

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 20, 1991 to July 10, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
70th Legislative Day
Friday, July 5, 1991

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

Prayer by Pastor Bruce Felt, Augusta Baptist Church.

The Journal of Wednesday, July 3, 1991, was read and approved.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

SENATE PAPER

Non-Concurrent Matter

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Period of July 1, 1991 until July 8, 1991 (EMERGENCY) (H.P. 1380) (L.D. 1970) (H. "A" H-739) which failed of passage to be enacted in the House on July 3, 1991.

Came from the Senate passed to be engrossed in non-concurrence.

On motion of Representative Gwadosky of Fairfield, the House voted to Recede.

On motion of the same Representative, House Amendment "A" (H-739) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-745) and moved its adoption.

House Amendment "B" (H-745) was read by the Clerk and adopted.

Representative Gwadosky of Fairfield requested a roll call on passage to be engrossed.

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

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

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I hope you will vote against this at engrossment. This bill has implicit in it, a tax package which has not yet been resolved, to my mind, and it would be a mistake to consider that the government can function without a tax program that has been approved by this House or the other body in a responsible way. For that reason, I think this

bill is premature and should be defeated even at this point.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: As I read this bill — and I would stand to be corrected by the good gentleman who just spoke if I am wrong — I do not see a tax package in it. I do not see any taxes in the amendment, all I see is a vehicle by which state government could be reopened until July 10th with no new taxes.

The position from that corner for the past several days in obstructing the two-year budget has been that they refuse to vote for a budget with a tax package as long as there is no Workers' Compensation bill passed. Of course, we have already passed a Workers' Compensation bill that was vetoed but that is another issue. That has been the position.

The bill that is before you now, that the roll call will soon be taken on for passage to be engrossed, contains no new taxes, no taxes period and don't mistake that fact. It is a way to open state government and get people back to work so that we can attempt to finish our work. That is all it is.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I want to draw your attention to the amendment. It does include an appropriation of \$77 million from the General Fund and, as I mentioned the other day, even factoring out the General Purpose Aid payment, we will be spending at a rate in this far exceeding the anticipated revenues for this current year.

My objection to this bill is, in a greater sense, it appears to me to be a continuing resolution just like Congress continually approves. It only postpones for us making the hard decisions and it prolongs the uncertainty for state employees and the bond houses.

We met yesterday and discussed what day that was of the extension and I assume now that Monday is not being counted. If today is the third day of the five day legislative extension, we are currently midway through that in this session and, therefore, we have two and a half days remaining to make the hard decisions we need to make. From my perspective, there is no need now to pass a continuing resolution. Congress continually uses this kind of device and they buy time and avoid the difficult decisions. They also run up deficits and they have the ability to print money to cover their problems, we do not run deficits and we are prevented from operating under unbalanced budgets.

I would like to read to you from last Wednesday's (two days ago) clip from the Boston Globe — in Connecticut, they are facing a similar situation to ours and also considered this same kind of continuing compromise. The article states, "Both chambers had also passed a stopgap measure to keep the state funded for two weeks and simultaneously buy time for the politicians to search for a compromise. But, Weicker," (who is Governor down there) "vowed to veto the so-called continuing resolution saying it only provided an excuse for inaction while adding to the state's \$2 billion deficit by continuing spending at current levels."

I urge you to vote against acting like our congressional counterparts who are willing to put off

balancing their budgets. We do have two and a half days to solve our problems.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I agree with Representative Foss, it is a shame that this House has to consider what she terms a continuing resolution, what I would term a short-term budget, very short term.

This unprecedented action would not be necessary in this House if we could pass a two-year budget, if the Governor had signed a one-year budget. It is necessary only because this House has been blackmailed for the last two weeks. It is necessary only because this House has failed to do what it was elected to do, the basic function of government, pass a budget.

What is happening here is an unprecedented action, nationally. To my knowledge, no Governor and no President in the history of this country has ever before blackmailed a legislature and tied another issue to a budget. It is my understanding that never before has state government shut down or the federal government shut down and essential services been kept from people of the state while another issue was dangled in front of the legislature and a gun pointed to their head. I think there is a good reason that that has never happened before and that is because it is irresponsible, it is unconscionable. I would think it would be illegal, although I am not an attorney.

If this House is going to let this happen, then what we are doing is we are destroying the balance of power between the two bodies, between the legislature and the executive. We are throwing out the window 200 and whatever years of smooth running government, we are throwing away the balance of power and checks and balances that our forefathers envisioned when they drafted the constitution because nothing in the future will stop this Governor or any other Governor from attaching a prerequisite to a budget. It could be teachers salaries, AFDC payments, it can be anything that he or she wants, it can be a list of things, 12, 20, — you either do this and you do it my way or state government shuts down. That is what you are voting to do here.

Never mind what party you are in and never mind the issue — you serve in a very distinguished chamber as a member of the Maine House of Representatives, you carry your responsibility. This institution is supposed to stand for something. We are supposed to at least provide the citizens of this state with the basic things that they need to live, those things are embodied in the budget, you don't play games of political chicken with people's lives like this.

I got a call yesterday at my house, I was fortunate enough to be home, from a state employee, single parent, mother of three, she couldn't talk to me because she couldn't stop crying. She is afraid she is going to be evicted from her apartment next week with her three children because she can't get a paycheck and she can't work. We, men and women of this House, are keeping her from working. I told you last week that, in my view, we have failed. If we don't pass this, we continue to fail. You can term it anything you want, Representative, you can term it a continuing resolution, but it opens state government and I think it is our responsibility to do that. If you have got a better idea on how to do it,

I would like to see it.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: First, I would urge you to pass this budget, it is long, long overdue.

Secondly, I would like to join my voice with that of the good Representative from Old Town. There are a lot of things as a freshman legislator, I suppose I don't have the expertise on to take your time up with. I am not an expert on budgets and all kinds of arcane details. But, I am or try to be, a professional historian. I hope I know a little bit about the history of this state. I have to say that the good Representative who just spoke is absolutely right. What the Minority Party is doing and has been doing is not only unprecedented, it is wrong and it brings shame upon the State of Maine. Enough is enough.

A few nights ago, the good Representative from Fryeburg and other Republicans quoted Abraham Lincoln. Whenever you get in trouble, you quote Abraham Lincoln. But, I haven't heard them quote Lincoln for the last few days. Abraham Lincoln did not talk about a government of the Minority, by the Minority and for the Minority. For shame, Abraham Lincoln was a Republican but he would never have acted in the way you have, so-called leaders of the Minority.

Theodore Roosevelt was a great man and he was a Republican and I could not believe he would do what you are doing here in this chamber today or Dwight Eisenhower and I can go on. I am not here to take the time of the people of the State of Maine and this legislature anymore. We have gone over the budget and over the budget and over the budget and we have furrowed this ground and we have furrowed this ground and we continue to furrow this ground long beyond when we should. The time for that ended on the evening of June 30th, as I recall. So, I ask you — no, I don't ask you the leadership of the Minority because frankly I think that is a waste of time, I ask the Republican members of the Minority to consider what you are doing, to consider what is going on.

There has been a lot of talk of hostages in this chamber and the people of the State of Maine are hostage to what you do but I sometimes suspect you are hostage also. Vote your conscience, vote your common sense, vote for the Constitution of the State of Maine, vote for good government but don't just vote because of — I don't know — someday I will research it and someday I will fully understand where your leadership (whatever it is) comes from. I can't say that now, maybe it comes from the Governor. Maybe this is one of those cases where incompetence is matched by arrogance, but enough is enough.

I don't want to say anymore and I am sure some of you don't want me to, but enough is enough, folks, we are here not to play games, we are here to govern and, if you are not here to do that, go home and let the rest of us govern.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a lot of words today where I guess probably a very plausible argument can be made from this side of the aisle of being hostage and who is hostage, of arrogance and so forth. I don't think anybody here thinks for a

moment that when we had to march down that hall with state workers out of work that it didn't raise every one of our emotions. It certainly raised my emotions. It makes me think every moment of what we are doing here.

I had people in my district when I went home yesterday surprised to see me there. I explained that we were trying to do something with appropriations and that it was probably best that we left the House for a day so that tempers would cool down. A very off-handed remark was made by one person that said, "Well, state government is closed and nobody knows it." It was a very uncaring attitude against state workers. I really had to come back and retort. I could have taken advantage of that and say, "Yea, that is right, that is why we are holding strong." But, that isn't why this legislator is holding strong because I am sensitive to that. I came back and told that individual, "Well, that is a consequence of what is happening here. The state workers are out." As I mentioned to you the last time I got up on the floor, I could have told you three weeks ago that the state workers would be out because we are playing a game between people in this state, in this legislature, that are powering each other to see who will cave in first. The consequences of that is the state workers. We have all kinds of window dressings, that the injured worker is going to be hurt by Workers' Compensation, that is why we are not dealing with it. It is a complex subject and that is why we are not dealing with it.

I am also concerned about Workers' Comp, I am also concerned about passing taxes, I am concerned about the shoe factories that are going out of business in my district because of the cost of Workers' Compensation and that is a significant issue.

As you see, you have these signs that you see other people wearing around here, say, "Fix comp, save jobs." Well, that is a fact. If you think that you are going to raise \$300 million in taxes and not affect people, people that need jobs, then who are we fooling?

It is interesting to hear the Representative from Old Town and Representative Lemke, a historian — I have got to say that historians that write our history, write it collectively, because there is always a wide varied view of what our history means, what politicians do, what state governments do and what the result of that is.

I look at the Constitution — my reading of the constitution is that it represents a very fragile balance between a majority and minority view. A minority only becomes problematic when they feel the Majority is not representing the common good. Ladies and gentlemen, that is why we are holding strong because we don't feel that the Majority is addressing an issue that is substantially important to the State of Maine and that is Workers' Comp, which I am sure every one of you have read for the last week and a half, Workers' Comp being a significant issue. So, we are the Minority, we are advocating from a position, a position that we know that we want to use so we can take, not as a power struggle, but make you realize that we feel strong and we feel serious about this because we feel that we are representing the common good of this state. It is unfortunate that the consequences of this is that we have to have pawns used by the people in power, have them out of work, to take and ridicule Republicans. It actually

sickens me sometimes to see that happening.

I have also seen it characterized as obstructionists, the gang of 13. You know, I wonder what Martin Luther King would say as when they wouldn't give him the marching ticket. The good old white boy nipper, we will take care of you, we will take care of your rights. Well, they went and marched anyway.

You talk about linkage, don't you think there was linkage there? What about Gandhi, Gandhi over in India when he wanted to get rid of the British in peaceful demonstrations, laying before the tracks to stop progress throughout the state, hurting themselves? That is no different than here, that is common good and they were representing that common good because the Majority at that time was imposing.

