

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 5, 1990 to May 20, 1991

STATE OF MAINE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Friday
December 21, 1990

Senate called to Order by the President.

Prayer by the Honorable Beverly Miner Bustin of
Kennebec.

SENATOR BEVERLY MINER BUSTIN: Dear Lord, grant
us peace so that we may have the courage to look at
the road before us and take the risks that are
necessary to give the people the quality of life You
meant us to have. Help us to meditate and stand
aside while we deliberate the issues before us
today. Guide us so that we may make the right
decisions, yet lead this great state of Maine to a
way of living that grants all of Your people a
satisfying way of life. Amen.

Reading of the Journal of Wednesday, December 5, 1990.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 44

115TH LEGISLATURE
AUGUSTA, MAINE 04333

MEMORANDUM

TO: Members of the 115th Maine Legislature
FROM: Honorable Charles P. Pray, President of the
Senate
Honorable John L. Martin, Speaker of the
House
DATE: December 10, 1990
RE: Legislative Session

This is to notify you that pursuant to the Joint
Order, S.P. 23, relative to adjournment, the 115th
Legislature will meet in Session at 10:00 a.m. on
Friday, December 21, 1990.

If you have any questions, please call our
offices at 289-1500 or 289-1300.

Which was **READ** and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

The Following Communication: S.P. 14

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

December 18, 1990

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under Senate Rule 36, I have
made the following appointments:

Joint Standing Committee on Judiciary:
Hon. N. Paul Gauvreau, Chair

Joint Standing Committee on Appropriations:
Hon. Michael D. Pearson, Chair
Hon. Joseph C. Brannigan
Hon. Ruth S. Foster

Pursuant to the same authority, I am making the
following temporary appointments:

Joint Standing Committee on Aging, Retirement and
Veterans:
Hon. Bonnie L. Titcomb, Chair
Hon. Nancy Randall Clark
Hon. Pamela L. Cahill

If you have any questions, please contact me.

Sincerely,

S/Charles P. Pray
President of the Senate

Which was **READ** and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

The Following Communication: S.P. 43

DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

December 13, 1990

The Honorable Charles P. Pray, President of the Senate
The Honorable John L. Martin, Speaker of the House
Senator Judy C. Kany, Chair
Representative Michael H. Michaud, Chair
Joint Standing Committee on Energy & Natural Resources
State House Station 3
Augusta, Maine 04333

Dear President Pray, Speaker Martin, Senator Kany &
Representative Michaud:

Attached are three amendments to the Commission's
Standards and a new fee schedule adopted over the
past year.

The first involves the creation of a new
subdistrict within the Standards specifically
intended to protect the working coastal waterfronts
within the Commission's jurisdiction - the (D-MT)
Maritime Development Subdistrict. The adoption of
this new zone was the result of a petition from the
Assessors on Monhegan Plantation. In general, this
new zone helps ensure that coastal fisherman's access
to the coast is not eliminated by the conversion of
fish houses in certain shoreland areas to residential
or other uses which effectively removes them from use
as fisherman's supply or bait storage houses. This
new zone and the application of it to certain areas
along the Monhegan waterfront was supported by the
vast majority of Monhegan residents and landowners.

The second, was the adoption of a comprehensive
lakes management program for the 1500 great ponds
located in unorganized areas of Maine. This process
included amendments to the Commission's Standards,
and to the Commission's Comprehensive Land Use Plan.
These amendments, adopted after extensive landowner
and public input, essentially provide measures that
will protect important lake values and direct
development toward those lakes best suited to
accommodate new development. Attached is a
three-page summary of the lake's program, for your
reference.

The third set of changes to the Commission's
Standards are a result of P.L. 1989, c. 584 which
amended the Commission's subdivision definition and
resulted in changes in the extent of the Commission's
regulatory control over large lot land divisions.
That legislative amendment imposed a limit to the
number of excepted 40 plus acre lots and extinguished
the previously enacted 500 plus acre lot exemption
from the definition of subdivision. As a result,
many divisions of land into lots, previously
exempted, are now legal subdivisions, and subject to
regulatory review by the Commission. These changes
to the Standards and the accompanying new Chapter 16
of the Commission's rules provide a workable
framework for affected subdivisions. These rules
have resulted in a more predictable and streamlined
process and were generally accepted by the regulated
community while still meeting the criteria set forth
in the Commission's enabling statute and relevant
provisions of the Comprehensive Land Use Plan.

12 M.R.S.A. Section 685-A(8) specifies that
amendments to the Commission's land use standards,
upon adoption, shall become effective immediately but
shall be submitted to the next regular or special
session of the Legislature for approval or

modification. If the Legislature fails to act, such
standards shall continue in full force and effect.

This submission is to fulfill the Commission's
requirements under 12 M.R.S.A. Section 685-A(8).

While technically not an amendment to the
Standards, we also adopted a new fee schedule this
year pursuant to the recommendations of the Peat
Marwick study and amendments to the Land Use
Regulation Law last Legislative Session.

If you have questions as you review these
amendments, please do not hesitate to call me at
289-2631. I would be happy to discuss the amendments
with you in some detail.

Sincerely,

S/David E. Boulter
Director
Maine Land Use
Regulation Commission

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication:

**114TH MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

November 26, 1990

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to our authority under Title 24-A, section
2072, we have appointed Mr. Ned McCann of South
Portland to the Special Select Commission on Access
to Health Care. He will serve as that Commission's
labor representative.

Sincerely,

S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House

Which was **READ** and **ORDERED PLACED ON FILE.**

The Following Communication:

**MAINE STATE LEGISLATURE
COMMISSION TO STUDY THE USE OF HERBICIDES
AUGUSTA, MAINE 04333**

November 27, 1990

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission to Study the Use of Herbicides is pleased to submit its report to the Legislature pursuant to 1989 Resolve c. 98.

Sincerely,

S/Rep. Michael H. Michaud
Chair

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**MAINE STATE LEGISLATURE
COMMISSION TO STUDY MAINE'S OIL SPILL
CLEANUP PREPAREDNESS
AUGUSTA, MAINE 04333**

December 5, 1990

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission to Study Maine's Oil Spill Cleanup Preparedness is pleased to send you this copy of its report. The report has been submitted to the Executive Director of the Legislative Council and the Joint Standing Committee on Energy and Natural Resources pursuant to P.L. 1989, c. 868.

Sincerely,

S/Sen. Joseph C. Brannigan S/Rep. Susan Farnsworth
Senate Chair House Chair

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

**MAINE STATE LEGISLATURE
SELECT COMMITTEE ON COMPREHENSIVE TAX REFORM
AUGUSTA, MAINE 04333**

December 5, 1990

The Honorable Charles P. Pray, President of the Senate
The Honorable John L. Martin, Speaker of the House
Members of the 115th Legislature

It is my pleasure to transmit the Preliminary Report of the Select Committee on Comprehensive Tax Reform.

We have concluded our initial review as required by statute. We used a subcommittee process that recognized the individual and collective talents of nearly 50 people, not counting all of the interested parties that came before us with their comments, criticisms and concerns. The full Committee of 13 is now prepared to take this document, along with any additional ideas you may have, and complete its task by the end of January.

The administration has promised to work with us in two specific areas. They will be providing us with an up-to-date analysis of the income tax system because this information was not available during our preliminary review. They will also be talking with us about the impact of the budget shortfall on future budgets of the State, counties and municipalities. A significant number of future cost bills were passed last session and this issue must be addressed.

In the course of our review and most pointedly in the last few days, the magnitude of the current fiscal year crisis was identified. While the Commission expressed some early concern about this issue, we specifically refrained from looking at it closely during the subcommittee phase of our work. We may no longer be able to avoid it and if it is your wish, we are ready to use our remaining time as the basis for addressing this crisis situation.

On behalf of myself, the Committee members and the subcommittee members who so willingly served, I want to thank you for the opportunity to look at tax reform. We look forward to continuing this work and providing you with a number of useful recommendations in our final report.

Sincerely,

S/Sen. John E. Baldacci
Committee Chair

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

December 7, 1990

Which was **READ** and **ORDERED PLACED ON FILE**.

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

The Following Communication:

Dear President Pray:

**115TH MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

Pursuant to 38 M.R.S.A., Section 341-C(5), this is to notify you that Eugene Gendron's term on the Board of Environmental Protection is being extended, to ensure fair consideration of the mining task force hearings currently being held before the Board, as well as the agenda of the December 12, 1990 regularly scheduled meeting. Mr Gendron's term will terminate upon final Board decisions on the above-named items.

December 13, 1990

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Sincerely,

Dear Madam Secretary:

S/JOHN R. MCKERNAN, JR.
Governor

Pursuant to our authority under Chapter 887 of the Public Laws of 1988, we have appointed Marc Nadeau of Hallowell to the Maine Commission on Mental Health.

Which was **READ** and **ORDERED PLACED ON FILE**.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

The Following Communication:

Which was **READ** and **ORDERED PLACED ON FILE**.

**DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333**

The Following Communication:

December 13, 1990

**STATE OF MAINE
HEALTH POLICY ADVISORY COUNCIL
STATE HOUSE STATION 141
AUGUSTA, MAINE 04333**

TO: Joy O'Brien, Secretary of the Senate
Edwin Pert, Clerk of the House
G. William Buker, Bureau of the Budget

FROM: S/Eve M. Bither, Commissioner

RE: Certified Funding Level for Adult Education-FY92

December 14, 1990

Pursuant to the provision of Title 20-A, M.R.S.A., Chapter 315, Section 8606-A, I am required to certify prior to December 15, 1990 to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education.

