

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Ninth  
Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 2 to April 3, 1980**

**THIRD SPECIAL SESSION**

**May 22, 1980**

**THIRD CONFIRMATION SESSION**

**July 17, 1980**

**FOURTH CONFIRMATION SESSION**

**July 24, 1980**

**FIFTH CONFIRMATION SESSION**

**September 12, 1980**

**REPORT, HEARING TRANSCRIPT AND  
RELATED MEMORANDA OF THE JOINT  
SELECT COMMITTEE ON INDIAN LAND  
CLAIMS**

STATE OF MAINE  
One Hundred and Ninth Legislature  
Second Regular Session  
JOURNAL OF THE SENATE  
February 15, 1980  
Senate called to order by the President.

Prayer by the Reverend Robert E. Canfield of the Free Methodist Church of Gardiner.

Reverend CANFIELD: Let us bow our heads in prayer! Our Father we approach you this morning, knowing that you are always here when we are inviting you, and we do this this day. The preparations are complete, ready to do business, though business at times may seem routine, let us know that each point, each thing is important in your sight. Help us to treat it accordingly, as we meditate, as we work, as we decide, guide and direct, that we may say: "that the words of my mouth, the meditation of my heart, be acceptable in thy sight, O Lord, my strength and my redeemer." Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House**  
**Non-concurrent Matter**

Joint Order relative to Lakeville Plantation. (H. P. 1811)

In the House, February 8, 1980, Read and Passed.

In the Senate, February 13, 1980, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and asked for a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move that the Senate Insist, and Join in a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator, Katz, moves the Senate Insist and Join in a Committee of Conference with the House.

Is this the pleasure of the Senate?  
The Motion Prevailed.

**Non-concurrent Matter**

Bill, "An Act to Eliminate Dedicated Revenues for the Department of Inland Fisheries and Wildlife." (H. P. 1828) (L. D. 1932)

In the House, February 12, 1980, referred to the Committee on Appropriations and Financial Affairs.

In the Senate, February 13, 1980, referred to the Committee on Taxation, in non-concurrence.

Comes from the House, referred to the Committee on Fisheries and Wildlife, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the House?  
The Motion Prevailed.

**Joint Order**

An Expression of Legislative Sentiment recognizing:

Dana Hamlin of Temple who will celebrate the 100th anniversary of his birth on February 19, 1980. (H. P. 1848)

Comes from the House, Read and Passed.  
Which was Read and Passed, in concurrence.

**House Papers**

Bill, "An Act Concerning Revisions in the Maine Juvenile Code." (H. P. 1847) (L. D. 1951)

Comes from the House, referred to the Committee on Judiciary and Ordered Printed.

Which was referred to the Committee on Ju-

diary and Ordered Printed, in concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Papers From the House**  
**Joint Orders**

ORDERED, the Senate concurring, that when the Senate adjourns it adjourns to Tuesday, February 19, 1980 at 12 o'clock noon and when the House adjourns, it adjourns to Tuesday, February 19, 1980 at 10 o'clock in the morning. (H. P. 1850)

Comes from the House, Read and Passed.  
Which was Read and Passed, in concurrence.

An Expression of Legislative Sentiment recognizing:

Cub Scouting, which is celebrating its 50th anniversary and which is contained in the youth programs of 409 Pine Tree Council organizations. (H. P. 1849)

Comes from the House, Read and Passed.  
Which was Read and Passed, in concurrence.

**Committee Reports**  
**House**

**Ought to Pass**

The Committee on Taxation on, Bill, "An Act to Equalize the Tax Burden Between Organized and Unorganized Territories for the Purpose of Funding the Maine Forestry District without Cost to the State." (H. P. 1853) (L. D. 1952)

Reports that the same Ought to Pass pursuant to Joint Order (S. P. 746).

Comes from the House, Bill and accompanying Papers recommitted to the Committee on Taxation.

Which Reports was Read.

On Motion by Senator Teague of Somerset, Recommited to the Committee on Taxation, in concurrence.

**Communication**  
**Executive Department**

February 14, 1980

Communication for Senate Advanced Journal and Calendar

May Ross

Secretary of the Senate

State House Station #3

Augusta, Maine

Re: Governor's Report on the Maine Economy

I am pleased to transmit to the Legislature this first annual report on the Maine Economy. In our efforts to expand economic opportunity for Maine citizens, this report was prepared to serve as the basis for State economic development policies and programs. A solid understanding of the State's economy is essential to this task. Therefore, the Governor's Report on the Maine Economy measures and analyzes the dynamics of current economic trends. Recognizing that progress in this area requires private participation, we were privileged to receive the advice of numerous Maine business association leaders and private businessmen during the preparation of this document.