Representative Mayo has indicated that, let the majority rule. The majority is supposed to rule, the minority is supposed to sit back and we will take care of your problems. Representative Mayo, you are not taking care of our problems and one big problem, a problem to put workers back to work in this state, to address a Workers' Compensation system that takes money away from workers.

The SPEAKER: The Representative will please defer. The Chair recognizes the Representative from Auburn, Representative Dore, and asks for what purpose she arises?

Representative DORE: Mr. Speaker, I would like a ruling from the Chair, I believe the good gentleman is speaking on an issue that is not germane to the subject before us.

The SPEAKER: The Chair would remind the Representative from Hampden, Representative Richards, that the bill before us is, in fact, the budget. The Chair would allow him to refer to why the budget is not being passed but not into any details about Workers' Compensation.

Representative RICHARDS: Thank you Mr. Speaker. I guess in addressing the crisis, obviously the crisis deals with three elements of passing a budget and that is passing a budget that we have already taken substantial cuts in state government, it is passing a budget with substantial taxes of \$300 million and it is passing a budget that does not have a Workers' Compensation package connected with it, the details I will leave alone.

The only benefit that I think that we have here today is to at least try to state the Minority view and what our leadership says for us and with us and what we say independently of why we are sticking with our position and to try to make an equally plausible argument to say that we are not down here wasting our time, we are not down here trying to hurt anybody.

I look over at Representative Pouliot many times when he takes and votes on an issue. I have got to say that he is probably one of the Representative's in this legislature that makes me think because occasionally he looks over at me when I vote the other way, but he makes me think. Ladies and gentlemen of the House, I am going to ask, as Representative Lemke asked the Republicans on this side, I ask the Democrats on the other side as I am extending a hand just as Representative Mayo is extending a hand, let's end this stalemate. Let's strip away this power struggle that exists, let's take and knock the concrete and build new concrete and let's take the Speaker of the House, the President of the Senate and the Governor of this state and lay three new bricks, let's have the

leadership of both the House and the Senate follow with bricks where the members of the House can do the same.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, I would like to pose a question.

The good Representative from Hampden referred to a \$300 million tax increase in this budget in front of us, is there anyone in the body that could explain that for me please?

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

The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: In response to the question, I would say that there is a complete misunderstanding if people believe that this bill, L.D. 1970, has in it any taxation including the \$300 million tax package that was referred to because there is no tax package in this bill.

This bill is simply an appropriation of existing resources that come into the state from taxes already on the books, such as the five cent sales tax that we have been collecting for a number of years. I would say that this bill is also not a continuing resolution, if I may.

I just wanted to clarify what this bill is not. It is not a tax package and it is not a continuing resolution because it does not have a budget in it. The unique feature of this bill, unlike continuing resolutions in Congress and any other place that one wishes to refer to, is that they are based on a budget. This bill is a grant of authority, a grant of discretionary authority. I find it rather alarming — that is, the members of the Minority Party who are reluctant to grant discretionary authority to the Governor of this state. What this bill does is say to the Governor, you may have the authority to spend but you are not required to. It gives enough authority to allow the Governor to go beyond the powers he has right this minute, which are the powers granted under the Constitution, those are extremely limited powers as the Attorney General made clear last week. The Governor's powers are to respond to emergencies and that is it. That is why we can't have lifeguards, there is not an emergency until somebody is drowning.

I personally would request each member of the Minority party to understand that the rhetoric that we are hearing today from both sides is rhetoric but that this bill is not the budget, it is not a tax package, it is not a continuing resolution. It is a necessary thing that we must do even if we are going to pass a budget tonight or tomorrow morning because right now the Governor has extremely limited authority. That authority, in my mind, is an irresponsible level of authority to leave the Governor with. If you don't trust the Governor to have discretionary authority to decide on some preventive measures or on minimum staffing, then I think we have a different problem altogether, one that has been raised to me but I have not been willing to consider. In my mind, this is a grant of discretionary authority to the Governor to allow more than only emergency services to be provided. Because of the time frames, because there is so little time available, it seems difficult if not impossible and

unwise to specify what the Governor must do with this discretionary authority. The only limit in this bill is that the Governor cannot spend on new matters, things that were not in the budget last year. The Governor is not required to spend any of the money in here. So, when the Representative from Yarmouth, Representative Foss, says this bill spends at a rate we don't have, that is not correct because it does not require any spending, it authorizes it. It allows the Governor to add staff if he feels that it is necessary to prevent emergencies. I think that this is a time when members of the legislature must act as members of the legislature first, and give, as the legislature, the Governor appropriate authority during a crisis. To do less than that I think is to abdicate our duty and, for the Governor to suggest that he would veto such responsibility is for the Governor, in my opinion, to abdicate responsibility.

I would urge you to pass this bill.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to follow Representative Farnsworth's bill, L.D. 1970 to its logical conclusion and, in doing so, I would like to pose a series of question through the Chair to that Representative.

Representative Farnsworth — your bill, 1970, am I correct in assuming that your figures are based on spending from the last budget biennium, from the 1990-1991 budget?

The SPEAKER: The Representative from Paris, Representative Hanley, has posed a question through the Chair to the Representative from Hallowell, Representative Farnsworth, who may respond if she so desires.

The Chair recognizes that Representative.

Representative FARNSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: The original bill was based on last year's spending cash disbursement level, not the budget level, the cash disbursement level from the first week of July plus the four deferred payments for school subsidies, universities, vocational-technical colleges and Maine Maritime that this body deferred in June for payment at the beginning of July. Again, there is no requirement that any of those monies be spent, it is just enough money there that he could meet that obligation.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: To the Representative from Hallowell, Representative Farnsworth — am I correct in my figures that the last budget of 1990-1991, this state government was budgeted at \$3.05 billion dollars and that the current revenues that we are expected to take in in the next budget year 1992-1993 is only \$2.8 billion dollars?

The SPEAKER: The Representative from Paris, Representative Hanley, has posed a question through the Chair to the Representative from Hallowell, Representative Farnsworth, who may respond if she so desires.

The Chair recognizes that Representative.

Representative FARNSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would have to answer that I don't have the information available to answer that but I think it is irrelevant because it seems to me the Governor's obligation would be to check, not only with the people making the revenue estimates,

but also the actual amount that we have in the Treasury before spending any money. As I said, this is totally discretionary and if you don't trust the Governor, then perhaps we should amend this bill to lower the amount.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that without new revenues, without new taxes, that we will not be able to meet the obligations that the Representative from Hallowell, Representative Farnsworth, is using for L.D. 1970. I guess my initial comment was that I would like to follow this through its logical conclusion. If Representative Farnsworth feels comfortable in only spending those monies that are expected to come in without new revenues, then I would ask Representative Farnsworth, in the spirit of compromise, to meet with me with members of her caucus and I will meet with members of my caucus and we will draft a budget that only reflects those revenues that would be coming in without tax increases. In that spirit of compromise, I would be willing to meet with Representative Farnsworth from this point forward until this is resolved so that the State of Maine doesn't have to raise any new revenues, that we don't have to raise \$300 million dollars worth of new taxes, that we keep our state spending to where it was in 1988-89 when we only spent the money that we had from additional revenues. If Representative Farnsworth is serious about passing a budget, that this L.D. 1970 does without asking for new revenues, without new taxation, I would be more than happy to sit down with her at her earliest convenience.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would be delighted, Representative Hanley, to sit down and talk with you but I disagree totally with your premise. I am not trying to craft a budget. I said repeatedly last week that this bill does not attempt to one hundred percent fund state government because you are right, the existing tax revenues are not enough to operate state government. In that respect, that is why I voted for the one-year budget because it is the most honest budget we have ever had. It says right in it that we are \$73 million short and that is why we are deferring that amount of retirement compensation. I think it is irresponsible for us to be passing budgets without tax increases and that's why I thought the Governor was reasonable when he first proposed \$300 million dollars in tax increases. I don't understand how you can argue that we can do anything less than pass tax increases right now. But, this is an emergency interim solution, it is not a budget, it does not try to be a budget.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: Last week I voted for a window to put state employees back to work and to pay for certain services. I intend to maintain that position. However, I would not want that, in any way, to be taken as a swing away from my sincere belief that it would be folly to pass a budget that will not bring in the funds needed to sustain it. I think that that would be a cruel hoax to place on the

citizens of the State of Maine and I believe that that would come back to haunt the state employees that I seek to represent.

I was quite taken with the example that was made on the hockey player and in case someone hasn't heard it, I will risk telling a joke too many times but it seems that a person playing for the Boston Bruins under the Massachusetts law would be paying a \$4,100 premium paid by the employer to protect that worker. If that person were demoted to the minor league team in Portland, that payment would be \$14,000. I am seeking to make a window so that statesmanship can come to the fore. I would hope that the political rhetoric will cease and that deeds will follow because I have a great deal of confidence in this process and I recognize that that kind of confidence is at a low ebb. I know that I, for one, and I know there are many more in here because I am certainly not unique, who can work this thing out but we do have to move and we have to move on more than two fronts. There are several fronts to be moved upon, the business of this legislature, unfortunately, is still before us. My position has not changed and my vote has not changed, my determination to seek a solution has not changed.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the prior speaker. I view this as creating no new obligations. The word obligation was used by the Representative from Paris, Representative Hanley, a person I enjoy speaking with and find easy comradeship with. This creates no new obligations, we have obligations, however, we have continuing obligations by virtue of the fact that we are a state government.

I spoke last week or earlier this week, it seems like last week, about the problems of abused and neglected children. I looked into it further to see what was the level of services and we have holiday services available for child protective services, that is to say, you can call an emergency worker, that's all. I also learned in speaking to the Director of the Emergency Services that the level of calls is lower. I know from my work dealing with child abuse that on holidays, the level of abuse is higher so I know there are people out there, children out there, who are getting beaten or sexually molested and the calls aren't coming in. Why? Because it is generally recognized that state government has shut down.

I also want to call attention to the particular instances that happened earlier in the week where a foster child needed some psychotropic medication and couldn't contact the foster care worker - why? Foster care workers are not emergency workers, foster care workers maintain. So in desperation, that particular person did obtain the necessary medication from the emergency services but, in the meantime, there was of course a great deal of worry and stress.

I want to read one paragraph from the Maine Foster Parent Association Director who points out accurately, "Case workers are representing these children's legal parents, the State of Maine. Right now, it is like the parents are gone and haven't told us when they will be back or given us money for food or arranged for medical care. Foster children need case workers, they are essential."