Honorable Charles Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

Please see the recommendation below:

Pursuant to 5 MRSA Pt. 22, enacted in Chapter 498 of the Laws of 1987, I am pleased to transmit the Fourth Annual Report of the Health Policy Advisory Council. This document represents the collective effort of consumers, providers, and people in government to achieve the goal of serving the interests of the people of Maine in attaining better health and health care by defining and objectively investigating significant health policy issues.

EDUCATION: ADULT EDUCATION

FY92

All Other Category 6300 -
Grants to cities and towns.
(This includes grants to
programs for high school
completion, adult literacy,
general adult education,
adult handicapped, adult
vocational education, and
administration)

\$5,339,542.00

Recent health system reform in this state has focused on acute health care financing and hospital regulatory change. The Council in 1990 has taken a complementary focus on organization and content of services, examining integration of health promotion, risk reduction, long term care and mental health care

with the acute care delivery system. Because many issues of access, affordability and quality cannot be resolved until value conflicts are examined and resolved by communities, the Council has also focused on the ethical aspects of resource allocation decisions.

In accordance with statute, this report presents a five year forecast of emerging issues that will continue to challenge policy makers and leaders and stimulate questions about how we as a state should proceed. Perhaps the greatest challenge lies in how we can continue our tradition as a national leader in health matters in the face of a looming national health crisis and in the face of a turbulent national and regional economy. The Council stands ready to help in this effort.

Looking ahead to the coming year, the Council plans to pursue a central goal of designing a model health system for Maine. This process will involve major health providers, consumers, government and payors in a systematic analysis of issues pertaining to access and availability, the continuum of health services, and the roles, structure and functioning of the health care system. The development of the Council's collaborative working approach over the past three years provides a firm basis for framing this vision. As we proceed to design the system for Maine, we hope to widen the circle of participants so that there is both solid analysis of these issues and true consensus about their resolution.

This report describes the Council's deliberations and findings in several key health policy areas. The final section of the report is a series of articles that describe the Council's activities and findings on issues studied this year. These include conclusions about needs for a basic level of health care, public health, hospitals, chronic care, and mental health. The Council's findings regarding the state's health budget, health planning and ethical aspects of allocating health care are also described in this section.

We welcome your comments, your questions and your continued involvement in what promises to be a significant year in health policy formulation.

Sincerely,
S/Ronald G. Thurston
Chairman

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE.**

The Following Communication:

**DEPARTMENT OF EDUCATION
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333**

December 14, 1990

TO: Joy O'Brien, Secretary of the Senate
FROM: S/Eve M. Bither, Commissioner
RE: Report on Habitual Truants for the 1989-90 School Year

In accordance with 20-A MRSA section 5051, I am pleased to submit our annual report of the number of habitual truants identified by school superintendents during the 1989-90 school year. An habitual truant is defined as "a student under age 17 who has attained the equivalent of 10 full days of nonexcused absences or 7 consecutive days of nonexcused absences during a school year." The total number of identified habitual truants has increased slightly from the previous school year. This increase reflects a redefinition of habitual truancy under the statutes.

Additional information regarding this report can be obtained from Frank Antonucci in the Office of Truancy, Dropout and Alternative Education at 289-5110.

Which was **READ** and **ORDERED PLACED ON FILE.**

The Following Communication:

**STATE OF MAINE
INTER-DEPARTMENTAL MEMORANDUM**

December 17, 1990

TO: Governor John R. McKernan, Jr.
FROM: S/H. Sawin Millett, Jr., Commissioner
Department of Finance
RE: General Fund Revenues

Based on the fact that our General Fund revenue collections for the first five months of this fiscal year have fallen \$8.8 million below projections and since recent forecasts prepared by the New England Economic Project and Wharton Economic Forecasting Associates project a continuing decline in the Maine economy over the next several months, it appears to me that our overall anticipated income and other available funds of the State will not be sufficient to meet the expenditures authorized by the Legislature for the 1991 fiscal year. I am informing you of my conclusions in this regard, pursuant to Title 5, MRSA, Section 1668, in order that you may give formal consideration to the need to temporarily curtail allotments equitably so that expenditures will not exceed the anticipated income and other available funds. I will be happy to discuss this information further with you at your request.

Which was **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the first step of two steps that are necessary in order to curtail allotments. The Commissioner of Finance has notified the Governor, and we have also been notified through the presiding officer of this step that you see before you today. The next step is that the Governor can at any moment now curtail allotments, and I wanted to inform the Senate of that information.

Which was **ORDERED PLACED ON FILE**.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

SENATE PAPERS

Bill "An Act to Amend the Retirement Laws"
S.P. 24 L.D. 34

Presented by Senator **BALDACC**I of Penobscot

Bill "An Act to Increase the Flexibility of Survivor Benefit Laws"
S.P. 35 L.D. 51

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **PARADIS** of Augusta,
Representative **DAGGETT** of Augusta and President
PRAY of Penobscot

Which were referred to the Committee on **AGING, RETIREMENT & VETERANS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Amend the Elderly Low-cost Drug Program"
S.P. 34 L.D. 48

Presented by Senator **BALDACC**I of Penobscot
Cosponsored by Representative **DUFFY** of Bangor and
Representative **RUHLIN** of Brewer

Bill "An Act to Provide Funds for Women with Substance Abuse Problems"
S.P. 40 L.D. 64

Presented by Senator **MATTHEWS** of Kennebec
Cosponsored by Representative **CARTER** of Winslow
and Senator **BUSTIN** of Kennebec

Which were referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Freeze the Interest on Credit Cards"
S.P. 26 L.D. 36

Presented by Senator **BUSTIN** of Kennebec (By Request)

Bill "An Act Related to Life Insurance Coverage"
S.P. 37 L.D. 59

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Senator **TITCOMB** of Cumberland,
Representative **DAGGETT** of Augusta and
Representative **NORTON** of Winthrop

Which were referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Ensure Access to Boards of Directors"
S.P. 38 L.D. 60

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **MELENDY** of Rockland

Which was referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Require the Earlier Determination of State Aid to Education"
S.P. 39 L.D. 61

Presented by Senator **TWITCHELL** of Oxford

Which was referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (Emergency)
S.P. 32 L.D. 46

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Representative **PARADIS** of Augusta
and Representative **COTE** of Auburn

Senate at Ease

Senate called to order by the President.

Which was referred to the Committee on **JUDICIARY**
and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Change the Date for Statewide
Primary Election"

S.P. 25 L.D. 35

Presented by Senator **BALDACCI** of Penobscot

Bill "An Act Related to Pool Enclosures within
150 Feet of a Lake or Stream"

S.P. 27 L.D. 37

Presented by Senator **BUSTIN** of Kennebec (By
Request)

Bill "An Act to Permit Certain Retailers to
Conduct Games of Chance"

S.P. 28 L.D. 38

Presented by Senator **TWITCHELL** of Oxford

Which were referred to the Committee on **LEGAL**
AFFAIRS and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Change the Scalloping Season"
S.P. 36 L.D. 52

Presented by Senator **VOSE** of Washington
Cosponsored by Representative **TOWNSEND** of
Eastport, Representative **CONSTANTINE** of Bar
Harbor and Representative **LOOK** of Jonesboro

Which was referred to the Committee on **MARINE**
RESOURCES and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Make the Director of the Office
of Substance Abuse a Position Requiring Legislative
Confirmation"

S.P. 41 L.D. 65

Presented by Senator **MATTHEWS** of Kennebec
Cosponsored by Senator **BUSTIN** of Kennebec,
Representative **CARROLL** of Gray and Representative
DAGGETT of Augusta

RESOLUTION, Proposing an Amendment to the
Constitution of Maine to Provide State Funding of any
Mandate Imposed on Municipalities

S.P. 42 L.D. 66

Presented by Senator **CLARK** of Cumberland
Cosponsored by Senator **CLEVELAND** of Androscoggin,
Representative **MAYO** of Thomaston and
Representative **GWADOSKY** of Fairfield

Which were referred to the Committee on **STATE &**
LOCAL GOVERNMENT and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Increase the Property Tax
Exemption for Disabled Veterans"

S.P. 29 L.D. 39

Presented by Senator **TWITCHELL** of Oxford

Bill "An Act to Amend the Laws Regarding
Nonresident Income Taxes"

S.P. 31 L.D. 45

Presented by Senator **ESTES** of York
Cosponsored by Senator **CARPENTER** of York,
Representative **MURPHY** of Berwick and
Representative **FARNUM** of South Berwick

Bill "An Act to Amend the Property Tax Exemption
for Veterans"

S.P. 33 L.D. 47

Presented by Senator **BALDACCI** of Penobscot

Which were referred to the Committee on **TAXATION**
and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Require Proof of Insurance to
Register a Motor Vehicle"

S.P. 30 L.D. 40

Presented by Senator **TWITCHELL** of Oxford

Which was referred to the Committee on
TRANSPORTATION and **ORDERED PRINTED**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Senator **CLARK** of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator **CLARK** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning Retirement Benefits for Retired Veterans"
H.P. 35 L.D. 49

Comes from the House referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**, in concurrence.

Resolve, Directing the Department of Agriculture, Food and Rural Resources to Establish Accurate and Verifiable Standards of Measurement for Fuel Wood (Emergency)
H.P. 40 L.D. 56

Comes from the House referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Limit the Liability of Sponsors of Equine Activities"
H.P. 41 L.D. 57

Comes from the House referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**.

