that the rest of the House has been very, very patient. I think we have been kept in the dark on a lot of issues. I don't like closed door meetings, I have made that very plain to everybody in the last ten years. There are times I think I would have liked to have seen a joint caucus where we could have discussed things instead of one party meeting in one room, another party in another. I think it was a very good move today when a couple of Democrats went to the Republicans, a couple of Republicans came to the Democrats — I think that is a step in the right direction. I really feel that you people have done your best and it doesn't seem to be working. I would offer just one suggestion, it may not be appropriate, but it is a suggestion and I haven't heard too many new suggestions lately — if the Representative from Topsham, Representative Chonko, would withdraw her motion to recede and concur, a motion could be made to insist and ask for a Committee of Conference. If that could happen, I would say to those who would be appointed to the Committee of Conference that the people from Appropriations should not be included on that particular Committee.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I have received a number of notes since the discussion has gone on, especially in the last half hour and I will respond to those after I make a couple of statements.

I felt when I spoke (it may have been close to two hours ago) that the tone of the comments that I made were — if not — I felt they were conciliatory in effort. We were willing to accept some blame on our side if others were willing to accept blame and discuss about the process having been broken down.

I feel it is important before any other step is taken to clarify further a suggestion or comment, in fact a direct attack, that the impasse of this budget is a result of one Representative, namely Representative Foss. I think the Representative from Gray and the Representative from Topsham who visited our caucus today can tell you, those of you in the Democratic Caucus, that it was not an outcry of opposition to the negotiating effort of the Republicans in any negotiating team. Just to tell you that there is an honest difference apparently in the understanding — I have spoken with one other party who was present last night who says there was not an agreement on \$6 million. If there was an agreement, it was at a figure substantially less than that, so there is a difference of opinion.

I think that it is unfortunate that there has been a definite attempt to portray the impasse as a result of one individual. That individual, as you have seen tonight, does a very effective job standing up to an onslaught of prepared questions. Frankly, that is pretty unusual in this process.....

The SPEAKER PRO TEM: The Chair would interrupt the Representative to advise him to keep his comments in context to the motion before us, if he would please.

Representative WHITCOMB: I appreciate that comment from the Speaker because it has seemed that several speakers have suggested tonight that there has been very little reference to the motion before us on the Amendment.

The SPEAKER PRO TEM: The Chair would apologize to the deference to the Representative only to indicate that the Chair would caution the member to suggest that members have utilized prepared questions to attack or attempt to attack or embarrass any member of this body.

Representative WHITCOMB: Thank you Mr. Speaker. I would respond to one question that was offered — would the Republicans accept some matter if there was movement on health care? I would respond in a manner very similar to Representative Foss by saying we would want to see the entire package. It is not the decision of the Republicans to be here tonight voting on a measure that does not represent the discussion of the last day and a half. In the opinion of many of us, this is a "throw it in your face" response. I think it is very appropriate to respond to the messages I have seen from several individuals that this matter be tabled for one legislative day to see if there is, as a result of this discussion of many subjects this evening, an opportunity for this process to proceed without having the matter go through the process of engrossment and that expense and, therefore, I would concur with the suggestion that the matter be tabled one legislative day.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the hour is late and I beg your indulgence only briefly. My comments are not intended to dissuade you from positions which you hold because I suspect that that

would be unlikely to occur. What I do hope is that you will accord me the privilege of speaking with you friend to friend and if you do not feel that you can consider me your friend, at least consider me your peer and indulge me for a few moments.

When I came in the Chamber today, I looked at the calendar and it said 26, February. It struck me that when I began to learn about this problem, the calendar said 26, December. It has been now 62 days with very few breaks, that we have worked diligently and in good faith, I think, to resolve this issue, some in what has been called the Committee of Five, some in what has been called the Super Group, some in what has been described as discussions at the highest level and some in dark little rooms with piles of paper and notes, and that is where I have been involved. But it has been 62 days to work upon this problem. During that time, I have experienced, I think, a roller coaster of emotions. It began with anticipation — as a newly appointed member of the Appropriations Committee, I looked forward to working with my colleagues to solve this serious problem. Anticipation was followed soon by dismay as it became clear to me the depth and seriousness of the financial difficulties that our recession has brought to the State of Maine. Then came frustration at the slow and, in my opinion, sometimes immeasurable progress that was made in days and days of committee hearings. Then has come exhaustion from lack of sleep, missing meals, poor meals — in fact, I have developed an abiding hatred for pizza over the last 62 days. Now I have come to a certain sadness as I have seen honest differences of opinion undergo a rather ugly metamorphosis through ranker to animosity to actions and words that (in my view) are below the dignity of this institution and the members of it. From that, I am sad. Finally at disappointment — disappointment that, after 62 days, we have not an agreeable solution. Disappointment that the document before us contains, in my opinion, unacceptable funding sources, mitigation of language that would have given some relief over a long-term to our communities, to language that gives only a brief opportunity for waiver. Disappointment that the document before us is, in my opinion, tainted with items that ought not to be in a budget bill and perhaps (in some cases) ought not to be in any bill at all. But mostly disappointed that the document before us has made inadequate movement toward addressing long-term problems that must be addressed.