Anyone interested in obtaining a copy of this report may contact either my office or the State Planning Office which prepared the document.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor

Which was Read and, with accompanying Report, Ordered Placed on File.

**Senate Paper**

Senator Najarian of Cumberland (Cosponsor: Senator Conley of Cumberland) presented, Resolve, Authorizing Roland and Lelia Bracy of Portland to Bring a Civil Action against the State of Maine on Behalf of Their Son, Erwin G. Bracy. (S. P. 758)

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.)

Which was referred to the Committee on Legal Affairs and Ordered Printed.  
Sent down for concurrence.

**Order**

An Expression of Legislative Sentiment recognizing that:

The Bangor High School Rams, coached by Gabby Price, won the 1979 State Class "A" Football Championship by the record-setting margin of 42-8. (S. P. 759) is presented by Senator Trotzky of Penobscot (Cosponsors: Representative Tarbell of Bangor, Representative Aloupis of Bangor and Representative Kelleher of Bangor.)

Which was Read and Passed.  
Sent down for concurrence.

**Committee Reports**  
**House**

**Leave to Withdraw**

The Committee on Public Utilities on, Bill, "An Act Extending the time which the Caribou Utilities District has to Take Over the Caribou Water Works Corporation". (Emergency) (H. P. 1706) (L. D. 1809)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

**Ought to Pass**

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds for Special Election." (Emergency) (H. P. 1672) (L. D. 1779)

Reported that the same Ought to Pass.  
Comes from the House, the Bill Passed to be Engrossed.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and Maine State Troopers Association. (Emergency) (H. P. 1753) (L. D. 1880)

Reported that the same Ought to Pass.  
Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once and Tomorrow Assigned for Second Reading.

**Ought to Pass — As Amended**

The Committee on Marine Resources on, Bill, "An Act to Limit Possession of Lobsters on Board Boats Rigged for Otter or Beam Trawling, Seining or Netting." (H. P. 1631) (L. D. 1741)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-786).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Marine Resources on, Bill, "An Act to Allow Limited Use of Hydraulic Dredges in the Taking of Soft Shell Clams or Quahogs." (H. P. 1633) (L. D. 1743)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-787).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

**Second Readers**

The Committee on Bills in the Second Reading reported the following:

## House — As Amended

Bill, "An Act to Amend the Law Regarding the Reporting of Accidents under the Motor Vehicle Laws." (H. P. 1626) (L. D. 1736)

Which was Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Authorize Cutting of Trees on State Park Lands." (H. P. 1623) (L. D. 1733)

Which was Read a Second Time.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

## Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Aid Recovery of Medicaid Funds. (S. P. 709) (L. D. 1845)

An Act Concerning the Category of Modified Antique Autos Under the Motor Vehicle Statutes. (H. P. 1598) (L. D. 1709)

An Act to Clarify Procedures Involved with the Municipal Shellfish Conservation Program. (H. P. 1613) (L. D. 1723)

An Act to Authorize a Bond Issue for Franklin County for the Construction of a New Detention Facility. (H. P. 1650) (L. D. 1759)

An Act Providing for the Election of a Deputy Moderator at Town Meetings. (H. P. 1737) (L. D. 1855)

Which was Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

## Emergency

An Act Relating to the Vocational-Technical Institutes. (H. P. 1788) (L. D. 1907)

## Emergency

An Act to Establish the Boundary between Rockport and Rockland. (S. P. 658) (L. D. 1698)

## Emergency

An Act Clarifying the Authority of Municipalities to Acquire and Operate Water Systems. (H. P. 1605) (L. D. 1716)

## Emergency

An Act to Encourage Car Pools and Van Pools (S. P. 683) (L. D. 1806)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, with No Senators voting in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

## Orders of the Day

The Chair laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act Relating to Confidentiality under the Lottery Law." (H. P. 1692) (L. D. 1802)

Tabled—February 13, 1980 by Senator Shute of Waldo.

Pending—Passage to be Engrossed.