On motion by Senator **GAUVREAU** of Androscoggin, referred the Committee on **JUDICIARY** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Require Proof of Insurance in Order to Register an Automobile"
H.P. 16 L.D. 19

Comes from the House referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Senate at Ease

Senate called to order by the President.

Which was referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Require that Measurable Material Sold at Retail Be Less Expensive Per Unit of Measurement as the Package Size Increases"
H.P. 11 L.D. 14

Bill "An Act to Expand the Lemon Law to Include Recreational Vehicles"
H.P. 18 L.D. 21

Bill "An Act Regarding the Improper Installation of Chimneys and Fireplaces"
H.P. 27 L.D. 30

Comes from the House referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Clarify the Waste Transfer Station Setback Requirements"
H.P. 12 L.D. 15

Comes from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning Capital Improvements and Impact Fees",
H.P. 44 L.D. 63

Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Establish a Permanent Fishing License System for Older Citizens" (Emergency)
H.P. 33 L.D. 43

Comes from the House referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Which was referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Ensure Smoke-free Areas in the Workplace"
H.P. 13 L.D. 16

Bill "An Act to Expand the Elderly Low Cost Drug Program"
H.P. 26 L.D. 29

Come from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Repeal the Sunset on Immediate Wage Withholding for Child Support Awards" (Emergency)
H.P. 20 L.D. 23

Bill "An Act Concerning Equine Activities"
H.P. 30 L.D. 33

Bill "An Act to Limit Judicial Immunity in Certain Domestic Relations Matters"
H.P. 38 L.D. 54

Bill "An Act to Change the Age for Gross Sexual Assault"
H.P. 47 L.D. 67

Come from the House referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Laws Governing Parental Rights and Responsibilities in Domestic Relations Matters"
H.P. 42 L.D. 58

Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Laws Governing Disposition of Lost Goods"
H.P. 24 L.D. 27

Bill "An Act to Strengthen the Operating-under-the-influence Laws" (Emergency)
H.P. 32 L.D. 42

Bill "An Act to Remove Residency Restrictions from the Office of Registrar of Voters"
H.P. 43 L.D. 62

Bill "An Act to Authorize Trained Police Officers to Take Blood Samples in Operating-under-the-influence Cases" (Emergency)
H.P. 50 L.D. 70

Resolve, Authorizing Mark Tamecki to Bring a Civil Action against the State
H.P. 21 L.D. 24

Come from the House referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning the Franklin County Budget"
H.P. 15 L.D. 18

Bill "An Act to Limit the Volume of Proposed Legislation"
H.P. 25 L.D. 28

Come from the House referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Establish an Excise Tax Exemption for Veterans"
H.P. 17 L.D. 20

Bill "An Act to Modify the Sales Tax Exemption for Ambulance Corps"
H.P. 23 L.D. 26

Bill "An Act to Exclude Public Pension Payments for People 62 Years of Age or Older from Taxation"
H.P. 29 L.D. 32

Bill "An Act to Facilitate State Income Tax Withholding from Ordered Civil Service Annuities" (Emergency)
H.P. 34 L.D. 44

Bill "An Act Concerning the Property Tax Circuit Breaker"
H.P. 49 L.D. 69

Come from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning the Use of Headlights in Inclement Weather"
H.P. 14 L.D. 17

Bill "An Act Discouraging Littering of State Highways"
H.P. 19 L.D. 22

Bill "An Act to Require That Children Riding in the Back of Pickup Trucks Be Secured"
H.P. 22 L.D. 25

Bill "An Act to Provide Identification for Persons Using Handicapped Parking Privileges"
H.P. 28 L.D. 31

Bill "An Act to Reduce Roadway Debris Hazards"
H.P. 31 L.D. 41

Bill "An Act to Amend the Laws Concerning Registration of Camp Trailers"
H.P. 36 L.D. 50

Bill "An Act Concerning Traffic Control for Road Construction Projects"
H.P. 48 L.D. 68

Come from the House referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication: H.P. 45

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

December 14, 1990

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

Dear Clerk Pert:

This is to notify you that pursuant to House Rule 1, I have today made the following appointments to the Joint Standing Committee on Appropriations and Financial Affairs:

- Carter of Winslow, House Chair
- Chonko of Topsham
- Pouliot of Lewiston
- Carroll of Gray
- Michaud of East Millinocket
- Rydell of Brunswick
- Paradis of Frenchville
- Foss of Yarmouth
- MacBride of Presque Isle
- Reed of Falmouth

Sincerely,

S/John L. Martin
Speaker of the House

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence

The Following Communication: H.P. 46

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

December 13, 1990

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

Dear Clerk Pert:

This is to notify you that pursuant to House Rule 1, I have today made the following interim appointments to the Joint Standing Committee on Aging, Retirement and Veterans:

Mayo of Thomaston, House Chair
Jalbert of Lisbon
Dutremble of Biddeford
Cashman of Old Town
Mitchell of Vassalboro
O'Dea of Orono
Stevenson of Unity
Ault of Wayne
Merrill of Dover-Foxcroft
Marsano of Belfast

Sincerely,
S/John L. Martin
Speaker of the House

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

Senator **BRANNIGAN** of Cumberland was granted unanimous consent to address the Senate off the Record.

Under suspension of the Rules, all matters thus acted upon were sent down forthwith for concurrence.

Off Record Remarks

Reference is made to the Senate Order passed December 5, 1990, the President appointed the following to the Committees on Senatorial Vote:

Senator **CONLEY**, Chair
Senator **BALDACCI**
Senator **PEARSON**
Senator **ESTY**
Senator **CAHILL**
Senator **EMERSON**
Senator **GOULD**

Senate at Ease

Senate called to order by the President.

Senator **WEBSTER** of Franklin was granted unanimous consent to address the Senate off the Record.

Senator **CLARK** of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator **MCCORMICK** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE
Non-concurrent Matter**

Bill "An Act to Require Proof of Insurance to Register a Motor Vehicle"
S.P. 30 L.D. 40

In Senate, December 21, 1990, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Refinance a Portion of the Teacher Retirement Payments for the Fiscal Year 1990-91" (Emergency)

H.P. 9 L.D. 12

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

TITCOMB of Cumberland
CLARK of Cumberland

Representatives:

JALBERT of Lisbon
O'DEA of Orono
MITCHELL of Vassalboro
MAYO of Thomaston
DUTREMBLE of Biddeford
CASHMAN of Old Town

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-5)**.

Signed:

Senator:

CAHILL of Sagadahoc

Representatives:

MARSANO of Belfast
STEVENSON of Unity
MERRILL of Dover-Foxcroft
AULT of Wayne

Comes from the House the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

Senator **CAHILL** of Sagadahoc moved to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Titcomb.

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would hope you would vote against the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Several weeks ago after meeting with the Governor, I concluded after much thought and consideration that this legislation or similar proposal to L.D. 12 ought to be brought before this legislature for your consideration, it is here today.

When I testified before the Aging and Retirement Committee last week, I indicated to those Members of the Committee that I felt this legislation ought to be a vehicle, a starting point from where the Legislature could build to solve our current financial problem. Speaking to you today as a Senator from Franklin County in District 4, I made at that time what I believed to be an intelligent choice. My feeling is that the alternatives were worse than this legislation. I believe that it is absolutely unnecessary to cut benefits to local schools. My opinion was then and still is, that this ought to be one way to avert that. For this reason I offered this legislation.

In my view, there are few options before this Legislature to solve the current problem. I don't believe the Legislature can surely endorse and support a tax increase. One of the options has been presented through organized groups. We are now one of the highest taxed states in the nation. We have citizens who are among the lowest paid. It is my belief that the average citizen in this state, the working people in this state, the factory workers, the lobstermen, the farmers, and yes, the teachers cannot afford additional taxes. Because I am opposed to additional taxes, and because I didn't want additional cuts from our schools, as a matter of fact, I didn't want any cuts from our schools, I offer this as a vehicle.

Ladies and Gentlemen, let us now face reality! Obviously, since the Governor's office, the Democrats, the Republicans, the leadership have not reached an agreement to this problem or a solution to our current problem. This issue, as presented now before you is not going to pass, it is not acceptable to anyone. I suggest the time is now to leave the halls of the State House, to go home, let the Governor do what the Governor was elected to do, let him make the necessary cuts to balance the budget. Perhaps at a later time when the legislature in it's wisdom can get together with the Governor and agree to a solution to this problem, we ought to come back. Until that date, it seems to me that we are spending taxpayers money better than being here at their expense when we have no solution and we have no immediate solution to the problem.

Senator **WEBSTER** of Franklin moved the **INDEFINITE POSTPONEMENT** of the Bill and Accompanying Papers.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Members of the Democratic Caucus welcome the motion by the Minority Floor Leader to Indefinitely Postpone a Bill which was specious in it's origination, violated the basic tenants of good, sound, fiscal policy. Destabilized the well being of people who had earned security and stability in their retirement years, and who

anticipated security and or stability when their time for retirement came.

The Senator from Franklin, Senator Webster, has stated that we should now kill a Bill which he testified on behalf before the Committee on Aging and Retirement and Veterans less than a week ago, and then in fact, we should let our Governor do what he was elected to do, and that is to lead. There has been a void in leadership to date with reference toward addressing the current fiscal crisis, and indeed, it is a crisis. There has been a void in candor, forthrightness, and honesty, for the proponents of this legislation testified at that public hearing that L.D. 12 represented the last resort, when in fact, there were none other ever considered.