Ladies and gentlemen of the House, the word obligation was used — we have obligations, we have obligations as parents to every child in foster care. We have obligations to everyone that is in the State Prisons. We are providing security but we are not providing programs, nothing for these people to do. Thank God, the heat has broken and it is a cool day because otherwise I fear for riots. We all know that men sitting in cells with nothing to do tend to get antsy and that's when the riots break out in the prisons. We have obligations to older people, the people we should be providing homebase care to but we can't. We have obligations to the mentally retarded and to the mentally ill and those are the obligations that this budget approach, and I am calling it a budget approach because it is not a budget, it is a spending authorization given to the Governor to do what he feels appropriate to meet those obligations.

I view this as a real effort to just try to get things moving in a slightly better way, to give a window of time (as the previous speaker said) so that we can, in fact, address the serious problems. We haven't solved them and I recognize there is compromising yet to be done in several areas and that compromising has to take place. The question is, what do we do in the meantime? Do we just walk away from the obligations that we have? It isn't just the state workers in the balcony that are not being served, it is the people of the State of Maine. It is all those people under our care and concern. It is the people we were elected and sent here to worry about and to care about and we have got to do that.

All the bill before us does is provide an opportunity for the Governor to do a little more than he is doing now and can do now under the emergency powers. It is to give time for all of us here in this room and the other body and the gentleman on the second floor so that we can in fact work to address those things. In that time, we can fulfill the obligations we have already taken on, the obligations as parents to the foster children of this state, the obligations as the people who have the individuals locked up in the jails — all those obligations don't go away. It is for us to try and fulfill those obligations while we meet our other obligations, namely to solve all the other issues that are churning in this body.

I urge passage of this bill.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday when we had an opportunity to spend some time away from here back home, I spent some time in Whitefield, which is a town in my district, at their 4th of July activities to give people a chance to talk to me and to hear from me about things that were going on. One woman approached me, she is an employee of the Department of Human Services, and she was very concerned that two of the probate cases that she was working for her people, for her clients, did not get held this week and that they may not be held until September. I asked me to give the information in writing so I could present it to members of the House because I think it is important that we understand that certainly I am very concerned about state workers and I am very concerned about what is happening to their families right now, but I do think it is important for all of us to understand and to follow up with

what Representative Anthony said. It is important for all of us to understand that state workers do work and state workers do work that is important to the people of this state and if they are not working, not only are their lives being impacted, but the people that they work with and work for are being impacted. That goes far beyond the state workers themselves.

"Dear Marge: I apologize for the typos, this letter is written in urgent haste as we discussed and at your request. Because state government closed down, I am unable to consult with the Department of Human Services Public Information Specialists; therefore, I am writing to you as an individual constituent and certainly cannot speak for DHS. The Consent Decree affecting the Maine Department of Mental Health and Mental Retardation and DHS clients is delayed in full implementation due to its cost and shall undoubtedly be further delayed by this fiscal disaster. The Probate Court system designed to protect the rights of individuals through due process shall, however, be impeded in affecting new guardianships in the future. In Kennebec County, the judge generally takes an August vacation. Thus, if that is the case this year, it would be expected that most hearings held this month will be delayed until September or later. Allegedly incapacitated individuals shall have their adjudications delayed as well as the benefit of an advocate to speak for their best interests. Decisions on housing, finances, medical or psychiatric care permissible only by a legal guardian or conservator shall go unmade for uncertain period of time. Due process is fast becoming an unconscionable delay and a denial of civil rights of some of our most vulnerable citizens. Your abiding concern for the real issues affecting Maine's people, not just your own constituents are greatly appreciated. Let's find a way to release those being held hostage by those whose unrepresented agendas can be realized only through halting the machinery of an already dysfunctional bureaucracy. Sincerely, Nancy Bryant."

People are being hurt, people are suffering, we must take this step, this is a short-term solution, this is a way that we can allow an opportunity for circumstances like this to be resolved.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to appeal to all the freshman from a very, very unique position, being the greenest and newest member of the House, a freshman of all my seniors, I therefore ask all the freshman and all the people who are not really involved in positions that might tie them up to take and recognize the fact that we have people outside that are not really a factor or an element in this equation. These people are working, they need paychecks.

I remember when I was in need of a paycheck and politics should not come into play. This is strictly a temporary means of solving a problem. If we have differences in the Workers' Compensation program, let us pass this one week allocation so that the Governor can continue to put these people back to work. We then can go about solving our differences. We do have differences but I ask you as the junior freshman to please get this done, put these people back to work. We are not asking you to reject ideology and philosophies, put these people back to work and let's

get going and come up with a solution. I think we are all adult enough to come up with a solution. We have solved problems before and I think with a little time we can solve this problem. All we have to do is take some time, pass this budget, and let's sit down and come up with an answer.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I speak against this Resolution for many of the same reasons that have been mentioned by members of the Majority Party today. As the good Representative from Old Town said earlier, we have failed to act but I remain convinced that this body has the ability to act and act quickly when it makes up its mind if that is what it wants to do and act decisively.

I, too, had a few minutes yesterday, as many of you did, to visit some of the people back home, did not feel it proper to participate in the parade that I participate in every year, but even on the sidelines, the resounding comment that came to this legislator was, "Why aren't you there in Augusta acting to solve the problem?" With the suggestion that, "The Appropriations people are there trying to find a tiny part of the solution" didn't sell. People that are the constituents I represent want this legislature to stay working on the problems that are before us. There are several. The people back home do not ask for us to take stopgap measures.

Yes, the eyes of the State of Maine are upon this legislature, not just the eyes of those who are here in the gallery or here outside from either side of the question, but the eyes of the entire state, because the jobs of the people of Maine are at stake. With this Act that we have before us today with a budget which is the bigger question and with the other issues, many, many jobs of our constituents, all of our constituents, are at stake. In fact, many jobs will disappear in the months that we all have to face after this legislature eventually adjourns. It is this legislature's responsibility in passing the document that will be considered our budget to work as much as possible to lessen the impact of the economy around us.

As I stated earlier, this body is one in which I have a great deal of faith, faith when it meets and works together to arrive at a mutual conclusion. We have not done that yet. This Resolution does not represent that and I urge its failure.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I call this the "War of time" — how much time do we have to spend dealing with this budget? How much time do we have to face a war every day that we come up here, worrying and concerned that someone is going to die or someone is going to be hurt? That is the fear that many people have here. What innocent child is going to die that we have to take action? Does it take a crisis like that?

I watched my colleagues in the corner over there who I have dealt with for many years and sometimes we disagree to agree but this time we really aren't agreeing. We are at a stalemate that concerns me greatly and I hope that it will concern you as greatly as it does the people.

I am sort of glad that we had that one day off because some of us all went home and we had to face

the people in our towns and our cities and had to answer questions and look at their faces and their concerns of what we are doing here in state government. They asked me, "Is there going to be an end to this?" I said, "If I had my way, I would shut down state government tomorrow until I get what I want." They agreed. They want the same thing that I do, they want a fair budget, one that they can live with.

Do you know that the people down in Kittery and the people in Old Orchard — their business is down, tourism is down — is that what you want to go home with and face them and explain to them why the economy of the State of Maine is the worst ever, let alone Workers' Compensation? I certainly don't want to. I know that you don't either.

Everyone of us are sacrificing our time to be here, giving up time with our families, giving up time with our children and worried about what is going to happen tomorrow. We don't have much time left, that is why I call it a "War of time." We don't have much time, the clock is ticking away every second. Why aren't we solving this problem? Who is to blame? How many more minutes have to pass away until someone dies?

Some of my colleagues have mentioned their concerns about DHS and some of the people who are care providers out there. Those people don't know — I've got people who can't get their drivers license and said, "I can't go anywhere." I am not concerned so much about that as I am concerned about a child, a small child who doesn't even know what is going on, who just wants to go out and play in the sun in hopes that his mother and father will have a job tomorrow and that they will be able to provide the needs for that child. I don't see that happening here and I hope that we can end this war very peacefully, very soon.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: All of you know that I am from Vassalboro and that I represent many state employees. Most of you don't know that there used to be a very wonderful Quaker School in my town called Oak Grove Coburn and I had the privilege of having a son graduate from that school and I learned many things that I value from the Quaker tradition. My favorite line is, "Speak truth to power."

This morning, listening to PBN on the way to work, I understand that it is P.T. Barnum's birthday and he was described as a master of show biz. He would say anything to get you into the circus. For example, he loved to talk about an elephant named Jumbo which was the last surviving mastodon on the face of the earth. Nothing bothered him as long as he accomplished his goals and his quote was, "People like to be humbugged." Well, I don't like to be humbugged, the state employees don't like to be humbugged and I do believe that it is time to "speak truth to power."

We have had some references to Republican leaders of Lincoln and I think it was Lincoln who said, "You can fool some of the people some of the time, but you can't fool all of the people all of the time." Now there are some members of the business community in the great State of Maine who are using this crisis, blocking a budget for their own selfish ends. I am very, very disappointed.

This legislature must always pass bills on their merit. I suggest that if a bill is so bad that it can't pass on its merits, you should be very, very concerned about what is in that bill. I suspect that it is very evil and I don't use that word lightly.

It is time to stop the humbugging and I am going to plead with those members of both parties who really do represent all the people who are now on the street, innocent pawns in a terrible chess game, where there are no winners. They are innocent because they had nothing to do with the other issue that we are trying to address and yet they cannot collect their paychecks. You know, sometimes you have to do what is right, even if it is not right for your caucus or your ambitions.

Many years ago, I had the privilege of sitting in this corner, I served as Majority Leader and a Democratic Governor vetoed a bill which hurt the people that I represented in Vassalboro, Sidney and Windsor. My first allegiance was to the people that I represented and it was unheard of and it was very difficult but I voted to override it. I voted to override that veto because my constituents were hurt by that veto.

I am not even going to talk to leadership in either corner but I am talking to those of you who, like me, represent the state employees who are very innocent hostages. I think it is time we tell them the truth. It is not enough to get them their back paycheck, anybody would give them that, but we have to get them back to work. I want to make it very, very clear to anybody who is watching this vote, we are simply moving forward and I think the Minority Leader did say that he was not going to vote for any stopgap measure — the only reason we are having a vote for a stopgap measure is because you have denied to us the ability to pass any budget. Now as one member of this party, I will vote for a one-year budget, I will vote for a one week budget, I will vote for a two months budget, I would vote for any responsible budget that opened up this state because that is what I was elected to do.