Earlier today, we heard Chief Justice McKusick speak to us and he was speaking on the State of the Judiciary. It is, I think, ironic and somewhat curious that many of the comments he made this morning are appropriate for us to review and reconsider this evening. Early in his remarks, Chief Justice McKusick said that he had, "high respect for this legislature". Ladies and gentlemen of the House, I hope that when this matter is resolved, (and it will be resolved) that every one of us, you and I, and the people of the State of Maine, and that Chief Justice McKusick will still be able to say that he has high respect for this legislature. I hope that that will be true.

Later on Chief Justice McKusick said and I quote, "These are financially tough times, but we will come through them because we must." Ladies and Gentlemen of the House, these are financially tough times but I hope we will come through them in a sensible and reasonable way because we must.

Justice McKusick said, "It is easy sometimes when things are difficult to become so involved in the crisis of the moment that you do not give any thought to the future." I am afraid, ladies and gentlemen, that that is what has happened as the pressure has built and built and built. We now have a document before us that, in my opinion, gets so involved in the crisis of the moment that it does not give adequate thought to the future.

So, I am disappointed but not without hope. There is one old proverb that I think we have all heard that says, "A journey of 1,000 miles begins with a single step." I have a deep concern, ladies and gentlemen of this House, that the development of a responsible and workable budget for the next biennium will indeed be a long and very arduous journey if we begin it with a document we have before us and the animosities that it has created. Ladies and gentlemen of the House, let us not do that.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I wasn't going to speak on this tonight but after hearing the gentleman from South Portland, Representative Macomber, mention what he thought might get us out of this dilemma, I thought back to two previous speakers this evening, Representative Norton from Winthrop, which I heard him clearly say — and I would have to relate to the Representative from Belfast that I don't believe that Representative Norton at any time said that he would take this bill any way it was tonight, I don't believe I heard him say that. What I heard the Representative from Winthrop say was, if we are that close, then we should try to get together. What I think I was hearing him say was that we really should sit down as members of this body and negotiate for a settlement and I believe that.

Later, I heard Representative Martin of Eagle Lake say, if there are 15 members in this House that can resolve this, then stand up. Well, I am telling you, I am one and if there are 14 others in here from both parties who want to stand up here tonight, we can resolve this. I believe it. If we are that close, we can resolve it.

The motion before us is not the right one, in my opinion. What it does is recede and concur and does not do what has been going on in the last two days. I agree with the gentleman from South Portland, what we should do is withdraw that motion. Over the years that I have been here, I believe there is a better motion, that if we went to a Committee of Conference — and I will go a little bit further than what the gentleman from South Portland said, I am not against the Appropriations Committee because I think they have done a good job. Maybe they have been at it too long. I think I would go a little bit further and I would take leadership out of the process. I've got nothing against leadership but I think the time has come when the rank and file of this House need to sit down and negotiate and we need new players, I believe that.

I will tell you this, I would be willing to serve and I would be willing to see, not 15, but if you want to come up with seven or nine or whatever, I don't care whether it is seven R's and two D's, that doesn't bother me, I am sure it wouldn't be, but if you want to give us three R's and six D's, I tell you people, I am serious tonight, we have got to have a budget and I believe it can be done. I don't care

whether you go to a Committee of Conference or whether you table it and sit down tomorrow, but I really think no matter how good a job everybody has done in the last 62 days, there needs to be some new players. I believe there are some people in this House who want to do it and I think we can do it if you will just give us an opportunity.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: As the Representative from Corinth, Representative Strout, was talking about the need to perhaps take away the committee that has been most involved, I was chagringly thinking about an earlier experience with the Committee on Transportation and he remembers that well and so does the Representative from South Portland, Representative Macomber. It was probably that experience they were talking about. But there is a great deal of merit to what they say. The last thing that we want, in my opinion, is to end up with nothing.

Let me tell you why and I am surprised that no one asked the question tonight. Why was the motion to recede and concur made? Why was not another motion made? Earlier today we said, and I said to the press and to everyone, if anyone comes forth and 15 people say they can put something together, the last thing I want, the last thing anyone wants from our side is to run this tonight. But if we have nothing, we might as well go with the original document because, if it is going to fail, why spend any more money? You see, we spent \$18,000 printing those two L.D.'s that you have before you, L.D. 274 and 275. I repeat, \$18,000. Then we spent for each amendment about \$100 each, give or take how many you print and how thick it is and we have done a few of those. So, I just felt, why take legislative staff (frankly, they have been through heck) and do all that if this bill is going to fail? We might as well run it, if it dies, it dies.

As I told the Governor this morning, "Well, there is nothing we can do because we have done, at this point, all we can do." I will tell you what, men and women of the House, one day isn't going to make any difference. I am willing to take the Representative from Corinth on and the Representative from South Portland, Representative Macomber on, and we will table the document tonight. For those of you who have an interest in putting the document together, we will meet here after we adjourn tonight, all parties, and let's put a document together that we can pass in this House and make ourselves proud instead of making ourselves and this institution look like it cannot do its job.

I would ask the Representative from Thomaston, Representative Mayo, to table the bill for one legislative day.

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Chonko of Topsham, that the House recede and concur, and specially assigned for Wednesday, February 27, 1991.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Strout of Corinth,
Adjourned at 7:45 p.m. until Wednesday, February
27, 1991, at ten o'clock in the morning.