Suffice it to say, that Members of the Democratic Caucus would welcome an opportunity to exercise leadership with our colleagues across the aisle, and the Chief Executive of our state, so that consensus can be reached, that our collective priorities will have a forum in which they may be discussed openly, honestly, and intelligently, and that the problem that besets this legislature and this state today, this evening, may be resolved eventually.

In order to do that, there are some necessary ingredients, and those ingredients include the revolution of the current fiscal shortfall, how it developed, why were not economic indicators acknowledged. Openness with reference to the administrations willingness to share data with the participants in a forum in which all of us sit as equals, and all of us who sit there as equals with the pledge and the commitment to seek a resolution, for the problem before us is ours collectively.

Candor, honesty, openness, are necessary ingredients to reach resolution. They are essential if resolution is in fact to be attained at all. Characterizing resolutions as last resorts when none have been forthcoming or even discussed with Members of this Democratic Caucus prior to the public hearing is short sighted and foolhardy. In addition to that, we have wasted an awful lot of human time, employee time, legislative time, and we have caused a great deal of outcry and destabilization across our state. We all recognize that responsible people must cut before they borrow and spend, but that those cuts must be intelligent cuts, taking into consideration all the factors that make this legislature respond compassionately to the needs particularly of Maine's most vulnerable citizens. We as legislators at this forum to which I hope we are invited, also pledge that we seek not to drive our municipalities into poverty by shifting the burden to the property tax payers of this state, and that we would shore up the title which has been associated with our Chief Executive, that indeed, he may still be called the "Education Governor", even if it was so self-named, and that general aid to education may be safe guarded in a manner that best reflects opportunity for those young people across our state who one day will sit at these chairs as well as run this state.

I hope our Chief Executive is listening, for he has suffered a fatal blow this day. The people of this state have prevailed, and how proud I am that the Minority Party has joined with Majority Party, I presume, if I hear the Minority Leader correctly, in

rejecting an ill-advised, ill-founded proposal, that which it turned out, with reference to L.D. 12, was indeed, a last resort. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to say very simply that I am pleased to hear the comments from the good Senator from Cumberland, Senator Clark, I am pleased to hear that she is willing to talk, and willing to deal, and to offer solutions to this problem.

I want to compliment the Governor, whether you agree with him, whether you serve in his party or you don't, I feel, having met with him several times in the last two and one-half weeks, he has presented an option which was for us to decide. It is interesting to hear some of my debate of 1984 when I talked about shifting the property tax burden when we passed laws back then which caused major impact to the property tax when we reformed education. At that time it seemed that the good Senator from Cumberland and I differed on our feelings on what we were doing, but regardless, I welcome the comments by the good Senator from Cumberland, Senator Clark. I hope that once we leave this Body tonight that she and her colleagues, people who share her views will go to the Governor and explain that they want to work together. At this point, I haven't seen that, I haven't seen any, any alternative offered by anybody except the Governor, that is what we are here today to debate. I had hoped, as all of us had hoped, as I had said in the committee hearing when I presented this legislation, I am not the most excited person about this Bill. But I hoped it would be something that the legislature could take and as we have always done, we could amend, we could change, add to or subtract, and come up with a Bill that was acceptable. I only wish that we had done that and not come to Augusta until we had done that, because it is unfortunate to come here and not do the people's business, at least not do anything positive accept, in my opinion, spend precious dollars meeting in Augusta. It would have seemed to me that if we were going to come here that we should have done it having an agreement before we came. It is unfortunate that we didn't, but I welcome the good Senator's suggestion that we ought to work together, I think the Governor welcomes that, I am sure, I am positive that the Governor is willing to listen to any reasonable suggestion by the Majority Party, and I can assure you that he and we in the Minority Party await those options. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Titcomb.

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Although it appears that the original reasons for my standing to speak about L.D. 12 have changed a bit in the last few minutes. I still feel that it is very important to speak on the Record as to the reasons I would have given for not supporting L.D. 12. This issue and all of the circumstances that have circled around it have really cleared up some really muddy waters as to what the real issue is here today.

First of all, the Aging, Retirement and Veteran's Committee two years ago had a very clear mandate, an unquestionable mandate when I took over as Senate Chair of that Committee. That was first and foremost to protect the integrity of the Retirement System. Every Bill that we looked at we looked at in the light as to how that Bill would impact the security of the Retirement System. I can tell you very clearly that L.D. 12 did not pass the muster on that number one litmus test. If I had presented any other Bill to that Committee that would have proposed to borrow money, any amount of money for any other worthy project, I have no question that every single member of that committee would have voted ought not to pass, because our mandate is the integrity of the Retirement System.

The second point is at best, L.D. 12 would have side-stepped the Constitutional spirit and intent in defense of protection of the Retirement System. So I would have had some very clear questions as to it's constitutionality in the spirit and intent of those that are to protect it.

The third point that I think that needs to be made is that a very recent Wilshire study has proven our Retirement System, out of eighty-three retirement systems in this country, is rated number eighty-two. That is on the bottom of the pile. Only one system is less secure than our own. When I stand to oppose, as I would have opposed before, L.D. 12, I do not do it because it appears that most other people are not going to be supporting it, I do it because it is not a Bill that I can responsibly support or would have responsibly supported. When you have a system that is eighty-second from the top out of a field of eighty-three, you do not have a system that you really should be messing around with, and I think that is what L.D. 12 would have done.

Aside from the reasons as Chair of the Retirement Committee that I have given you for pointing out the lack of merit in this Bill, I feel compelled to speak as to the spirit in which this Bill was sent to us. It was presented to us as an egg that was laid on our desk December 5th and not a golden egg at that, it was an all or nothing. I would concur with the good Senator from Cumberland that this was not part of a plan, this was an egg, and it was laid on our desk, and frankly, I think we have no alternative but to defeat this proposal and I would commend the good Senator from Franklin for promoting it's withdrawal.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I understand the concern of the good Senator from Cumberland, Senator Titcomb, and the good Senator, again, Senator Clark, in their concern over the sanctity of the retirement fund, and I would be the first to agree that in the best of conditions, and the best of worlds, it is a fund that ought to be preserved in an appropriate manner, and good actual standards. So I don't disagree with that. I guess the thing that disturbs me most today is that we don't have many places to go. It seems to me that when we talk in the magnitude of the cuts that are an alternative to providing some of this funding by this source, that really is something that I find very difficult to handle. When we talk about eliminating thirty-eight

million dollars worth of school aide to the municipalities around the state, I am reminded very quickly that my community of Caribou would immediately suffer a loss of four hundred and fifty thousand dollars in the next six months, and that my neighboring community of Presque Isle would lose six hundred thousand. That is something of over a million dollars for two towns. Do you suppose they have that kind of ability to raise that kind of money in that short time? Obviously, they don't. Their only source of income is the property tax, and obviously, that has already been expended. There is no way that that type of cut can be endured. I am concerned at the cut that would follow at the University of Maine System, all through the system. Two units in my county, Orono, Southern Maine, Farmington, Machias. I am disturbed that we don't have another place to go. I have looked hard since I have known about this proposition, and admittedly I don't have access to all of the information that some people do, nor do I have the expertise to prognosticate on these economic matters. I do know that in the real world right now, there are lots of companies that are restructuring, that are laying off people, that are looking at pension funds for temporary capital, and they do do that. I hope that those who support the defeat of this Bill, and I shall join with you, will quickly find another solution. I don't see one. I don't see one anywhere. It seems to me that we have looked at an option that was viable, and we have said no. I think that had we past this, I don't believe anybody that was receiving, or would be receiving a retirement check would fail to receive it. I know that there is about two point nine billion dollars worth of assets in that fund right now that would not be touched by this piece of legislation. I feel that the state would require and demand that future legislatures did, in fact, do the repayment schedule as was outlined in the Bill. I have no fear whatsoever that one single state employee, or retired legislator, or teacher, would fail to get paid. I think we have today, indeed, wasted some time because it was apparent early on in the course of the day that this Bill did not have the support that it needed. What I am most concerned about is that we didn't come up with anything better. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. As you will doubtless hear numerous times over the next few months, I will preface these comments by the phrase "I hadn't intended to speak this evening". But I must confess that my good friend and colleague from Aroostook, Senator Collins, has prompted these remarks of mine which will follow.

It seems in some quarters of our state, in politic, to suggest that the current fiscal bathos in which the state is mired, might to some extent be the responsibility of the Executive Officer. In fact, as I peruse the daily newspapers in our state, editorial writers suggest that the Democrats are being partisan, partisan, my land, by suggesting that just perhaps the Chief Executive Officer might have suppressed information in regarding the state's finances during the last gubernatorial election. That is the same individual, I think, that promised us that Maine would not be another Massachusetts. It

seems to me that a cursory review of history might be in order. If the CEO in the Commonwealth was accused of monkeying with the Commonwealth's finances to advance his presidential campaign, and that person is a member of my political party, it seems to me that the same criticism is in order regarding the Governor of our state. And while I am on my feet, let me chastise those good editorial writers of our state. It is my personal opinion that the press had manifested an inordinate difficulty in differentiating between the prominent anatomical and geological formations, they simply cannot distinguish between the two if you know what I mean. It is the responsibility of Minority Parties, and I suggest that the Democratic Party in this sense is in the minority, because the Chief Executive Officer is a Republican. It is the responsibility of Minority Parties to be loyal, to be the loyal opposition, to in fact criticize the policies of the government, when they, in fact, do not advance the public interests. Let me suggest to you in no uncertain terms, that legislative criticism is entirely in order. We face the situation of unparalleled fiscal travesty in our state. This legislature passed Resolutions calling upon our Governor to call us back into Special Session, if in fact, it appeared that we would have a down turn in our revenues.