I want no one to be fooled who reads this vote or watches this vote. A yes vote means that you are supportive of state employees; a no vote means that you really don't care what happens to them.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I thought a long time this morning about whether I should rise on this issue. I apologize to the House members that I was unable to be here Wednesday at the time the vote was taken on this first issue but I want to tell you upfront today that I am going to be voting for this stopgap, or whatever you want to call it, measure to allow us to be able, over the next few days, to solve the other problems that we have. Some of you may say that I am sticking my neck out as a member of the Minority Party but I don't think so.

Over the years that I have been here, I have always felt that we have got to resolve our differences and I think it has to be from both sides of the aisle. I say to you that another issue that we having problems coming together on, I believe when the vote is taken today, if all the lights up there were green, it would show me that people in the other party would be willing to maybe make a move on the other issue.

I am glad that we were out of here yesterday and

I am sorry that some of the members had to be here and work but let me tell you, having been gone for nine days in a row and having a family that I have, that when we pray together we stay together. My 8 year old daughter said to me on Wednesday night, "Daddy, are you going to be home for the 4th?" And, I didn't know if I was or not but I had made up my mind Wednesday night when we left here, whether the session was called or not, my family was going to come first for the 4th of July and I would be with my daughter. Last night we attended the largest fireworks demonstration in Bangor that I or my family has ever seen. Believe it or not, there were a lot of people from my area who saw me in the parking lot of Welby's Drug in Bangor and they asked me why I wasn't in Augusta taking care of the problems and I told them we had a day off and we would be going back Friday. I assured them last night that there would be a resolution to this and I intended to do whatever I could today to bring us back together.

I repeat again that this is only a resolution that some would say that would get us out of here for a few days. My feeling about is that, if the membership for the greater part, could leave here and maybe come back the first of the week and let those people who are involved with resolving this issue still have a chance and we get our state employees back to work, that is the main objective to me. I want to tell you today that, when somebody says to me that this will be an ongoing resolution, that is not going to be my vote today. My vote is going to be to allow us to get to next Wednesday and, if another vote came up next week for another resolution, I would be opposed to it. I repeat and I plead with the members of my party to put your light on green and I believe that the resolutions to the other problem we have would come together a lot sooner if we take this vote in the affirmative.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to respond to Representative Lemke's suggestion that we quote from Abraham Lincoln from this side of the aisle and there have been any number of quotations from him from the other side of the aisle. My favorite story about Lincoln is particularly appropriate. At one time, Lincoln had a cabinet meeting and he was asked about what he should do about a certain issue and he went around his cabinet and they all voted yea. When they got finished, he said, "I vote nay." "Well gentlemen," (there were no women in his cabinet) "there is one nay, there are seven yeas, the nays have it." He was pointing out something which I have mentioned on the floor of this House before which I continue to mention and in which I am disappointed that the Representative from Westbrook did not state specifically. We have different rules to conduct the business of this state, one of the rules which we all knew when we came here was that there are two kinds of majority, there is the simple majority and there is the two-thirds majority. Whether or not this bill will pass will depend upon whether or not we need the second part, whether or not there is a two-thirds majority.

To speak ill of the Republicans is unfair, in my view, and I was also surprised that the Representative from Westbrook did not call your attention to the Section 16 that shows up on page 17 of our little books which talks about an emergency

bill, which this would be. It says, "An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety." That is one of the issues that needs to be addressed. The Governor is attending to those things even as we speak under his emergency powers and proclamations, which were issued some days ago. Consequently, this bill, it seems to me, is not needed.

But, as I said before and was challenged by Representative Cashman for it, to me, there is included in this a rate of spending which represents the ratification of the tax bill. Now we all know two things, we know that the taxation proposal came to this House by virtue of an amendment and when the amendment was put on the budget, thereafter the Representative from Thomaston has taken a position that, by endorsing that amendment as an addition to the budget by reference to an amendment process, we have implicitly agreed to the tax spending, we, meaning members of my party and that we could no longer move away from that. I did not take that then as being the case and I do not take that now as being the case.

You will also remember that a portion of the Workers' Compensation bill was in the original budget that was presented. That was taken out on redrafting because there was an argument made that it would implicitly adopt a Workers' Compensation reform which we have been seeking, that deletion of that was equally important to people who were attempting to work together. I still believe that we should work together.

I would point out to you that it is a Friday of a long weekend and that we have time available to us, we have the talents available and it is not likely that we will come back at any other time with more ability.

One of the things that you know about me is that I am a lawyer and one of the things that happened many years ago in Massachusetts was the production of what is called the "dynamite charge" and it is a charge which went through a lot of discussion at various times in the course of litigation, especially criminal litigation. It used to be, when I was a young lawyer, routinely read at the point in time when a jury seemed unable to resolve a dilemma. We are not all that unlike a jury resolving a dilemma. But, the cushion charge says, you must remember that there is no opportunity for other people to come into this room that will come better versed than you are with the facts or that will hear the evidence better presented. You must make that decision. The time has come after reasoning as we have tried to do so long through this wearying year put all of the facts together to make a decision and, in my view, this continuing resolution is not the answer and I cannot and will not vote for it.

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

Representative MACOMBER: Mr. Speaker, Members of the House: I will be very brief. I think I rise, perhaps, not with any solution but to ask a few questions through the Chair.

I would ask Representative Whitcomb or Representative Marsano or anybody else who would like to respond — as a member of the Transportation Committee, I started receiving calls from contractors, anybody who has a contract with the

state for highway work and things like that are being told that they cannot work until this problem is settled. It has nothing to do at all with Workers' Compensation. The numbers they are giving me, I don't know how accurate they are, but they are telling me that this is going to put 3,000 people out of work in this state. These people are not state employees, they are people who work for construction companies all over the state and who are doing highway projects at this time. You take that 3,000 people and put them out of work, you keep going down the road, how many other people does that put out of work, suppliers, people like that?

One other thing, I got a call from the Avis Car Rental people in Portland. The manager told me that they stood to lose about \$15,000 this weekend on rental cars because they have no motor vehicle office and no way to register these cars. I don't think that creates a very good impression to people coming into this state expecting to find a rental car waiting for them and I think it is just hurting the image of the whole state. I think it is making us look like a bunch of people who, and I am not talking Republicans or Democrats, I am talking about all of us that perhaps we are sort of an irresponsible group. I don't think that is true, I think the problem we have is a very difficult problem and I hope it can be solved.

I guess my question to Representative Marsano and Representative Whitcomb would be, how far are we willing to go with this? How many people are we willing to hurt? I don't have the answer, I hope you do.

The SPEAKER: The Representative from South Portland, Representative Macomber, has posed a question through the Chair to Representative Marsano or Representative Whitcomb who may respond if they so desire.

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I think that the Representative from South Portland raises another excellent opportunity for us to perhaps unlock this roadblock.

The part of the tax package that is included in the Transportation budget, as you know, is something in the order of \$23 million, I believe. It was taken out of the tax package, which was originally presented and is now, we think, held prisoner in the other body. If Representative Macomber moves to table the pending matter and can arrange to have the Transportation budget down here, I will assure the Representative from South Portland that I will vote for the Transportation budget, even if it still has Senator Pray's prison requirement for the West Gate in it.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to carry this on but I feel that I must respond to it. All I can say to Representative Marsano is, you give me credit for having a tremendous amount of power which I don't have.

The SPEAKER: The Chair would advise the Representative from Belfast, Representative Marsano, that the Transportation budget has been enacted by this body.

The pending question before the House is passage to be engrossed, a roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 221

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hوجلund, Holt, Hussey, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pfeiffer, Pineau, Plourde, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Lebowitz, Lipman, Look, Lord, MacBride, Marsano, Merrill, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Ault, Carroll, J.; Clark, M.; Duffy, Jacques, Kutasi, Libby, Mahany, Mitchell, J.; Morrison, Paradis, P.; Poulin.

Yes, 93; No, 46; Absent, 12; Paired, 0; Excused, 0.

93 having voted in the affirmative and 46 in the negative with 12 being absent, L.D. 1970 was passed to be engrossed as amended by House Amendment "B" (H-745) in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease to Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

ENACTOR

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Period of July 1, 1991 until July 10, 1991 (H.P. 1380) (L.D. 1970) (H. "B" H-745)

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

Representative Tracy of Rome requested a roll call vote.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: This is an issue, obviously, that was debated extensively only hours ago, first two days ago on Wednesday and then, once again, a couple of hours ago. Realistically, we don't envision a great deal of change in the votes, given the circumstances that have led us to this point. We have a paralysis to some extent in this legislative process where both sides have dug in and where only state employees and our constituents will be the eventual losers. We have reached a point of paralysis where success, from the perspective of the Minority Party and success from the perspective of the Majority Party and the measure of success is now dependent solely upon which side caves in first. At that point, we are no longer doing the business of the people.

Yesterday morning before I came down here to spend some time with the Appropriations Committee, I received a phone call at quarter past eight from Representative Parent of Benton. I could tell by the sound of his voice that it was not good news, it was bad news, a mutual friend of ours had passed away, someone who I had known, it was Darrell Webber, a former Principal of Lawrence High School, who died unexpectedly at age 54. He was a long time colleague of Representative Parent, having worked in the school system and also with his wife. That was followed by a phone call with Darrell Webber's brother, John Webber from Skowhegan, who I also know, and they were very distraught. It was completely unexpected and they were beginning to make necessary arrangements and, somewhat ironically, they had hoped to bury Mr. Webber at the Veterans' Memorial Cemetery. Paul and I chatted for a moment on what we were going to do and how we were going to be able to help them. I contacted the brother at the funeral home and the veterans' cemetery to make necessary arrangements and to let them know that we had, in fact, passed a bill on the 3rd that assured, at the very least, that the Veterans' Memorial Cemetery was going to remain open during this period of time. While there was some comfort in knowing that we had helped in such a small way for this particular family at this time of crisis, I couldn't help but wonder how many other families we were affecting that didn't call, the families that Representative Anthony talked about, young adults who were no longer getting the type of child protective services that they need, where the elderly were not getting the home based care that they need, where we are not putting the type of coverage that we need in our mental health institutions during this time.

You have heard my comments on this issue. I have had my share as have others at saying how unconscionable this is not to do everything in our power to end the shutdown and I believe that more than I can believe anything.

I said that we had a moral obligation to keep state government open, not just for the state employees in the balcony or in the halls or on the streets, but for our constituents, my constituents

and yours, for those people who are in desperate need often of state services. I said it was inconprehensible that some would attempt to use this as political leverage and I think I called it the politics of government of obstruction.

With those speeches that we have both given, this side and that side, have gone on and on and on and it appears to me that we are getting nowhere. When success in the legislature is gauged on which side caves in first, Maine people lose.