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

The Chair laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act Authorizing the Bureau of Consumer Protection to Inform and Advise the Public and to Investigate and Prosecute Complaints Under the Fair Credit Reporting Act." (H. P. 1814) (L. D. 1926)

Tabled—February 13, 1980 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

The Chair laid before the Senate, the third tabled and specially assigned matter:

Bill, "An Act Establishing Expenditure Limits for Federal Funds Expended by State Departments and Agencies for the Fiscal Year Ending June 30, 1981. (Emergency) (S. P. 757) (L. D. 1944)

Tabled—February 14, 1980 by Senator Najarian of Cumberland.

Pending—Passage to be Engrossed.

Which was Passed to be Engrossed, in concurrence.

The Chair laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act Concerning Mobile Barber Shops." (H. P. 1658) (L. D. 1767)

Tabled—February 14, 1980 by Senator Pierce of Kennebec.

Pending—Consideration.

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, On the Record.

Senator KATZ: Mr. President and Members of the Senate. One of the greatest strengths of the Western Democracies is the opportunity for constructive dissent. It offers to people the chance to consider alternatives to the policies by an incumbent government.

Today my party, in our role as the loyal opposition, takes issue with the administration of Governor Brennan in its dealing with a variety of policy questions. Republicans say to Maine people that in these areas, Governor Brennan's handling of the Ship of State is steering us into murky waters.

Our message today expresses our deep concerns. We hope that a dialogue may be created that goes far beyond the sometimes isolated corridors of this State House. The dialogue belongs in the town meetings, the Grange Halls and around the supper tables all over the State where Maine people gather. We are concerned with policies pursued by our Governor which we believe are wrong policies for Maine.

When he assumed office in January 1979, Republican Legislators realized that he would be Maine's Governor for four years, and that to the extent that he succeeded in his task, all Maine people would benefit.

As a party we supported his right to choose his own team which would help him run this State. This Republican controlled Senate upheld the Governor's nominees for his cabinet and other major positions requiring confirmation without exception. We sought only to satisfy ourselves that Members of the Brennan Team were men and women of good faith and good character. Our policy was that we should not second guess the new Governor, but rather we should hold him accountable for the performance of his lieutenants.

Today we would like to discuss with Maine people some of the broad policy areas where we differ with the Brennan Administration, and we would like to say why.

When the Governor took office, State House observers fretted at the slowness of his appointments and the difficulty in getting decisions from his office. His staff and cabinet were put together slowly and carefully, but it was an open office and the Governor was pleasantly available.

There were few initiatives, in the first budget. It was clearly a cut and paste hold-over from the previous administration. Mostly, the Legislature was asked to defer any hard decisions.

This year, he does present initiatives, in energy, government reorganization, agriculture and other areas. But when one steps back a bit to gain perspective, the overview is one of a State Government getting a little bit bigger and little bit fatter. Maybe one must wait for yet another report from a Management and Cost Survey, but we identify pressing problems without it. To be kind, the financial position of this State is alarming. We are reeling under dreadful energy costs even with a blessedly mild winter. Twelve more months of voracious OPEC oil price increases and 13% inflation will make a further shambles of our finances.

The fact is that with the end of the age of cheap energy, things will never, never be the same again. To the extent we can face and understand this fact and reorganize the role of State Government, we will survive the challenges. This task takes foresight, courage and leadership. It takes the willingness to make tough decisions, to do things today without deferring them with a vague hope tomorrow. It means not waiting for disaster before identifying the forces at work on our State Finances.

Two of the Governor's most vital responsibilities are to present a budget proposal to State Government, and then to assume the responsibility, through his cabinet, to make it perform its assigned roles as efficiently as possible.

Our surplus of January 1979 is gone, the annual surplus in the Education Budget is going, the flexibility of Highway Funding is gone, Federal Revenue Sharing is shrinking and may disappear. There are massive long range problems in funding other State Departments that remain unaddressed. This disturbs us because it is clear that the Governor's policy appears to be delay and deferral and to us that spells disaster.

Our opinions are shrinking. Although the Governor takes pride in his pledge of no tax increases, he has proposed or supports a host of far-ranging increases in fees, licenses, service charges, and the like. The fact is, Maine people are being asked to pay more. Whether you call it a tax or a fee or whatever, Maine people are getting socked, and according to this Senator, a rose is a rose is a rose.

Governor Brennan's first budget last year recommended that 234 additional State Employees be added to the State's bulging General Fund Payroll. This year's Appropriations Bill calls for 104½ new people. Other legislation before us which is part of the Brennan Program supports the creation of even more positions.