The good Senator from Aroostook, Senator Collins, indicates his sincere concerns regarding the pain visited upon his communities, if we have to somehow scale back our commitment to local aid to education. I spent my entire legislative service advocating for education and human service causes, like many of you have, and I am sure you will share with me the agony and the frustration we are all going to have to endure the next six months, the next eighteen months, as we fashion budgets which scale back significantly already meager and inadequate responses to human needs. And I submit to you, men and women of the Senate, had this legislation been called back into session last summer, we would have had to cut, but the cuts would have been more humane, more rational. So yes, I regret that today was a day remarkably unproductive, except in one aspect, this legislature has in no uncertain terms, underscored the point that we in Maine are not going to emulate the model of our Federal Government or other states. We are not going to borrow from our children's future to finance present government operations. We are made of sterner stuff. We have greater integrity. We know what government has to do, and we know our government has to run. I think that fortitude, and that integrity that this legislature, Democrats and Republicans showed will carry us through these next eighteen and twenty-four months. I have faith that this legislature will make fair and equitable decisions as we go about the very, very painful progress of down sizing our budget. Not, I might add, not with the notion that we are going to down size government because the need is lower, that because currently we haven't the revenues, and we will hopefully have the faith and the efficacy of government in improving our people's lives so that when we do have more resources we can apply those to the pressing human need in our state. Thank you Mr. President.

On motion by Senator WEBSTER of Franklin, the Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

On motion by Senator MILLS of Oxford, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 51

WHEREAS, revenue forecasts have varied significantly during this fiscal year and present forecasts remain uncertain; and

WHEREAS, it is now clear that the State faces a major shortfall in revenues during this fiscal year and will be unable to meet present appropriated expenditures; and

WHEREAS, the Governor has not yet officially reported that anticipated income will not be sufficient to meet authorized expenditures nor instituted temporary allotment curtailments to meet that insufficiency; and

WHEREAS, the Governor has not provided a report to the Legislature and people of this State of his intended curtailments or reductions in expenditures to meet the revenue shortfall; and

WHEREAS, there is a clear and immediate need for detailed reliable information on revenue forecasts and on possible curtailments or reductions, which information is not presently available; and

WHEREAS, with the short period remaining in the fiscal year, the Legislature can no longer wait for the detailed reliable information it needs to act responsibly to be supplied by others; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall convene at 10:00 a.m. on December 26, 1990, in Room 227 of the State House, Augusta, Maine, for the purpose of carrying out the duties of this Joint Order; and be it further

ORDERED, that the committee shall thoroughly study the anticipated revenues and incomes of State Government and all of its departments, agencies, authorities, bureaus, offices or other bodies or officials, whether independent agencies or departments, from any sources and all presently appropriated or anticipated expenditures; and be it further

ORDERED, that the committee shall accept and review any information on this subject presented by the Governor; and be it further

ORDERED, that the committee shall report to the Legislature its findings as a result of this study, together with any proposals and proposed legislation; and be it further

ORDERED, that the committee shall have all of the authority and powers of an investigating committee provided in the Maine Revised Statutes, Title 3, chapter 21, and has the specific additional powers to administer oaths, issue subpoenas, compel attendance of witnesses and the production of any papers, books, accounts, documents and testimony and to cause the deposition of witnesses as provided in Title 3, section 165, subsection 7.

Comes from the House **READ** and **PASSED**.

Which was **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I ask the Members of this Body to take a moment and read this Order. I have one question I would like to ask if anyone could answer. I have no concern, many of the suggestions in this Order seem actually quite reasonable to me, I have no problem with the hope that the Appropriations Committee would review as soon as possible, and look into what is happening here in state government. We are all concerned about that.

I am quite concerned about the last paragraph which makes reference to some, well if you read the last paragraph, the Committee shall have powers as an investigating committee, and those kinds of things, and I am concerned having been a legislator for ten years now and seen various quote, unquote, witch hunts, that this does not become one of those. I am also concerned that we do not want to have the appearance of running a side show here in the legislature. Seems to me if the President and the Speaker at some point desire and want to hold hearings on the budget or on what is going on here with the problems associated with the budget that they already have the power to do that. But I am very concerned and I think all Members of the Senate ought to be very concerned about this last paragraph, so I would like to have someone perhaps more knowledgeable in the drafting of this than I, to explain the intent, particularly this last paragraph. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am really happy to hear that the Senator from Franklin, Senator Webster, is pleased to finally let the Senate Appropriations Committee get the information that it needs, and we feel the same way. But it is kind of ironic how quickly people are willing to let the information be released now that we have this Order before us. The last paragraph deals with the statutes in the laws, Title 3, deals with the investigative committee rules, procedures, and power

which defines the scope and procedures of allowing committees to become investigative committees. Again, in Sub-Section 7, Title 3, Section 165, it explains how outstanding committees that exist get to be investigative committees. So that is what the last paragraph means. I would hope that everybody in this Body would support this Resolution that is before us, I think that in all the years that I have been here there is the most severe crisis that I have been involved in, and that it seems that whenever we have problems in the past, we always were able to come up with solutions. It appears difficult to do that at this time, and it has been difficult to do that because of the ever changing figures and releases that we get from the financial people in the Executive Department. For that reason we feel that it is vital that we start getting information that is accurate, and has power of the law behind it. I think that with this kind of Resolution before us, and with this kind of power given to our Appropriations Committee, that we will now finally start getting the real, real, true figures needed to be presented to us much longer than they have been presented to us now. And so, I do want to say that we have really given the Governor every opportunity in the world to come up with some solutions to the problem, and he has just not really taken the position of leadership that is needed to solve a severe crisis like this. From the very beginning I think that the Governor told us that this is my plan, take it or leave it. I think that there is no question to that, and then the next few weeks we have proceeded as to saying, you haven't showed us anything yet, but from the very beginning you told us you would not accept anything else. So we felt that it is very important that we play out what the Governor had proposed to us so that the rest of the state could see it. You know, I am one of the few people in this legislature who believes that the Governor really never intended for the retirement plan to pass. I really think that some people went back and said what is the most unacceptable place that we could take money that the legislature would just not accept at all, and I think that they looked at the retirement money, and said this is the place. What I think that they expected the legislature to do was kill it on December 5th, and when we decided to go to a committee hearing for it, I think that put a little screwdriver in their wheel. I think that they didn't expect the reaction from the people of this state. I don't think that they expected the students to come up here and scream and holler, rightfully so with the cut in education. I don't think they expected the teachers to pack the Civic Center, I don't think they expected that they would get that far, I don't think they expected the state workers to be out picketing around the buildings today, showing their faces and wanting the Governor to see the faces behind his cuts. I don't think the Governor expected to see business people around the state and working men and women from around the state be appalled by the fact that we were going after people's retirement money. I don't think that this plan was thought out at all, with the exception of the fact that I really believe that they thought that this would immediately be thrown out. Well, it wasn't. We wanted the people to see what the Governor was proposing. The ultimate slap in the face was that after the greatest number of people in this state rejected the Governor's proposal, so did his party. His very own people! We think as a result of the position that we are in now, is that the fact that the Governor has

just lost the credibility needed to lead us out of this problem, let the legislature take over. It is vital to get this state back on its feet where it belongs, and it is vital that the legislature take the leadership that is necessary to make sure that come January we have done everything that is necessary to put the state back onto the road of recovery. This here will ensure that we get the information that is necessary. It will ensure that next week the Appropriations Committee will meet to get the answers. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As a member of leadership in the Minority Party, I have been pleased, very much so with the Governor's willingness to brief leadership in both parties as to the actions being taken by his commissioners and been taken by his office to deal with this problem. I am pleased that members of the Minority Caucus have been informed by the Governor also. I regret that the Majority Party was not informed by their leadership as to the actions taken by the Governor and what he has suggested we do. I see no reason to criticize the Governor because he has put his hand forward and offered to any member of this legislature, particularly leadership and members of interest, who had an interest by simply asking his office. As many of you know, both of his commissioners have been here today. I met with one of them today, myself, because of a constituent concern, positions were being cut. I am pleased to see he has been willing from the beginning to say, here is what I plan to do. I am sorry for those of you who haven't either taken the initiative to ask, or who haven't been given the information that was given to leadership and should have been forwarded on to you.

The problem we have here today is going to be a serious one. It is going to be a serious one for the next few weeks and months. Fortunately, or unfortunately, depending on which way you look at it, somebody will have to act. If the legislature in its wisdom here today, and between now and the end of this month does not come up with a solution, then the Governor will do what he was elected to do. He has given us options, and I have yet to hear, I might add, yet to hear a single alternative offered by anybody in this legislature, at least in the Majority Party other than to say that there is no plan. Well, the Governor made his decision. He offered what he felt and what many of us felt was the only real chance we had to avert major cuts in significant, important programs like education. He offered his alternative, his option, his plan and this legislature in its wisdom, depending on how you look at it, decided not to endorse that plan. We have had various letters pass back and forth between leadership and the Governor in the last four or five hours, thus far, no meeting has come about even though everybody says they want to meet, I have yet to see that. I am prepared at this point to go home. I believe that we have done the people's business here, the Majority Party has spoken, when the cuts come down then the people can blame who ever they want. The Governor has proposed, we have disposed. My opinion at this point in this evening is that we ought to be home like the rest of the Maine citizens doing something else. If there is an

alternative, if any member of this Senate would like to offer an alternative, I am willing to listen to it.