We are in receipt of a message from the Governor this morning, communique, in regards to another issue, the issue that has been dominant in this entire discussion. Just two days ago, Democratic leadership also had what I thought was probably the most productive conversation we have had in weeks with the Governor of this state as we attempted to develop a framework to resolve this conflict, to break this impasse, to develop the wiggle room that both sides currently appear to need. Then we could get on with the business of the people. Obviously, given its circumstances of today, that is no longer possible.

I am going to continue to look for ways, for any alternative, for any innovative way we can to mediate the situation, to break this impasse because I care too much, like I think each of you do, about the people back home. I care too much that people in my district are being denied state services because of the games that we are playing here in Augusta. I feel as strongly about my side as I am sure the other side feels about their side.

One thing that no one can dispute, as long as the games are being played, as long as both sides are entrenched, no one will win. I guess I have to ask, what have we become? Where are our priorities?

The bill before us does, very simply, keep state government open for five more days. It allows us that window of opportunity to invest our energies on the other outstanding issues of this session. Now we can say that we don't want it to happen, it is the weekend, not that there are that many people working over the weekend, we don't need state government open — has anybody noticed or have that not? We can play that game but we all know who is losing. I remain convinced today, more so than ever before, that we have a fundamental obligation to ensure that your constituents and mine get the state services that they need to get.

Representative Mayo said yesterday that we held out our hands Wednesday with an opportunity to ensure that state employees receive their checks. We asked in return an opportunity to keep state government open for our constituents. We can beat our heads in here for next day, the next night, but sooner or later, we have got to get resolved, we have got to get beyond the point of no nonsense because it is just not working anymore, ladies and gentlemen of the House. We are letting down our constituencies. If nothing else, it seems to me that we ought to keep state government open, we ought to send a signal back home that we understand how this is impacting them and we are willing to keep state government open and that we are willing to take responsibility for what happens in the next five days. I, as one member of Democratic leadership, am willing to work my hardest to resolve the outstanding issues over the next four or five days. I don't want it to happen when my constituents have no services. It is not fair, you know it is not fair, and who gives the right of any

member of this body to deny my constituents services? You don't have the right to do it.

This is an important issue and I have no idea that the votes are going to change; have no reasonable expectation that suddenly we are going to get two-thirds today on the bill before us. But, I know that it is the right thing to do and I will continue to say that it is the right thing to do in this chamber, outside this chamber, and every chance I get to every person that I meet. You and I can beat our heads together but state employees and our constituents don't have to pay for the damage.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I listened very closely to the debate this morning and I found a number of aspects that were puzzling, I should say aspects of the opposition were puzzling. One comment that was raised was saying that this is like Connecticut, there is more than one state in this mess. It is not like Connecticut. In Connecticut, you have an Independent Governor on one side and both parties on the other side. You have a fight over a budget over tax issues specifically, nothing else. In Connecticut, they can't enact a budget because they disagree on a budget, nothing else.

There were some objections raised about the stopgap nature of this proposal — if it is true that your concern is this stopgap measure, then we should enact a full budget and we wouldn't need a stopgap measure.

One Representative mentioned acting in the common good and how he felt his vote against this measure was acting in the common good. I ask, is it in the common good to allow abused children to be unprotected? Is it in the common good to allow elderly, sick people who need home base care not to receive it? Is it in the common good not to enforce our fisheries laws and risk the public health? That kind of questioning could go on forever. Clearly and obviously, the answer is no, it is not in the common good.

Would it also be in the common good to fix Workers' Compensation and save jobs, as the sticker says — obviously, yes, it would be. It appears that it is not possible to serve all these needs for the common good at once. The children that are at risk, the elderly that are at risk, the public health that is at risk, is more urgent than fixing Workers' Compensation.

There is no doubt in my mind that well over two-thirds, if not everybody in this body, wants to fix Workers' Compensation, wants to come out with a sound and fair package to serve the interests of the people of the State of Maine. There is no doubt in my mind but when people say that, if we vote for a budget now, you won't fix Workers' Compensation. That is accusing me and others with my views of bad faith. A body such as this can't operate properly if we all suspect each other of bad faith. If you suspect us of bad faith on Workers' Compensation, is there any reason that we shouldn't suspect you of bad faith on the budget, when the Governor calls a budget that he had agreed to at one point, ill-advised, inadequate and ill-considerate, it makes me ask the question, even if he is satisfied with Workers' Compensation, would he sign a budget that he thinks so badly of? Would he then open that up again?

How do we break this crisis, this lack of

competence in each other? To my mind, the only way to break it is to remove temporarily the crisis being caused by the paralyzation of state government, to allow the parties interested to work without the distraction of a loss of services and the honking that is going on outside and shouting going on out in the halls, to allow them to look at the various new proposals that are being developed on other issues, and that's to avoid a crisis over the budget. The only way to break this deadlock that the Majority Leader referred to is to rid ourselves of these feelings of bad faith, of lack of confidence in the other person's good faith, to step forward and say we will take one small step to try to reconcile our differences. We will give the Governor the authority to provide the essential needs for the people of this state for one week while we try to work out the other differences. How can that not be but a step forward? How can that not be acceptable to anyone in this state as a reasonable thing to do? To do that will take a two-thirds majority. If two-thirds of the members of this body do not vote that, the responsibility for inaction doesn't lie with the majority, the responsibility for inaction will lie with those who are unwilling to take such a reasonable step.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: This legislator for one is not willing to label this legislature a failure. Perhaps we are at a point of paralysis but this legislator is not willing to assume that title either.

This process does not have to be viewed as one of either side caving in. This process needs to be viewed as people who have very differing opinions who continue to meet and work and resolve issues. We have dramatically differing points of view, which are unfortunately are being polarized more and more each hour.

I do not view this process as games. Yes, it is a contrast of opinions, yes it is the legislative process. This legislature should not relinquish its powers and we do all, indeed, take very seriously the responsibility that we have, not just to state employees but to all of Maine's people. We must get beyond this point, we must resolve a budget and all other issues before this body. I continue to urge rejection of this issue before us.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I, too, listened carefully and quietly to the debate this morning and I thought about what was said since then. I have talked with constituents and I have talked to people in the hallways. I think that it is about time to face reality, it is a selfish act not to vote enactment of this bill. Why is it selfish? Because I am willing to wager that there isn't anybody in this House that lives solely on his or her legislative pay, that there is some other way that you add to that income, whether it is outside employment, retirement income, a spouses income, help from parents, whatever it is, everyone in this House has to supplement their income that they get from being a legislator because it isn't enough.

While hundred or thousands of state workers have only their income from state jobs and this fiscal crisis has already taken a week's pay, pushed ahead a

week's pay and now it has forced most state workers to be out of work this entire week. This fiscal crisis has raised havoc with thousands of families, not only the state workers who financially (many of them) have hit rock bottom. They have been to our local welfare offices and, today, many of them are probably at the Human Services offices signing up for AFDC and Medicaid because some of those state workers, not too long ago, were on AFDC and did receive Medicaid and moved from that into state jobs, many through the ASPIRE program. Now we have taken those state jobs away and they don't have savings accounts that they can turn to and they don't have other income that they can turn to so where are they? They are right back where they were before after what was a long, hard struggle for them to reach the point of employment and being able to support themselves and their children. They are now locked out of their jobs. The selfish act of members of this legislature apparently is intent on keeping them locked out. I ask you to look into your hearts and ask yourself if it is fair to continue that selfish act. Just a few more votes will put these people back to work, it will open up state offices for our constituents and it will allow the small contractor who doesn't need anything else except the permit to move his bulldozer to the construction site to be able to work. It will allow the inspection of our shellfish and many other things that are necessary for the public health and safety of the citizens of our state.

I understand that provisions are being made to pay the nursing homes to have people in them who are on Medicaid. I think that that is important because I know that many of those nursing home operators have to pay their bills. Well, the state workers have to pay their bills too. The state workers are in a bind, they have come here everyday this week and they have asked us to look them in the eye and recognize that they have families to feed and that they don't have any other source of income to turn to. They are in a bind for another reason, state workers are doing a job that we have asked them to do, everyone of them, whether they work for DOT, whether they work for Human Services, Mental Health, Marine Resources, whatever department they work for we have asked them to be a public employee. We have asked them to give up some benefits that are out there in the private sector, we have asked them many times to work for less pay than they might have made in the private sector but one thing that they thought they had was at least some measure of job security.

Now we have said to workers, you can't go to work, you can't do your jobs. Probation officers were here this week, they know what is happening out there, they know that the people on their caseloads are three times as many as they can really handle well but they know the services that those people need. The public health nurses are not declared by the Governor to be essential emergency workers so the public health nurses all around this state are not doing their jobs.

Here we have a chance, in the next few minutes, to take some responsibility for at least lessening the financial crisis across our state, allowing workers to go back to work and allowing the revenues which would flow to the state to begin to flow again.

We also can take another inaction, pressing the red button is worsening that financial crisis and it is taking responsibility for impoverishing many of

our loyal state employees.

Again, I remind you that those Human Services offices, which we have opened today because we have to, under federal law, will be taken applications from some state workers. The unemployment offices are open and where do you think the state workers headed on their lunch hour? Where do you think many state workers are across the state now? They have headed for unemployment office. If we send them back to work on Monday, they won't be eligible for unemployment benefits but if we keep them out any longer, they will.

So, I think it is time to look into your hearts, it is unfair, very unfair and very selfish, to continue to think about other issues than the health and safety and bread on the table issues, those are the ones that count today. We are not talking about a two-year budget or even a one month budget, we are talking about basic services and getting people back to work. We are not talking about caving in, we are talking about giving some time to get things a little bit more back to normal and to allow the process to go on, to allow those people who are the ones who have to get together to meet, instead of being here arguing about what we are going to do for the next five days, to sit in a room and logically and rationally work out the differences that still remain. I am tired of seeing smugness on the faces of some people and I am tired and angry on behalf of my constituents and your constituents. I think it is time that we took a vote on this issue and that all the lights will be green.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon with a renewed sense of hope. The hope comes from a conversation that Representative Farnsworth and I had during the earlier debate on engrossment. For those of you who were in this chamber this morning, Representative Farnsworth and I engaged in an exchange of questions and answers as far as what exactly this legislation would do. Afterward, Representative Farnsworth wrote me a note and I said that I would like to pursue this issue further with her and could we meet up back? We met up back and we talked for awhile during the course of the debate and we agreed and I believe her sincerity that she wants to get state workers working again. I, too, want state workers to get working again but I would like to have them start working Monday, knowing that they have a two-year budget that protects them, not knowing that they will have to come up again Wednesday and go through this same ordeal, this emotionally, physically draining ordeal.