The Republican Caucus respectfully suggests that the Governor is insensitive to the very clear message of Maine taxpayers who do not want more Government and do not want more payrolls, to be followed by more taxes. Our policy difference is painfully clear.

We know from hard experience that the shiny new program enacted today become an irresistible factor in the need for more tax money tomorrow. We are sensitive to the need for new responses to meet changing times, but if massive infusion of tax dollars is necessary to fund a new problem that assumes a high priority, a good manager should make equal reductions in priorities someplace else. If we need 10 new employees for a high priority program, which is just emerging, can we not, through attrition, reduce by 10 the staffing in a lower priority program?

We find it illuminating, that at the same time the Majority of a Legislative Committee is proposing a \$224,000 saving in the Department of Agriculture, the Governor is proposing to reorganize the Department with an added budget of \$615,000.

It is the Governor's responsibility to bring the Legislature his budget for running the State. We respectfully suggest that when a Governor, in the first thirteen months in office, asks to have more than 350 new positions added to the State's General Fund, he is avoiding the tough decisions and he is forcing us inexorably towards a future tax increase.

Republicans feel that it is critical that Maine people realize the difficult days ahead for this State's Government. The only thing that is saving us now is the increase in tax we get from individuals and businesses because of the cruel burden of inflation.

We respectfully say to the Governor that what we need is not more governmental reorganization such as he is proposing. We need a massive review of the basic government's mission. We need a change in attitude, because band-aid solutions in this era of sky-rocketing

energy costs are wrong for Maine's Government, and tragically wrong for Maine's people.

The Governor's term extends through 1982, but his administration will have some responsibilities for the collection of budget projections through June 1985. Has he looked ahead? What does he see? \$2 gasoline? \$2 heating oil? \$3 heating oil? Will double digit inflation continue? A 10% inflation for five years means that Maine people's cost of living will increase by 61% by the end of his budgetary responsibilities, I have just mentioned.

But economists suggest that OPEC Nations intend to price their produce 15% over the rate of inflation. This would incrementally increase the burden of Maine's heating oil costs and gasoline by 324% just in these few years.

We do not presume to know the exact answers. But we see pressures for massive increases in tax revenues, or significant implications for the changes in the mission of State Government. If we are correct, and we are being confronted with enormous policy questions, postponing decisions could be disastrous.

Maine people are not postponing decisions, they are reacting now. Maine towns and cities are not postponing decisions, they are reacting now. We should do no less.

Maine is blessed by a Constitutional requirement for a Balanced Budget. Bonding must be approved by a vote of the people. At the moment, Maine has just over \$¼ Billion in outstanding bonded indebtedness plus an additional \$166 million in bonds authorized but unissued.

Heavy use of bonding is a recent development in Maine, and we think that we may be placing an over reliance on borrowing. Servicing our large debt is a burdensome fixed cost in our budget. We are concerned that as we approach the difficult days ahead, there will be increasing pressures to use massive borrowing as an easy fiscal tool.

We believe that this would be unwise. To the contrary, we believe that Maine should undertake a modest 10 year program of gradual reduction of our bonded indebtedness. We suggest a policy of authorizing no more than 90% of the bonds retired each year for 10 years. This would be a rational approach to strengthen the State's financial condition over the next decade.

We invite the Governor to join with us in reviewing the \$166 Million in bonds that have been authorized but have not been issued. It may be that in light of changing needs, we might consider repealing some of them in order to be better able to meet some new high priority projects required by the energy crunch, in front of us. I cannot recall that any Legislature has ever done this before, but it is an innovative approach which might have merit. We think that it should be explored.

In January 1979 everyone knew that our Department of Transportation was in deep trouble. We believed that the 109th Legislature was ready then to join the Governor in making some very hard decisions. The Governor instead asked for time, time for a Blue Ribbon Committee on Highway Funding to make its report. The Governor's request for a year's delay in facing the hard decisions was accompanied by an interim program for massive borrowing and "temporary" increases in fees. Republicans were deeply disturbed at what we felt was excessive borrowing, and cut it back. In the end we accommodated our Governor's request for more time and passed a very weak, stop-gap budget.

Last month, prepared again to make hard decisions, we came back to the State House. We found that the Governor had rejected his Blue Ribbon Committee's recommendations for Highway Funding. Instead he proposed another solution to our short range problems. It involved shifting some costs to local communities, some to the General Fund and more raises in fees, and a hope for more Federal Aid.