You know that several days ago I had a call from a person who works for the Maine Turnpike Authority, said there is money here, we ought to look at this. I don't know anything about the Maine Turnpike Authority, I have never served on the transportation committee, I don't know a lot about that department. He said would you be willing to look at this. I said I am willing to look at anything, except raising taxes. The working people of this state, whether you want to believe it or not, can no longer afford the tax burden we have placed on their shoulders. So I am willing to look at anything. But I haven't heard anybody suggest that, I have heard no one suggest anything except we do not like what you have offered. Fine. If there is no offer to be brought by the Majority Party or by any member of this Senate, or any member of this legislature other than what the Governor has done, and been defeated, then I suggest we go home, because we don't need to be wasting taxpayers money hanging around here another hour and a-half so we get another days pay.

As far as I am concerned, the Governor has made a sincere offer. His legislation was defeated. Unless someone in this Body or the other Body wants to bring forth other legislation, than we ought to go home. This proposal before us this evening, in my opinion, is nothing more than a witch hunt. Plain and simple. But I have no problem with giving any information to the Appropriations Committee, because I respect that committee, I believe those people are sincere in what they want to do, and the information is already available. Ladies and Gentlemen of the Senate, many members of this Senate have the information that this Order reports to ask for. All you have to do is ask for it. So we can go through this game of passing a Bill and saying that we are going to have some information, we are going to have a hearing, and we are going to listen to the Commissioners and have them ask what they want. The simple fact is this legislature has no plan! So this is our plan! And when we have to cut local schools, and we have to lay off even more state employees, remember tonight, that this was our plan, and you explain that to the people at home!

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I did not know of this Order until just a matter of a few hours ago, maybe less than that. You can imagine that this is a surprise to me and somewhat of a concern to me. I was able last year to smuggle through customs, and have somebody else help me do it, a pile of peat about as big as the top of this desk and about that tall, and I had visions of burning that in my fireplace on Christmas Eve, and the next two or three nights, just sitting there with my two golden retrievers, and having a good time for myself, and thinking about all of those good thoughts, and low and behold, there is an Order before us saying we will be here at 10:00 on December 26th. That is not a pleasant thought to me, not at all.

It says in here, in the Order, that we should study the anticipated revenues and incomes of state government, all of its Departments, and Agencies,

and Authorities, and Bureaus, and Offices, and other bodies of officials whether independent agencies or departments of any source, and all presently appointed and anticipated expenditures. That we should review any information on this subject, or any subject presented by the Governor, and report to the legislature. In addition to doing this, which I have never had any history of doing, because of all of the sixteen years that I have been in the legislature, never once have I ever served on a committee that had the power of subpoena. In addition to that I expect the Committee will be confronted with two hundred Bills before it, a supplement budget on January 4th, a budget for the biennium which will all be presented later on. All of those things are going to be very, very difficult for us to do.

I do support this Order. But I want to tell you that in talking about this Order that I want to assure people on both sides of the political aisle that this Senator with all that is within him will not conduct a witch hunt or a side show and will be responsible as I know how to be in the pursuit of the job that we have before us. Not more than any ten or fifteen minutes when I walk down the hall people are telling me stories about so and so who has a threat of loss of job, and all of that, and all the rest of us get all of that, and that is an additional pressure, of course, on us.

But one of the things that I want to say in this rather rambling talk that I am giving is, that the thing that bothers me the most around here, this year, is communications. Nobody is talking to anybody. Nobody is in here talking to anybody. I read in the paper this morning, in the Bangor Daily News a proposal to lower costs and cuts to schools. I have never heard of that before. I don't think I should be having to hear those kinds of things, or read those kinds of things in the newspaper. Not that I am not any more special than anyone else in here, I don't think any of us should have to read that. We should have known of those things before.

The Governor of this state, whom I personally admire a great deal, must begin the process, I believe, of talking to the members of his own political party. They tell me things, you know, from time to time, that they don't know what's going to be put in front of them until just a few minutes before it happens, sometimes. The leadership of my party needs to talk to the leadership of the other party. The leadership of the Republican Party needs to participate in the dialogue of trying to solve problems and not say, I am willing to go home. I am willing to listen to your solutions. What is wrong with us thinking this whole process out together. What is wrong with us getting down together and saying, okay we have got a problem to solve here, and if this is what we have to resort to, subpoena, then that is what we will have to do. That shouldn't be necessary to do that. Because the people of the State of Maine have every single right to expect better of us than that.

Some people are saying, okay, now it's your responsibility legislature and the legislature says, okay, Appropriations Committee, it's now your responsibility, and some people are saying, okay, I am going home, we will see what you come up with when you get back. It shouldn't work that way! We should all be talking to each other. We need to all grasp

the big picture of what we want this state to look like when we get through doing this. We are going to make all kinds of mistakes. I know we are. But we ought to do the best job that we can, and I want to reassure that I will not lend my vote, anyway, to a witch hunt, a side show, and I want everybody, especially the Governor and leadership to speak together. It shouldn't be necessary to send a letter to the Governor saying we want to talk to you. Those telephones should have been humming for months. People should have been down here in the Blaine House having breakfast and dinner and supper, because that is what I call where I come from, three or four times a week until the ball started to roll, and when we got here four days before Christmas vacation, we would have had something to work on.

Now I am not so naive, and excuse me for talking so long, but I am not so naive to believe that it is difficult for the administration to try to figure out in this moving target where the figures are. But if that is the case, they ought to at least say so, instead of pretending and putting off and delaying. We have got to get about the people's business here. We have got an enormous job to do. Nobody in Maine history, I don't think, except in the great depression, was ever faced with the task that we are faced with this year. State Government as we know it right now will not exist when we leave here. The Senator from Aroostook, Senator Theriault, said that just the other day, and he is right. What we know here will not exist when we leave here to the same degree that it is now. It was wonderful during the 1980's to be able to go into the Appropriation Committee and say, which one of these programs are we going to vote to increase and create, because they were all necessary. Now we are in a reverse pattern.

Well thank you for listening, I needed to say those things.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. The Senator from Franklin, Senator Webster has spoken, and in sharp contrast, the Senator from Penobscot, Senator Pearson, has spoken. I am pleased that Senator Pearson has reacted in such a positive, constructive fashion to the allegations that the Order represents, in fact, a legislative side show and/or a witch hunt, for its intention and its origin is neither of those two options. It is simply an objective evidence of the frustration experienced by legislators, and perhaps that term legislators is more representative of the frustration of the Majority Party than the Minority Party, for I have just learned by the Senator from Franklin, Senator Webster, that not only has the Republican leadership maintained an informational stream with the members of their caucus, which, in fact, has been the case with Democratic caucus, so he need not feel regret on our behalf, but that they have been apprised by the the Commissioners relative to all the current information. I submit for your consideration that, in fact, that the members of the Minority Party in this Maine Senate have been apprised of more information that is available to the members of the Appropriations Committee, before which L.D. 13 was heard in public hearing, or even the Committee on Aging, Retirement, and Veterans for which L.D. 12 was

heard in a long and drawnout public hearing last Saturday.

I have a question that I would like answered, if at all possible. I would ask the Senator from Franklin, Senator Webster, where the cuts are going to be made in each department as articulated by each commissioner, because if he knows, he knows something that I don't know, nor have I been apprised of same, even when I've asked, as have other members of this Democratic Majority Party Caucus. Even in response to the ever changing landscape to the sincere inquiries on behalf of the members of the Appropriation Committee, of both parties, for everyday, as has been their experience, or perhaps even every hour, I know every communication, the proposal that was embodied in L.D. 12 increased. It started about sixty million and then when formally presented to combine leadership on December 5th, it was seventy-three million, and today, at 7:30 this morning, it was eighty-three million. If we had not disposed of that as a major consideration, the kingpin, the reaction to this proposed to the financial crisis, yes, crisis of our state, it might tomorrow be, or even at 10:30 this evening be more than eighty-three million, who knows, and why? And the answer I receive too frequently, is why not.

So I echo the concern and reinforce the statements of the Senator from Penobscot, Senator Pearson, in his calm and reasoned response to the remarks by the Minority Party Leader. The Minority Leader has suggested that in this evening's action with reference to L.D. 12, an appropriate disposition for a flawed legislative proposal, fatally flawed legislative proposal, that the Majority Party has spoken, and I ask you, members of the Maine Senate, where were you, the Majority Party spoke and the Minority Party spoke in concert and unanimously, or has memory failed in such a short time span. The representatives of the people in the Maine Senate spoke loudly and clearly, for their is no question that L.D. 12 was rejected unanimously under the hammer and we all know that when that happens we claim participation and responsibility for that action, and I welcomed the members of the Minority Party who voted with the Majority in sharp contrast to their signatories on the Committee Report.

So it is with interest that I look at this Joint Order that was developed this evening in a form in which I was present, that succinctly summarizes the current condition within the legislature and the Appropriations Committee, and provides that Committee with the tools that it needs based on it's most recent experience, not only in the opening days of this 115th Legislature, but surely, echoed in the frustration and the ever changing landscape in the last days of the Second Regular Session of the 114th. When the final, for example, supplemental budget proposal was presented and then the colors began changing as it went from gold to blue, to green to goldenrod, to raspberry, and goodness knows what else, plaid stripped, sky blue pink. I submit to you that there is full justification for providing subpoena powers to the Appropriations Committee of the 115th Legislature to sword their constant frustration to seek the information they need to present a proposal that would in all likelihood address constructively, and I hope unanimously and bipartisanly, the fiscal mess we are in, for indeed it is. It was those subpoena powers that were

granted to the Committee on Human Resources relative to the AMHI problem that ultimately promoted resolution at best of that issue, and it was only when those subpoena powers were granted to that Committee that the appropriate, correct, and finally, the necessary data was provided the Committee, and they then tackled the issue. We could do no less for the members for the Appropriations Committee.