What Representative Farnsworth and I were supposed to meet at 3:30 but she had some items that she had to take care of, so I am supposed to meet her now up in her office at 4:15 and we will do so immediately after we adjourn. We are discussing an alternative for this legislature. It was kind of interesting this past Wednesday a member of my party and a member of my caucus came up to me and said, "Dana, you are probably the most conservative in our caucus and we don't agree with you on a lot of things and Representative Farnsworth is probably one of the most liberal in her caucus, why don't the two of you get together, pound something out that you can accept, pound out something that she can accept and then bring it back, bypass the Governor, bypass the

Speaker, bypass the President of the Senate and then have the rank and file vote on it." What we discussed was an option to fund state government only with existing revenues but when I say only, that still equals \$2.8 billion. The proposed budget in front of us would spend \$3.23 billion. Our discussions are going to focus on funding state government with existing revenues, crafting a two-year budget, then leaving the question of increased taxes and Workers' Compensation reform until a later time, to when the Governor wants to call us back and discuss those. The leverage is still there. For those on the other side of the aisle that would like to raise taxes and fund programs to a great extent, that option will be there, that leverage will be there. For those on this side of the aisle, who see the need for substantive Workers' Compensation reform to take place, we will have that leverage. The people will be able to impact with us, they will be able to call us and tell us where to focus our attention but we will have a state government that will be running, a state government that will be funded at \$2.8 billion, more than our 1988-1989 budget, less than our 1990-1991 budget that was at \$3.05 billion. I see this as win/win situation. The people of the state have said yes, we want to scale back state government, we want to be able to have a state government that we can afford.

What we need now is some honest, good faith discussions between our two caucuses now, to get going with a budget and if we agree to go with the budget with existing revenues, we can have that budget done by this weekend. That would put state workers right back to work Monday, they would be covered for two years, we would have resolved the problem and then we would have the matter of Workers' Compensation and increased taxes for expansion of programs or reinstatement of programs.

Maybe I am too naive, maybe I am too simple, but people I think it can work. I am willing to put as many hours as necessary to do this, I think Representative Farnsworth and I share the same concerns, that we want to get state government going again and that we want to get state government going on a continuing basis for a two-year period and not just for the next three or four days. I see this as a very viable alternative. I realize that a lot of members of the opposite aisle says, "Yes Dana, you are way too conservative, we can't buy anything that you even propose." At this point, I would be willing to step back if they don't feel that I could work out a budget that would be funded at the \$2.8 billion, but as long as we have interaction from this party, from your party, I think we can get this ball rolling. We have been stalemated here for a week to ten days. I finally feel some sense of not just exasperation but of optimism and hope.

I hope other members share this concern and I hope that we can get on with this as soon as the opportunity allows itself.

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 Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: Just for a moment, I would like to outline, since it has never been made public, some of the things that we in the Majority Party tried to do to achieve a breakthrough to this process.

I said to you a couple of days ago that it became clear to me that the stalemate which was developing and, in fact, had developed was simply going to get worse. I was concerned that what would transpire would be just what you are seeing now. Unfortunately, I think the worse is yet to come.

The one solution that I saw as having the best chance of success and the one that would have provided, from my viewpoint, the so-called concept of win/win and when you get into labor negotiations, as you are now in, it was one that I am going to outline to you that was subsequently rejected.

I think it is ironic today, July 5th, is the 56th anniversary of a piece of legislation signed into law by President Franklin Delano Roosevelt and that was the National Labor Relations Act. This was organized to help in collective bargaining. It is ironic because it appears that some people have really forgotten how it works or ought to work.

The possibility I saw of happening was this, those members of the Senate (in particular) in my opinion and later confirmed were the first, basically, to make the tie. I heard it first mentioned back in April, rejected it because it really made no sense in our system of government. We have dealt with close to 2,000 pieces of legislation to date and none of them have been married together (I will give you this if you will give me that). Two months ago, I heard it again and the voice became a little louder, a month later the drum beat was on. Little did I believe that that would ever occur. I really never expected that ever to be an ultimatum, one that we would have to face, but here we are.

So, I suggested a way to let everyone save face, one, that we would pass this bill in some manner, shape or form. It would expire at a given time. In the meantime, what would then transpire is that we would pass a budget. We would put that on the Governor's desk, the Governor would not have to sign it because there would be an interim ability for him and the state to function with the so-called Farnsworth bill. The Republicans felt that they had to have something over the heads of the Democrats in order to get Workers' Compensation legislation so the budget could then be the thing held of our heads for ten days. If, during that period of time, the legislature did not enact a piece of legislation satisfactory to a number of people, including the Governor, then he could always veto the massive budget bill for the biennium and make it very clear that that was why he was doing it. That was something which I thought could work and provide both sides an opportunity and, in the meantime while that was going on, it would give sufficient time for the legislature to pass that other piece of legislation which has been tied in the so-called marriage. I can guarantee you that it certainly isn't a marriage made in heaven but made in hell.

That was basically something which the Governor thought might work and was willing to talk about it. It was subsequently rejected. The Governor came back and said, and that is why I come today to make sure we all understand where we are going, "How about this as a thought? Why don't we simply pass the budget and the Farnsworth bill and you people keep the tax package up there and not pass it so the Republicans would now be satisfied that they are holding onto the tax package until such time as Workers' Compensation is completed?" We said that that was a little strange because the budget is normally tied with taxes, you don't vote for one without the other. You don't give people the opportunity to say that they voted for all the spending and never voted to be responsible. This is the way it used to be 20 years ago. We would have legislators who would vote for all the spending and when it came time to pay for it, of course, they were always the nay votes.

We went to the other body, met with the entire caucus of the other body and it was rejected. So, the Representative from Paris may have a point where he thinks that gets us off the ground but, in fact, it does not. It makes it worse.

One of the suggestions that was made by the Representative from Vassalboro to try to move this along as well was to suggest perhaps the Governor signing the Workers' Compensation package that he had on his desk, calling in a Blue Ribbon Commission or whatever you want to call it, to study what other additional changes ought to be made on that other issue and calling a Special Session aimed on that point. That was not acceptable.

I said to the Governor this morning that, quite frankly, I didn't have any other ideas on how to get us out of this situation. I truly meant it because I and others in my party have exhausted every idea and it has been rejected. Every one of the ideas has been rejected but one, you pass Workers' Compensation and then we will pass the budget. I don't care what you call that, I don't care how you want to put sugar on it, I don't care what you want to label it, it is still blackmail.

Let me tell you and it becomes clearer by the minutes that this vote, because of the party position from the other side, is not going to go anywhere. Some of your constituents as well as my constituents, some of the Democratic constituents represented by democratic legislators and some of those who have constituents represented by Republican legislators, we all represent the same people of Maine who are all going to pay and suffer. They are all going to wonder what went wrong. All of us will go back and try to justify our vote. Let me tell you, the only clear message and the only clear voice on that very point was expressed by the Representative from Vassalboro, Representative Mitchell, this morning. You are either for the cooling off period or you are voting against state employees, there is no other way and you are voting against your constituents secondarily, if that is the way you want to put it. I don't know what order you want to put it.

Let me just say to all of you that I don't think it makes any sense, and this will be decided by all of us or more importantly perhaps by the caucus of the Majority Party, for us to stay here and perpetuate this game.

You may or may not know but at this very moment as I speak before you, the so-called reform commission, which I believe is nothing more than a

ploy for these insurance industries of this country and maybe I am just getting to a point where I am suspicious of things but I was down there today in front of the Governor's office with the ones wearing the rectangular as opposed to the square or round signs which said "Reform Workers' Comp" and you may have seen some of those, most, I shouldn't say most because a great many of them are not employers in this state, they were not employers, they are insurance agents, insurance company executives, lobbyists for either or both, and these people have no more interest in lowering the cost of Workers' Compensation than I do. They have far less than I do, far less than I do, their interests are very simple and that is to increase the profit line of their endeavor. By the way, there is nothing wrong with that motive and so, by marrying the two, we have gotten ourselves into this situation. And, as I said, at this very moment, another factor is going on, this commission has gone out to buy television time on all the television stations in this state to say that this legislature doesn't want to reform Workers' Compensation and, therefore, there will be no budget until they win. Watch for the ads this weekend.

If there is anyone in this body who has known me any length of time, who thinks that is the kind of thing that is going to bring me and others of my party to our knees, they are dead wrong. As blame starts to get passed around, as Maine people stop getting services, as Maine revenues stop, as New Hampshire's liquor comes into Maine, then look at yourself because I know, for one, that I will have tried to do everything I possibly can. I know that members of my caucus have tried.

Whenever we come back, let us hope that cooler heads will prevail, that disengagement will occur. I was equally suspicious yesterday when members of the insurance lobby were meeting with Minority members of the Appropriations Committee. Suspicious? Yes, because I wonder why?

The institution as we know it has been changed forever in this state as a result of these actions in the past two weeks. What will now start to happen, and this isn't even an election year, but come January, there will be so little trust on the part of the members of my party and members of the other party, that you will need to use the Governor for every single action that you might want. This threat of what you have done will never be forgotten and, by some, never forgiven. Oh yes, we will all say that we are going to be friends again and the process will go back to what it was but let me just say, that I hope so but I have dealt enough with human nature and with human beings to know the difference and so do you. The difference is that most of us have never been trained, and I say this in the kindest sense of the word, as attorneys. You know what the people feel, as has been said to me, when you have attorneys who fight a case before the courts and then the attorneys leave, after screaming at one another, and then they go to lunch together. The general public watches that and says, you sold out to the attorney who might have lost to the other. I have had it happen, I have seen it happen, and I know that that is true. We are not in that kind of a structure, we are not a judiciary and, as a result, it is so much more difficult for us to understand. It would be nice if we could forgive and forget and never remember those things. I tell freshman legislators

all the time, "After you have lost the battle, go to the next one. Don't hold grudges, don't do this, don't do that." But, unless you have been in this process for a long, long time, you have been trained in that profession, the legal profession, I know what the gut says.

The marrying that has taken place with this issue will have reformed or destroyed or had an impact on this institution forever and, for that, I feel very bad because it is an institution that I care very much about.

Every so often you have heard me say that I am convinced that some of the actions that have taken place in this state in the past year and a half have all been learned at the Republican Governor's school. You have heard me say that before. What has happened here today is no different than what happened in other states. It is going on at this very moment in the state of California and I guess what I should do now as I leave is call the Speaker of the House in California, Willie Brown, and ask him for suggestions in how he is dealing with it because I have run out of ideas. Where we are right now — we are all going down in quicksand and for that I am sorry and I apologize to all of you but my conscience is clear. I hope yours is.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: It is obvious that we are not going to be getting the votes so I would like to speak to the issue before us. I, for one, have always looked at things and say that there is a good reason for this, there is a good reason for that, there is always a good reason for things happening. When the Governor of the State of Maine was elected, I had a hard time understanding. I tried to understand, what is the good reason for this Governor to be elected? Well, as of this week, I know the reason because this Governor is doing this state what Hoover did to the United States. That is the good reason. The state workers, and a lot of them voted for him, I believe have learned a lesson that they will never, ever forget. I pray to God that they never do.