We think the Maine people should know that were we to follow the Governor's recommendations, the shortfall in revenues for the Department of Transportation which is presently about \$16.7 million could run as high as \$40 to \$60 million for the next biennium according to the figures of his own Blue Ribbon Committee.

There can be only two alternatives to deal with our highway mess. More revenue or a cut back in the department to fit the dollars we actually have. A Gubernatorial Policy of delaying hard decisions serves Maine people poorly.

The Governor has ruled out any increase in the gas tax, but he refuses to take the second tough step. A step that all Maine people are dealing with every day as inflation eats into the guts of this Nation. Maybe the State will have to give up some services during these tough times, even as Maine people have had to tighten their belts. The solution to Maine's financial problems are not to be found in loading additional costs on to local property taxes. They are to be found through tough decisions at the State level.

We think that Maine people no longer want to support a business-as-usual Highway Department. Our constituents are certainly not clamoring for higher taxes. Since 1978, the last year of the Longley Administration, there has been a slight increase in average employment in the D.O.T. and department records show a slight increase in the total numbers of trucks, vans, pickups, and special vehicles operated by the department, during the same period of time.

Because we see little sentiment on the part of the Maine taxpayers for a tax increase, we say that we must begin to face a new era of toughness and cut back! We say, cut back now!

Traditionally Maine Governors invite Legislative Leadership in for regular meetings. It is a good system. It minimizes partisanship, establishes friendships, and reduces misunderstanding. The Governor has not met with us since late last year. We think that this is a mistake. To identify solutions to the Department of Transportation we are ready to sit down with the Governor today, as working partners.

Governor Brennan formally asked the Public Utilities Commission last year to delay its decision on the Central Maine Power Company Proposal for a coal fired Generating Plant at Sears Island. The Governor asked for a delay of one year, while alternative proposals might be studied. His Commissioner of the Office of Energy Resources said that the delay could be for 2 years or more. Subsequently the PUC decided against the proposal, blessedly, without the requested moratorium. We disagree with Governor Brennan's attempt to delay the PUC decision.

To us the issue of overriding concern is freeing Maine people from the bondage of OPEC oil. Electricity generated by coal, with sound environmental safeguards, would reduce our dependence on OPEC oil, and loosen those bonds. Maine people are establishing a spectacular record pursuing that precious energy independence, through conservation.

Energy independence is a top priority for this State. With Yankee ingenuity, we can develop unique alternatives for energy sources. But there is no present technology that offers such massive potential for OPEC oil replacement now than America's abundant coal resources.

With each passing season, our dependence on oil bleeds us more cruelly. A policy of delaying hard decisions serves Maine people poorly. If we are faced with tough decisions, let's make them.

Let me conclude. If there are those who would make an immediate partisan rejection of our position, I say pause for a moment. Governor Brennan is our Governor too. To the extent that he succeeds, all Maine people will benefit. We believe him to be an honest man, sincerely dedicated to succeeding in his job.

We believe, though, that he is missing the

mark. We believe that he is avoiding the tough decisions that must be made. We believe that he is following some bad advice. Worst of all we believe that his policy of expanding the number of employees in the General Fund makes a bad situation much worse.

We believe Maine people assembled in town meeting will quickly become aware that administration policies for solving the State's Financial Problems are having a real effect on local property taxes.

We believe that State Government should do less borrowing.

We believe that Maine must move to free itself as rapidly as possible from the disastrous consequences of dependence on OPEC oil.

We believe that the Governor was wrong in his attempt to delay the PUC decision on Sears Island, and we welcome a prompt review by PUC of a modified proposal.

We believe that the financial crisis in the Department of Transportation and the one in the Department of Inland Fisheries and Wildlife are only the tip of a very, very large iceberg.

We believe that running State Government efficiently and in a fiscally sound manner is the Governor's number one job and that it is uniquely his responsibility.

We are concerned by his delay in facing up to hard decisions. Delaying decisions is not an acceptable answer when departments are so obviously underfunded, and when have you ever seen two Legislative Committees scrapping over \$2 million when the \$2 million apparently doesn't even exist?

Every Maine household is making tough decisions daily. Either come up with more money or cut back.

Every Maine town and city will be making tough decisions this year. Already 500 positions have been cut from local payrolls. Either come up with more money, or cut back!