I urge all of you to support this Order so that we might lend our unanimity to that Committee and their deliberations while quite candidly some of us with relief go about the business of celebrating this Holiday Season. It is indeed appropriate that the Appropriations Committee be armed, if you will, with the tools of their trade. I wish them well, and I look forward to that meeting with our Chief Executive this evening that was originally scheduled for about 9:15 pm, and surely, the Senator from Franklin, Senator Webster, knows that when the leadership from the other end of the hall being in session were certainly unable to meet with our Chief Executive at the appointed hour, and courtesy is extended not only to the Majority Party and the Minority Party with enthusiasm and sincerity, we expect those same courtesies, frankly, to be extended in that understanding extended by our Chief Executive.

My understanding of the situation in summary is that a meeting will occur between all of us. I look forward to that meeting. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Before I respond to some of the rhetorical boloney that I have heard again, again, and again over the last two or three days, and in the halls, and over the speakers, and on this floor, I would like to commend the good Senator from Penobscot, Senator Pearson, because I think that his statement this evening was truly that of a statesman, and I think it was done with sincerity, and I do appreciate that. I do appreciate this one member that is willing to put together a compromise to work for a common solution, it is that Senator, and I mean that sincerely.

Now to the rhetorical boloney. We were just reminded by the President of the Senate about appropriate behavior. You know what I have heard, and I couldn't believe that I heard this, but I have heard tonight the Governor, not from this Body, but another Body, called a liar. Nevertheless, I have heard, I don't know where I heard it, but did hear the Governor being referred to as a liar. And you know what? When I was a small child, many years ago, I remember an event in my life, very distinctly, and I don't recall the situation, but I was inclined as children are, to call a member of my family a liar. And you know what? My mother slapped my face, she said that is inappropriate behavior. That is the only time that I recall my mother ever laying a hand on me. I would never refer to any member of this Body as a liar. I might disagree with every member of this Body, but I would never refer to them as a liar. And to refer to our Chief Executive Officer as a liar, to me, is unacceptable behavior!

I have heard today people say that Sawin Millett is not being candid with the numbers that he is

providing this legislature. I watched most of Sawin Millett's presentation earlier today, but it seems like three days ago, but earlier today, and I can tell you I was impressed with the presentation that man gave to a joint caucus of this legislature. I was impressed. The man stood up there for several hours of very, very difficult questioning. Not once did he loose his temper, not once did he loose his cool, and he even tried to retain his sense of humor under that questioning. I respect that man! And we're saying that he is not candid with numbers that are as managerial as this Senate's schedule? Ladies and gentlemen, they are every changing, they are ever being revised, they are ever being updated, that is the nature of the beast, that is state government.

I find it interesting that members of the other party have said over and over again, for the last week, that the Executive Branch is not willing to meet with them. They have said it over and over again. When joint leadership met on December 5th with the Governor at the Blaine House for lunch, it was late, and the chicken was a little over cooked, but we were all there ladies and gentlemen, we were all there, and at that point the Governor said, this is a situation that faces the State of Maine, as I see it, and this, ladies and gentlemen, is the proposal that I offer you. This is my plan, this is my solution. I don't ever remember hearing him say take it or leave it. I think instead the vain was, it you have a better idea, for God's sakes let me know because I could use the help right now! I find it also interesting that having learned that the hearing for L.D. 12 was scheduled for last Saturday, I had in all frankness not planned to attend that hearing, I have a little business, little business, but it is Christmas trees, and our busiest day happened to be last Saturday, and I wasn't planning to go to that hearing, and I received a phone call, and they said can you hold for the Governor, the Governor would like to talk to you. I held and the Governor's secretary kept coming onto the phone, said can you hold a little longer, and I said who is he talking to, and he said he is speaking to the Speaker and they are discussing the budget. I held for twenty minutes. After the Governor finally came on the phone, he apologized, and said he was talking with the unmentionable person, I guess, and asked me if I would please come to that hearing, that it was important to him.

Which brings me to another item that was brought up, the Governor not taking L.D. 12 seriously. He took this legislation very seriously! But when he says the inevitability that was presented, he said I don't see why Republicans should hang out there alone, the only ones to be responsible, but he was serious about that legislation. I heard today, also, that Members of the Appropriations Committee and the rest of the Senate shouldn't have to read in the newspaper about proposals that were coming forth, and probably they shouldn't, but I don't think I should have to read in the newspaper about some "fix it all plan" proposed by the State Treasurer Sam Shapiro, either, but I did. It is the way it is, things happen quickly here, proposals are floated, they are up and they are down. It happens quickly, everyone knows that here.

I think it is interesting that the suggestion I just heard, that we, the Republicans, have more information available to us than the Democrats. Now

that is a first, ladies and gentlemen, it is a first! That we have more information than that is presented to the Majority Party. I think it is almost humorous if it wasn't so serious, it would be humorous, because at last Saturday's hearing the Democrat partisan staff was passing out information only to the Democrat members at that public hearing, and I felt a little slighted, quite frankly.

We have talked a lot tonight about positive communications, cooperation, and the willingness of the legislature to get along, to get together. I would like to see some of that, too, ladies and gentlemen. I truly would. But, frankly, the day kind of started out on a bad note. At 7:30 the leadership, again, had breakfast at the Blaine House with the Governor, with Sawin, with everyone that is supposed to be in charge, and after that breakfast that ran late, the Republicans had a caucus, and then after we settled our caucus in, the Republican members of leadership came directly to the Legislative Council Hearing, and you know what had already happened? A pay raise for the Secretary of State, without the Republican members being present. That is not cooperation, ladies and gentlemen, and that is not positive. That is divisive as is this document that we have in front of you. It is destructive, it is setting a tone for a legislative session that is going to be difficult at best, probably the most difficult any of us that have been here have ever seen.

I guess I would like to end on a more personal note at 10:58 pm on the twenty-first day of December, it is obvious to me that whoever planned this schedule wasn't in charge of the cooking, cleaning, wrapping, and shopping for the multitudes. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Matthews.

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would only respond to the Gentlelady from Sagadahoc, and her problems that she has been having by stating that if you are getting trouble with your phone calls coming in you can get call forwarding, and if you are getting problems from the second floor with prank calls, you can get phone smart. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACC:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Very briefly the reason that I am supporting this Order, I guess, is as one representative out of one hundred and eighty-six, during the previous campaign we were looking at a shortfall of three or four hundred million dollars. We were sort of aware of that for the next biennium, and then when we got down here we were confronted with a situation where we are talking about a hundred and ten million dollars plus another forty million dollars for emergency assistance. And then after getting confronted with that, we were confronted with the fact that in the next biennium we could be short over seven hundred and fifty million dollars.

It is like a one, two, three punch, and it didn't get any better, it was like every time you get news

out of Augusta, it was worse, if you could believe it. I think that we owe it to the people in the State of Maine to make a determination exactly what is going on, what are the figures. How can you ask any Body in this entire legislature to try to grovel with that problem if that problem keeps moving and keeps getting larger and different scopes to it. I don't know whether I am trying to address a hundred and ten plus forty and seven hundred and fifty million, or I am trying to address the three or four hundred million dollar issue.

I think before I would move forward as a legislator, I think that information should be put forward, and we should have it all together, so we know exactly what we are looking at. I think that as an individual legislator what I would like to see done. How can you expect anybody to believe the figures from yesterday's newspaper when one day they talk about fifteen percent cuts across the board, and the next day they are saying it is only going to be two percent. I mean it is just so fluid that I think that we owe it to the people of the State of Maine when we are sitting here making decisions about cuts, about restructuring government, or whatever it is that we know exactly what is going on. So I think that we owe it to the membership here to do it, so I will be supporting this Order.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe I asked a question from which I have heard a response of the Senator from Franklin, Senator Webster, who shared with us his access to information with reference to the proposals tendered by the Administration and the Commissioners. My question was, and I shall repeat it, since he has suggested that the fact that they knew all that was to be known currently, and we didn't, and it was our fault, perhaps he will share with us where the cuts are going to be made, where these personnel layoffs or furloughs will occur, and if within what department, and to what extent? That is an expansion of my original question, but I anticipate the response to my question with eagerness. Thank you Mr. President.

The President requested that the Sergeant-At-Arms escort the Senator from Penobscot, Senator **BOST** to the Rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the Floor of the Senate.

Senate called to Order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I eagerly respond to the eagerly requested question from the good Senator from Cumberland County, Senator Clark.

As I mentioned, and as she probably knows that answer, as I mentioned in my previous debate on several occasions, and on one occasion today, I have had the concerns about constituents who have called me who believe their job will have been eliminated, and in each occasion when that problem has arisen, I have contacted the Commissioner as I believe that any legislator ought to do, and ask in this particular case, and asked if this particular position was being eliminated. Although in this case he was not specific, he did say that he was going to recommend to the Governor at the time that he felt that this position was no longer needed considering the fact that the state was faced with placing priorities.

This Resolution we have reminds me of what the public sees the legislature doing. As I am traveling throughout in my business working on oil furnaces and talking to John, Mary, and Sue citizen, I find it interesting how frustrating it has become with the way that the legislature works, or lack of work, the way we study, and this appears to be another attempt, in my opinion, to study something. I would only hope that as we politic and we posture, and January 2nd comes around, that the citizens of the state who are going to be faced with some severe cut backs in state services are not extremely harmed by our actions, and I might add by our inactions having traveled to Augusta today to solve this problem.