The other issue here, this marriage of Workers' Compensation with the budget, as ridiculous as it is, it is here. I always believed that the insurance companies are a very, very well organized business. They are a terribly well organized business. NCCI is very well organized and disrupts the United States. They go into every state, they pick and choose and they tell the business people, "We have a problem here, we should be reducing our costs." Every time the legislature tampers with Workers' Compensation, costs go up, they do not go down.

I will give you an example. In 1985, the cost of Workers' Compensation in the State of Maine, let's put it at a 100 percent for 100 percent benefits — the Governor in the State of Maine reduced it by 20 percent, leaving 80 percent for 100 percent costs. In 1987, we granted a 10 percent increase in the rates. In 1987, we went before a judge and he said, "Yes, the insurance companies are not making a terribly big profit but they are making a profit." We turned around, the legislature of the State of Maine, and reduced benefits by 40 percent, which brings it down to 32 percent, and we granted an increase of 26 percent, which made it a 138.6 percent. Then another additional increase of 24

percent, which made it a 171.864 percent for 32 percent of the benefits that we had in 1985. Then an additional 4 percent, which made it a 178.7 percent and then Fresh Start, which was granted at 3 percent and that made it 184 percent and an additional 14 percent, supposedly, was granted, which made it a 210 percent increase in the rates of the State of Maine for 32 percent of the benefits that we had in 1985. Those are the facts, ladies and gentlemen.

I have asked the Attorney General to investigate this and I am going to ask the federal government to investigate this — there is somebody out there that is squeezing the life breath out of business and the working people. I assure you that it is the insurance companies. I truly believe that. If I didn't believe it, I wouldn't say it. You people know me for saying exactly what I think. I may be wrong but I hope that they can prove me wrong because this has to be investigated. The insurance companies have to be investigated, Joe Edwards has to be investigated and the Governor has to be investigated.

The SPEAKER PRO TEM: The Chair would remind members to restrict their comments to the issue at hand, which is L.D. 1970. The Chair understand the desire to stray from the topic from time to time but would encourage members to restrict their comments to the issue at hand, which is L.D. 1970.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that that point was made, however I do feel it necessary to respond to a couple of the remarks made by the Representative from Eagle Lake, if this body will permit me.

Obviously, there are different views of meetings that occurred between individuals and legislative leadership and the Executive Branch. I only want to review for this body my view of some of those meetings because it was intended to lead to a result that was better than what we have before us now.

It was clearly understood, when the Representative from Eagle Lake discussed the matter in the cabinet room with all of us in leadership, that advancing any legislation of this type, as well as a complete budget, would concur with meetings of key individuals on the other matter. Frankly, some lack of trust ended on this side of the aisle when meetings that were already scheduled were cancelled and the whole effort seemed to fall for naught.

The suggestion was made that the people of Maine will pay as a result of inaction on this particular legislation today — that perhaps is true but this Representative would also suggest that the people of Maine are already paying, paying a very dear price for inaction on a number of other issues. We now have a crisis in Maine on several fronts. This body has been consumed by the crisis of state government, there are crises in the business sector that are clearly as important.

I would also like, on the Record, to state that it is the view of this Representative and I believe a number of other members of this body that the so-called Workers' Compensation Reform Committee is not simply a ploy of the insurance companies and I think it is an insult to those Maine citizens who try very hard to provide meaningful jobs to Maine people and wish through a forum to express their opinion to be called nothing but stooges for the insurance companies. That is not the case that I have observed in any way, shape or form.

We seem to be anxious to pass blame around on the subjects that are before us and it is appropriate that we all share responsibility as well. This Representative will share his portion of the responsibilities that others have to. It is suggested that the impasse we are now in is the result of some national Republican Governor's school. That is a fascinating new line. I understand the subject that is of deep concern to us is also a concern to the Governor of Colorado who is a member of the Democratic Party.

That really is not the issue before us, as the Speaker has just reminded us. The issue is where to go from here. The piece of legislation before us that we are voting upon, hopefully in a few minutes, is not the answer. I still urge rejection.

The SPEAKER PRO TEM: The Chair would remind members, once again for the second time, that the issue before is L.D. 1970 and would ask members to restrict their comments to the merits of this particular bill, either for or against.

The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: My concern as a legislator at this time is a deep concern. It is one of conscience and failure. I feel deeply of my inability to influence a group of legislators in the Minority Party that have been very close to me for a number of years. It has been a terrible, terrible lesson in futility.

How many casualties will be on our heads? Will it be necessary to bring before you the remains of the young, the sick and the elderly? Where is your compassion? Throw away the politics, open up your hearts.

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

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

My question would be to Representative Whitcomb. I have sat here and listened to the debate. I have attended many meetings which were two or three hours long talking about the issue before us and talking about the other issue. But, for the life of me, I cannot understand the "why," why are these two issues tied together? That is my question to the Representative.

The SPEAKER PRO TEM: Representative Joseph of Waterville has posed a question to Representative Whitcomb of Waldo who may respond if he so desires.

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: The question posed to me is a question that has more than an issue of immediate linkage, which seems to be the convenient way the press has sort of packaged the issue or the way the people that control the media for our nightly viewing have found a way to put it in 30 second sound bites.

The issue for members of my caucus that have brought to my concern and one that I very much share is the impact of what we are doing in this state on our people, on our employees, on our employers, on the average citizen, the person who is paying the taxes and it is the average citizen in this state that pays taxes.

She asked me to explain why there would ever be any connection between an element that will have an immense impact on our ability to provide jobs in this state and our decision in this body to raise revenues

from these very same people. These are the people who have had their jobs cut back, who have had their hours reduced, who have lost their benefits from their employers, their private sector employers, who we are poised to go again to and say now, "Pay more." The legislature has determined that these services are absolutely necessary, so we will go to these people (when a budget is finally approved) and ask for \$300 million, \$400 million, possibly \$500 million in new revenue over the biennium, if you count all the little pieces that are in there. It is the feeling of many of us if we go to these people and ask that they turn over to the coffers of the State of Maine that amount of money that there be something that this legislature produce that will help ensure that they have a job, that they have an opportunity to make this contribution that we are demanding of them.

It was not this legislator that chose the word linkage, it fact, I don't even think it is appropriate. As far as I am concerned, the decision is one that we have to make in our own mind to rationalize the impact that we are to have on the people of this state by what we propose to do.

We have been through a tragic legislative session, a difficult legislative session, one, even up until this week when these issues came to a forefront, was very, very difficult. We have chosen to eliminate programs that many of us worked hard to put into the budget. We have made other very difficult decisions, including the decisions of many in both parties to raise additional revenues. This may be a very long-winded answer but I think the question deserves that because the question cuts to the heart of a bigger debate we are having this session. Frankly, if the question is asked sincerely to me, I refuse to give a short answer, like linkage. I think it is an insult to the process. Linkage isn't an answer. I think impact is an answer. We all feel impact on our people in many different ways. Some of us choose to view it from one side or another but the total impact when we leave this body this session is going to be immense. In that impact included with continued state programs at some level with increased revenues is the impact on our people who are out there and will be demanded to supply those revenues. So, to the good Representative from Waterville, that is this legislator's response to your very sincere question.

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

Representative JOSEPH: Mr. Speaker, I would like to pose another question.

My further question would be, where is the trust, where is the good faith? Does the Representative, representing the Minority Party, believe that this legislature will not deal with the difficult problems before us and the difficult issues? We have dealt with these issues for a number of years, 1983, 1985, and in 1987. So, my further question to the Representative from Waldo would be, do you not trust, do you not have confidence or do you not have the good faith that this legislature will deal with the difficult issue before us?

The SPEAKER PRO TEM: Representative Joseph of Waterville has posed an additional question through the Chair to Representative Whitcomb of Waldo who may respond if he so desires.

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, Men and

Women of the House: I will attempt to provide a shorter answer to that very sincere question. I think she helped me frame that answer in that the legislature enacted legislation on the subject and has for years. In fact, there are a number of members of this body who have sponsored dozens of pieces of legislation on that subject. But, we are at a crisis point. Each one of you have received letters that I am sure shock you about businesses leaving this state and they are using this one issue as a focal point. It is certainly not the only issue because business is in a very, very difficult situation, and if they are, so are the employees.

You ask me about trust — this is one Representative that has a great deal of trust in all members of this body, but we all have different views on this subject. I sincerely thought that there had been an agreement or sort of trust (if you will) that there would be what we would refer to as key players from both sides of the issue, already sitting down to discuss possible solutions to the subject. Then apparently some people became upset as are people on both sides of the aisle and that fell apart.

My concern about that lack of communication perhaps should not be expressed as a matter of distrust. My way of looking at the subject is one of saying, we have to stay here and work as a whole and I do not characterize that as an absence of trust.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative Bell.

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Waldo did mention impact on the state. About two months ago in the tourist industry, a group got together and came before our committee about where their funds were being cut, like all other departments that we cut for the year, they came up with a plan that, if the state would give them \$500,000, they would go on a matching basis and they would match it dollar for dollar in order to jump-start the tourist business. As you know, the tourist business always starts the 1st of July. Well, on the 1st of July, the Governor closed all state agencies. With that, the liquor stores. It has been mentioned that a lot of the bars and restaurants have been running out of different liquors they need for their bars. I understand a lot of the areas where people normally go as tourists have many cancellations. I ask you, is this a jump-start? I don't think so. I think if the Governor wanted to help the tourist business, he made the wrong move.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: I am not casting a line toward anyone. I am embarrassed to say that I prefer to be casting a line on my annual fishing trip right now but it is a very minor thing compared to what our people are facing out there, people just want to get back to work.

I would like to speak to my sister nurses in this chamber and to all of you as well and tell you that there has been, as some of you know, an outbreak of tuberculosis in the Bath area recently. Public health nurses have told me they can't get out to give the people who badly need their medication because of this crisis. Perhaps most of you don't know that the tubercle bacillus cannot be contained without careful attention to timely medications. We certainly don't want that disease to break out again, we want it

contained. This is just one of the thousands of little human stories that we are not thinking about in our own sinking into the quicksand here. Nurses know perfectly well that we always break ranks for the sick. That is our duty and that is really all I have to say.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. To Representative Whitcomb of Waldo, I would like to know how many people from labor were on the Governor's Task Force Reform for Workers' Compensation? I would like to know who the employers were on the Workers' Compensation Task Force?