Even if we do delay, our options may be even tougher next year. Republicans don't want the Legislature to be forced into a tax increase next year, because the Governor failed to act this year. There is growing evidence that the entire General Fund itself may be headed for very, very, serious shortfalls.

Therefore, we invite the Governor to sit down with us, sit down with us as a member of a working committee to search out the answers to these questions:

1. What are the projections of State Revenues for Fiscal Years 1982 and 1983?
2. What are the best estimates for expenditures?

We suggest that the Governor invite the Commissioner of Finance and Administration to serve, along with other Members of his Cabinet as he may choose.

We suggest that the Director of Legislative Finance, 3 Members from the Committee on Appropriations and Financial Affairs, two Members from Legislative Leadership should fill out the committee.

We suggest a maximum of 10 persons and ask the Governor to assign a top priority to his personal involvement. It will be a learning experience valuable to us all but more important it will be valuable to Maine people.

We are ready to go to work today to get a clear grasp of the State's long range funding. We hope that we'll find a treasury bulging with surpluses, but we doubt it.

Part One of this initiative will be to find out where we are heading.

Part Two will be to decide what to do about it.

We invite the Governor and his Party to join us as partners. The clock is running out, ticking out the passing minutes. We believe we have delayed too long already. Further delay we think serves Maine people poorly.

One final proposal. Too often the State attempts to solve its problems by dumping them on Maine's towns and cities. It is the local property taxes which are affected. The temptation

to move in that direction may be even stronger next January.

Republicans feel that a conscious reappraisal of the relationship between State and Local Government is clearly in order. If we have both come upon hard times, then there must be a clear mutual understanding of our options.

We therefore ask the Governor to join with us in the immediate establishment of a Blue Ribbon Commission on Intergovernmental Relations to review our options and to look at the long range fiscal impact of current and future State Policy on the budgets of towns and cities.

We do not want hard line adversary roles to develop. If action is needed, it must be action based on understanding and partnership. Delaying this new closer relationship we think would serve Maine people poorly.

How did we get into this situation? Who is responsible? Each of us should look into the mirror. We have been compassionate in identifying human needs and attempting to fill them. We have been overly generous in expanding and spending the Legislature's own operating budget. We have not planned far enough down the road.

We have authorized worthwhile programs, each of which in isolation is completely defensible but which collectively are an onerous burden in this new world.

Because we believe it is a brand new world. An age of cheap energy is at an end and we are forced with new challenges which lead us to say, we are drawing the line now. It is a new ballgame, and we aren't sure of the rules, but we are sure that it is time for partnership. We need the collective wisdom of us all.

We have challenged Joe Brennan here today. We have suggested some specific actions we might take together. We have expressed our deep concerns. We have identified changes in priority and policies.

We ask him and his party to give serious consideration to the issues we have raised. There may be a temptation to lash out and circle the wagons here. We hope not.

His is a trained legal mind. We hope he will carefully and constructively consider the evidence of fiscal disarray, that exists in State Government today. We hope that when he does he'll take off his coat, he'll sit down and say to us, "let's talk it over!"

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, On the Record.

Senator CONLEY: Mr. President and Members of the Senate. The shades of Hayes Gahagan. I can recall a few years ago when the Majority Floorleader would get extremely upset to have a member of this body get up and to go on for almost hours with a dissertation, verbiage with the rest of us totally unprepared or having any knowledge whatsoever of the attack that he was going to leave on the floor of this Senate today.

I should have suspected that in the beginning of the session, this morning, because generally the Majority Floorleader always greets me with a "Hello, and how are you this morning?" When he sat in his chair and he continued to look at his seatmate on the right, and seeing all the cameras around here, I know that it was going to be Bennett Katz's day in the sun.

However, we have one Governor and he was elected, maybe not by a majority of the people, but he was elected by a plurality of the people to serve for four years. I have not seen the people up in arms out on the streets. In fact if the good Senator from Kennebec, Senator Katz reads the newspapers he'll find Governor Brennan has done a lot along the area of the fireside chat, so to speak. He has had many town meetings throughout the State, meeting with citizens and he will continue to do so, throughout his four years.

One of the remarks made by Senator Katz that sort of struck me, was the fact of the Gov-

ernor increasing fees. For 4 years I sat in this seat here, and almost on every bill that came from either Marine Resources, Fish and Game Department, wherever it came, if there was a fee increase I got up and I spoke against them. That was during the term of Governor Longley. Not once did the Majority Floorleader, who was not the Majority Floorleader at that time, ever respond or did he ever react.