I would only like to add that I have been toying with whether to mention this or not. I do find it interesting that the good Senator, Senator Clark, in reference to the fact that L.D. 12 was not a good measure. I would only like to mention to the members of this Senate for those who don't know the history of borrowing from the Retirement Fund, that the good Senator from Cumberland County, Senator Clark, bares the distinction of being only three members of a current legislature who voted in the early seventies to take the Retirement Funds. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator **PRAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to correct a statement by the Senator from Sagadahoc, Senator Cahill. And I rise in my capacity as Chair of the Legislative Council.

The Senator from Sagadahoc, Senator Cahill, made the reference to the fact this morning that when the Republican Members of the Council came into the Council Chamber that the Secretary of State had already received a pay raise. I need to correct her statement because the motion and the action taken by the Legislative Council was to Table all pay raises. The members should also be aware that in that action was the requirement that we also set the salary for the newly elected Attorney General, which by statute says that they will come in, they shall on the initial appointment be established a step increase, the Council took that action. The other three individuals, the Constitutional Officers, are up for their annual review and those actions were Tabled.

In reference to my earlier statement, I apologize. I need to correct that statement that the step increases were approved, but the three percent pay raise was as it was held on the top Executive Officials were withheld from them, so they were

awarded their step increases, not the three percent raise, so that we clearly understand that there is a difference between them.

In reference to the timing of the Council meeting, we did have a leadership breakfast this morning, which I will take credit for. The second meal that leadership has had the opportunity to enjoy at the Blaine House, since both of them have come at my urging of the Governor. Not at his suggestion or his offering, I am starting to feel like a pest a little bit, but he does owe me a couple of meals because he has a tendency to bet on basketball teams that don't win, but be that as it may. When we left the breakfast meeting it was for two reasons. One, though we had not totally finished, we had pretty well wrapped up what we were saying, but there was quite a fair amount of clamor from outside of the dining room because the Governor had invited all the Republican Members of the Legislature over for a little refreshment this morning. The Members of the Council had an 8:30 Council Meeting, and told the Governor that we should leave so that we could conduct that business so that we could come into session on time, or somewhere close on time. At that time we talk about having a Joint Convention so that the Administration could speak to everybody at once through a spokesperson, which we had agreed to. We did come back to the Chamber, to the Legislative Council Chamber, as we had stated as I had announced when we left the breakfast. I will admit that the Members of the Minority Party were not in attendance at that, although they knew it was taking place, they did not express to me, or to any of the four that were there, that they would not be able to attend forthwith. Why they may have gotten tied up into a caucus at the Blaine House, it was something that they did not alert us to. The action by the Council vote, unless I misunderstand, looking at the history of the action of the Council vote, the step increases have always been approved just about unanimously, off hand I do not recall any separation.

I also apologize to the lateness of the hour, and I think that several of the previous speakers pretty well expressed themselves probably the Senator from Penobscot, Senator Pearson, did the best job describing the problems ahead of us, and it is pretty easy to stand up here and do a little bit of finger pointing, play a little bit of a blame game, and talk about where we are going to go from here. It somewhat easy to stand up and wash your hands from the entire thing, but the problem remains, we are here and we need to address the problem. Democracy may not be the best form of government, may not be the most efficient form of government, may not be the most expedient form of government, but it is the absolute best form of government that we have in this country, and it is how we are going to operate, and that requires an understanding of the role of the Executive Branch, and the Legislative Branch. Not always convenient, there are going to be hurdles to over come, but we are going to have to face the fact that this state has a problem and sit down and address it, whether we have the absolute solution, or the Governor have the absolute solution, I think we have today expressed what I told the Governor when he first proposed it, the Washingtonian approach of borrowing on the future, and I think that the Senator from Franklin, Senator Webster, probably said it best for me because I am tone deaf, he had said that the he wasn't going to put the tax burdens on the

shoulders of the citizens. When he first said shoulders, I thought he said children, but I guess that that is what they are willing to do, but the tax burden on the children.

We expressed a feeling today about that proposal, rather it was a best proposal or the only proposal, it is now gone, we now need to move to the next step and work together. We have been here all day, willing to meet, I agree that it is ludicrous that we have to start sending letters back and forth to each other from this floor to the other floor, to state we are here, waiting, willing to talk to you, and getting the curt replies that we have received that we have not been productive. I have in front of me a series of letters that have gone back and forth, again at my urging that we meet. The Governor's response is that "well, I was waiting for you to come back from Washington". If I remember correctly, he left on Friday, I left on the following Tuesday, he came back Wednesday, I came back Thursday, we both were in Washington at the same time, as a matter of fact, the President of the NCSL, Speaker Martin, and the Governor, Governor McKernan, both met with George Bush on the same day, but never had there been an interest or a desire to contact us saying, hey guys, we ought to get together. Well, if I had known that I would have cut my trip to Washington a day short and flown back with them, but since I didn't receive any communications or expressed desire of that, but that is all gone.

The only advantage of history is to learn from our mistakes and learn that the correct actions have been taken in the past. The track record right now is that there have been a lot of errors and a lot of mistakes. The question the citizens of this state are now asking, where do we go? If you are a state employee in this Christmas Holiday Season, wondering if the letter in the next day's mail is a Christmas Card or a pink slip, it isn't a very joyous feeling for them, and I think that this Order provides some incentive for the legislature as an Institution and as a separate branch to say to the Administration that we are going to take our share of the responsibilities and we are going to gather the information to make the intelligent decisions that we have to. Not as political parties of Democrats versus Republicans, but as an institution, as a legislature, and I think it is important that we move forward in a spirit of corporation and a willingness to reach a resolution that is agreeable to all parties. The Governor says I am willing to look for an acceptable alternative, well so are we, and what we now need to do is come together and find the acceptable alternative, because to continue to propose ideas or to have ideas rejected by one side or the other, and say we will absolutely not look at something, is ludicrous, and we will never solve the problem itself.

I stated, and I know that my members of leadership stated that they will meet whatever time that the Governor wants to meet, and we are willing to meet tonight. What I would like to do personally, since the Senator from Sagadahoc, Senator Cahill referred to the time scheduling that we sometimes hear, and how confusing it is, I would like to send you all home tonight and have leadership and the Appropriations Committee, I am sorry Senator Foster, stay here tonight and tomorrow, if necessary, and work so that when we come back we will have a

concrete resolution that is agreeable to the vast majority of members of leadership and hopefully us carrying the message of our caucus members back to all of you bringing something back that can be acceptable to you and entire legislative process and the administration. It will only be done when we decide to set aside the political rhetoric, the political rhetoric on both sides, the political rhetoric that only tends to grab a headline tomorrow, but not resolve the problem that we face here tonight and face the days, and the weeks, and the months, and even the years ahead, because that is the magnitude of the problem.

I offer on behalf of our leadership, our party, and the citizens of the state that elected us to work with all elected members, including the Governor to resolve this problem, because that is how serious it is. Not only in this point and time, but in the days, and weeks, and months ahead. Thank you very much Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Having served on the Appropriations Committee for six years, I will tell you that our Chairman is an honorable man and I believe everything he said. I have found him wonderful to work with. I come to you from the other Body as the "Mother of Mediation". I want you to remember that in the days that follow, because I do have an open mind, and I am willing to stay here day and night as we have done in the past, and we do get things done when you all go home, and we work from eight in the morning, and three in the morning, and day after day, and we shall do it again.

But when the good Senator was reading the Order, I had underlined the very same things that he mentioned. I don't know how to interpret this because the Order says "that we shall thoroughly study the anticipated revenues and incomes of state government and all departments, agencies, authorities, bureaus, offices and other bodies of officials whether independent agencies or departments, from any sources and all presently appropriated or anticipated expenditures". Ladies and gentlemen, I hear nothing that we are going to look at one of the proposed cuts to state government. I do not see that in this Joint Order. Now if we are going to spend all of this time studying anticipated revenues and incomes of state government, I wonder how long it is going to take. I would like to know if we have to be back this year, next year, this month, two weeks? And shouldn't we if we are looking at all of the anticipated revenues, at that time wouldn't it be appropriate for the people to say they don't know where the cuts are to be asking for them at that time? I have sat on that committee and had information overload. I have had members ask for information as piled on your desk so that you can find it, but we can do it again, and we will. It is a wonderful experience and I shall try to do the very best I can, and we will. But somewhere in this resolution, men and women of the Senate, we should have the information, if you don't have it, where the cuts are. I don't see it in the resolution. Thank you.

Senator **CAHILL** of Sagadahoc requested a Division.

On motion by Senator **CLARK** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The pending question before the Senate is **PASSAGE**.

A vote of Yes will be in favor of **PASSAGE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, PRAY, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - STEPHEN M. BOST**

NAYS: Senators **BRAWN, CAHILL, CARPENTER, COLLINS, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER**

ABSENT: Senator-elect **EMERSON**

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, and 1 Senator being absent, the Joint Order was **PASSED**, in concurrence.

On motion by President **PRAY** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

Joint Order

On motion by Senator **DUTREMBLE** of York the following Joint Order: **S.P. 47**

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, January 3, 1991, at 4 o'clock in the afternoon or to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

Which was **READ** and **PASSED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Senator **CAHILL** of Sagadahoc requested unanimous consent to address the Senate off the Record.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **CLARK** of Cumberland, **ADJOURNED** until Thursday, January 3, 1991, at 4:00 in the afternoon.