The SPEAKER PRO TEM: Representative Pineau of Jay has posed a question to Representative Whitcomb of Waldo who may respond if he so desires.

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: This will be the shortest answer I will probably give all day — I don't know.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to make this point clear — as I was listening to the good gentleman from Waldo, I realized he had no idea what he was talking about. There was one person representing labor on the Governor's Task Force committee who consequently resigned because his input wasn't being heeded, there were 18 other parties. On the task force to reform Workers' Compensation, there was not one employer on that commission, there were only people representing employers, there was not one person who makes a payroll, not one, only lobbyists, that is who that commission was made of.

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

Representative REED: Mr. Speaker, I request permission to pose a question to the Chair.

I know the Speaker has made a reference which I believe impugns the integrity of myself and my colleagues, the Minority members of the Appropriations Committee, and I request permission to respond.

The SPEAKER PRO TEM: The Representative may proceed.

Representative REED: Mr. Speaker, an earlier speaker indicated that that speaker was "surprised" to see Minority members of the Appropriations Committee consulting with a representative of the insurance industry yesterday morning. Although I hope that remark was not made to imply conspiratorial or improper behavior, I think it could have been construed as such. I feel that it is important for me to speak to the House and it is important for me and I hope it is important for you to hear why that took place. There was, in my opinion, no impropriety because I think those of you who know me may not agree with my politics but I hope you will agree that I always maintain my integrity.

That event which was alluded to took place because, first of all, minority members of the Appropriations Committee when they came to meet yesterday morning were not apprised of the subject matter that was to be discussed. That is all right, we understand that, that happens frequently. However, we were then presented with a proposal

dealing with some adjustment of insurance premium tax collection with which we are not particularly conversant. At the time we were presented with that proposal, we were told by a member of the Majority Party on the Appropriations Committee, and I quote, "You have two minutes to make up your mind." Since we did not know that that matter was coming before us, we did not have at our disposal the Commissioner of the Department of Professional and Financial Regulation nor the Superintendent of Insurance to even inform us as to the magnitude of that premium collection. Therefore, we sought out a member of the insurance industry and asked a single question, "How much money is involved?" That is the substance of that discussion and I think it is important for the Record to have that.

The SPEAKER PRO TEM: The Chair would, once again, encourage the members of this body to restrict their comments to the issue before us. The Chair will interrupt those members perspective, at this point, who continue to stray from the topic at hand, which is L.D. 1970 as appears on the board.

The Chair recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I find it interesting to note how convenient it is to stray from the topic. I thought we were talking about L.D. 1970. Some people have called it a stopgap measure, some call it a continuing resolution. I don't think we need to complicate it by giving it a name. It seems to me it is just plain common sense.

If I understood it this morning, this L.D. is not a budget, it is not a part of a budget, it is not a substitute for a budget, it is not a directive, it is merely permissive. It is permissive to the extent that it would give the Governor the opportunity to continue state government for another five days.

I have been as critical of the Governor as anybody probably, but I trust the Governor to do the right thing during those five days and I can't understand why the members of the other party seem to have no trust in that respect. I don't think we are gaining much by casting stones, by making unkind remarks about the other fellow.

Those of you who have known me for the past seven years know that I have been issue-oriented from day one. I don't take my orders from anybody else, except my constituents. I can honestly say that if you asked me to sit down and write the names of a dozen Democrats in my district, I would have a hard time doing it because when I meet the fellows on the street I don't ask, "Are you a Democrat or are you a Republican or are you an Independent?" I think I came down here to represent the people.

It seems to me that a measure as simple as this that would permit state government to be operated during the next five days is a very simple thing. It has nothing whatsoever to do with Workers' Compensation, it has nothing to do with the budget. This is a simple question and I hope that we can answer it in a simple manner when we vote.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you why I am going to vote for 1970, why I am asking you to vote for 1970. The body politic, which is the people of the State of Maine, have been dealt a severe blow. Right now, that body politic, if not

paralyzed, is giving an awful good imitation of being paralyzed. We don't need to worry how we are going to rehabilitate the body politic, what we need to worry about right now is how to keep the body politic alive and how to get the body politic back working so that we can rehabilitate the body politic. L.D. 1970 will give us the time necessary to rehabilitate the body politic.

You know, when you are laying there on the ground, like the body politic is right now, and you can't move a muscle, you don't look up at the person who is leaning over you and say, "Excuse me, before you go to work on me, are you a Democrat or are you a Republican?" What you want to say to that person above you, if indeed you are lucid enough to say anything, is, "Please help me." That is what the people of the State of Maine, who are the body politic, are saying to us right now, "Please help me. Don't solve all my problems or try to solve all my problems and all the ills that I am suffering from right now, get me so that I can get to the hospital and when I get there, I will still be alive."

That is why I am asking you as friends, and I really think every person in this House is a friend of mine, I consider you all friends of mine. I don't look upon any of you as being evil because you have an "R" after your name or being a saint because you have a "D" after your name. I know all the kids in my family that I have helped raise don't think I am a saint, they have quite some other thoughts on that matter. But, what I am trying to get across to you, let's keep the body politic alive. Then we can go on from here to take care of the other problems because there is not a soul in this House or in the other body that wants to see that other issue solved any more than I do. I know there are a lot of you that want to solve it as badly as I do but there isn't one of you that wants to solve it any more than I do. So, come on friends, let's just give that body politic one little shot and maybe we can take care of the body politic so that it will live and grow and be stronger.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I am asking you to renew the trust and to renew the good faith and renew the working spirit that has brought us together here. Unfortunately, this administration, because of the actions in the past few weeks, is going to be known (I believe) in history for devastating the Maine economy. We talk about crisis — it is going to be known for devastating Maine families and we need to rise above what has just happened to us because families are in crisis. You have heard different descriptions of those crises and I will not add my own story.

The state employees are very important, their families are very important. Even more important are the services that they provide to 1,200,000 plus people of the State of Maine. I ask you, friends, colleagues, persons with whom I have worked for several years, to endorse this temporary measure in order to get on to the larger issues.

The Democratic government called the Republican government was formed to promote a common welfare, that is how we define government. That is how the textbooks define government. If we care about the common welfare of Maine people, we will pass this measure. If we do not, shame on us, shame on me and

shame on you.

The SPEAKER PRO TEM: The Chair recognizes the Representative Paul.

Representative PAUL: Mr. Speaker, Men and Women of the House: My remarks this afternoon will be directed, hopefully, to influence L.D. 1970. If it does not, you can't blame me for trying.

In my seven years of being a member of this body, I have not once witnessed such frustration and anger than has been displayed in and outside this State House. I suppose, in some cases, it may have been justified but a good many of us would just as soon those things did not happen. Generally respect for one another is the rule and I have always operated under that philosophy. Lately, respect and friendship seems to have fallen by the wayside. I want all of us to work together in harmony and solve this budget problem but I don't see how we can do it under the present conditions. Debates and discussions should not be held in an atmosphere of anger. We must be willing to work even harder to reach the best satisfactory solution. I don't, for one minute, have to tell each one of you that is what we were elected to do. Each one of us appreciates the opportunity to serve in this body. We each have our goals and goals sometimes are very hard to achieve. We want to be able to go home soon, with heads held high and say we have done good, the best that we could. In the past three sessions in which I have served, I have always gone home with head held high. Lately, the few times that I have gone home, my head has been quite low. We should all be proud to be here and willing to serve all, Democrats and Republicans.

Lately, I believe (and I have heard it said) why some members, due to the frustrations, they ask, "What am I doing here?" Well, don't give up hope, it can be done and it must be done, it will be done. Just remember these words that were told to me by a former baseball coach when I was deep with tension and I was on the mound or up to bat, "Take three deep breaths, inhale and exhale." That is a form of relaxation when the tension is high.

This afternoon, very soon, you will be taking the most critical vote that I believe I will have taken since the 112th. If you vote green, it is going to be a nice green pitch to the batter because that batter will probably be a state worker. If it is a red pitch, then you are going to hurt that state worker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: I speak here today, not only for state workers, I am an employer in the hospitality industry, an industry that we all want to help out in the industry that pays a large sum of the taxes that we generate. I ask you to support 1970 so that we can continue to pay these taxes because this bill will not only help out state employees, it will also help my employees and others that are employed in the hospitality industry. We are losing money by not being open. There are cancellations as Representative Ketover has said. There are cancellations in my area and other areas that I have spoken of.

I urge you, let's unite on this one issue. It is the only hope and the last hope that we have to solve this problem, not just for state employees, but all

employees because we are all suffering. Please support this, I beg of you.

At this point Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 8 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative MITCHELL of Vassalboro, the following Joint Order: (H.P. 1382)

Ordered, the Senate concurring, that the Joint Standing Committee on Labor and the Joint Standing Committee on Banking and Insurance jointly report out a bill to the House to reform the worker's compensation system.

Was read.

Representative Tracy of Rome requested a roll call vote on passage.

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

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

The SPEAKER PRO TEM The pending question before the House is passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 222

YEA - Aikman, Aliberti, Anthony, Ault, Bailey, H.; Barth, Bell, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Coles, Constantine, Cote, Daggett, Donnelly, Erwin, Farnsworth, Farnum, Farren, Garland, Gean, Gray, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Heino, Hogle, Joseph, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Look, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Mitchell, E.; Murphy, Nadeau, Nash, Norton, O'Gara, Oliver, Ott, Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Reed, W.; Richards,

Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Simonds, Simpson, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Townsend, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.
NAY - Adams, Goodridge, Graham, Rand, Swazey, Tracy.

ABSENT - Anderson, Bailey, R.; Bennett, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Crowley, DiPietro, Dore, Duffy, Duplessis, Dutremble, L.; Foss, Gould, R. A.; Hanley, Heeschen, Hepburn, Hichborn, Hichens, Holt, Hussey, Jacques, Jalbert, Kerr, Kutasi, LaPointe, Libby, Lord, Luther, MacBride, Macomber, Mahany, Michaud, Mitchell, J.; Morrison, Nutting, O'Dea, Paradis, J.; Parent, Poulin, Pouliot, Powers, Reed, G.; Richardson, Rydell, Sheltra, Skoglund, Small, Stevens, P.; Tardy.

Yes, 91; No, 6; Absent, 54; Paired, 0; Excused, 0.

91 having voted in the affirmative and 6 in the negative with 54 being absent, the Order was passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Gwadosky of Fairfield, Adjourned at 11:00 p.m. until Saturday, July 6, 1991, at one o'clock in the afternoon.