We are in a situation today, of financial distress because of the fact that many of us who have served in this body, here, over the last ten or twelve years allowed things to happen. Allowed programs to run away from us. The Highway Department is an excellent example, and as one member of this body, feels that it needs an entire scrutiny from top to bottom, from top to bottom. I think the planning of highways throughout this State has been atrocious over the last twenty years. All you have to do is look at southern Maine and there is a perfect example of it.

Last night I was at a little feast amongst some of my colleagues and one fellow came to me and said, well I knew that the moment that you people got all of southern Maine paved that we would have problems getting a highway built up in my neck of the woods. I said what a disgrace, that that ever happened that so many roads were constructed in that area, but the Legislature allowed it. The Highway budgets come in.

Fish and Game Departments have problems today, again. Twenty year retirement for wardens. My God Almighty. If that law shouldn't be repealed then capital punishment should be passed tonight. There are so many things that have happened, and the former Governor Jim Longley used to talk about it day in and day out.

Well I can't respond to the State of the Union Address that was given by the Majority Floorleader here today, because obviously we were not made privy to his remarks prior to him giving them. But we will respond and I am sure that the Chief Executive will respond. I just hope that the Maine Senate will give us the courtesy that was extended to the Majority Floorleader this morning, at the proper time when we would like to respond to his remarks. Thank you, Mr. President.

Senator Najarian of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator NAJARIAN: Mr. President and Members of the Senate: There were many things that the Majority Leader said this morning that I don't think ought to wait til Monday to be answered. I would say that it's too bad for the people of the State of Maine that if he has such clear insights into the problems of this State and it's solutions that he's not the Governor instead of Governor Brennan.

He mentioned about Governor Brennan's recommending 350 new positions in the first 2 years of his term. In response to that I'd like to say, that 234 State Employees were added in the first year but most of those were in response to the Pineland Decree, and we had no choice in that regard and that was approved by the Legislature.

Secondly, the Legislature is authorized many new buildings which had to be staffed. As the Senate Appropriations Committee Chairman has said time and time again, he doesn't think that the Legislature intended for those buildings to be built and then remain empty.

In this year's budget are 104 more new employees. Part of that is in response to the Consent Decree at the prison. There are secondly, employees that we have to have, 14 in the Department of Human Services, which were mandated by the Federal Government in order for us to maintain our Medicaid Management System, so that all the doctors, and professional providers of Health Services can get paid on time, etc., etc.

I think many of his criticisms, this morning,

were unfair and very misleading. I hope too that we will be given more time to respond to those. He mentioned being overextended in bonding. All bonding authorization is approved by this Legislature, two-thirds of which, the majority of the Legislature have been Members of his Party for most of the last 100 years probably and also approved by the voters, at which time they are told how much bonds we have outstanding, how much are still unauthorized, and yet to be issued.

He talks about the Governor not cutting back. Then he maintains that he has underfunded programs. Well I wish he would explain to me the difference between underfunding and cutting back, because if they don't have enough funds, they're going to have to cut back. To me those terms are synonymous.

He has not recommended a tax increase, for the very reason that the people do not want a tax increase, which is reflected in this Legislature. I have not heard one Legislator up here say they would support a tax increase in any area. So the Governor is trying to maintain existing essential services, within available revenues, which are diminishing to be sure. But that seems to be the only recourse that he has or that we have at this time.

All levels of Government are having to cut back, the Federal Government is cutting back. This body has tried to pass a Constitutional Amendment requiring the Federal Government to put a limit on their spending indeed they seem to be doing that, even without a Constitutional Amendment, which is why we are losing Revenue Sharing Money, which is made up in the Governor's Budget, which is why they're cutting back on Title 20 Funding, which the Governor cannot possibly make up that shortfall.

The Human Services area of our State is going to suffer quite a lot, but I think we have reached a point, where the people have to feel the pinch, instead of us always trying to patch things up. They have got to feel it first, before they are going to ask for or allow themselves to be taxed.

As the Majority Leader said to me in the hall the other day, you have to wait to have the consent of the Governed. I don't think they are ready at this point to support any more new taxes, which is reflected in this body. I think that they will have to suffer and feel the pinch of some cutbacks before we're able to do or maintain what we have been doing.

On Motion by Senator Pierce of Kennebec, adjourned until Tuesday, February 19 at 12 o'clock noon.