

# 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  
February 8, 1991

Senate called to Order by the President Pro Tem,  
Dennis L. Dutremble of York.

Prayer by Pastor Dan Bowers of the Hope Baptist  
Church in Manchester.

**PASTOR DAN BOWERS:** Heavenly Father, I come in  
the name of Jesus Christ, my Savior and Lord. We  
come this morning, Father, to commit this Session to  
You. We know, God, that You have ordained the  
Government as an instrument of Your hands for justice  
and righteousness, to legislate just laws in the  
land, that Your will might be done. We pray that  
Your will might be done on earth, in Maine, as it is  
in heaven, this day.

Lord, our hearts go out this morning to Service  
men and women in the Gulf. We pray, O God, that Your  
sovereign will might be done in that situation. We  
would pray for the safety of our troops, we would  
pray wisdom for our President, for the leaders of our  
Armed Forces. We would pray even for the removal of  
Saddam Hussein, that this crisis might soon be  
resolved and that peace might be restored, if it be  
Your will.

I think also of our Governor and his family, as  
they continue to grieve in the loss of their son, and  
yet he must deal with the business of state. We pray  
for strength, for comfort, and encouragement for  
him. We pray for both Houses of the Legislature as  
they deal with weighty issues such as the Budget. We  
know, Lord, that many people are suffering today  
because of layoffs and loss of work. We pray again  
that Your will might be done in all the laws that are  
enacted. We thank You, God, that though You are  
sovereign and in control of the whole universe, You  
hold the affairs of the world in Your hand, yet You  
see, and You know what takes place here in this  
place, and we pray again, that Your will might be  
done. I ask this in Jesus most precious name. Amen.

Reading of the Journal of Thursday, February 7, 1991.

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

Bill "An Act to Prohibit the Use of All-terrain  
Vehicles in State Parks"  
S.P. 166 L.D. 378

In Senate, February 6, 1991, referred to the  
Committee on **FISHERIES AND WILDLIFE** and **ORDERED  
PRINTED.**

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

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

**House Papers**

Bill "An Act to Increase Allowable Earnings under  
the Disability Retirement Laws"  
H.P. 284 L.D. 405

Bill "An Act Concerning Repayment to the  
Retirement System"  
H.P. 286 L.D. 407

Bill "An Act to Require 10 Years of State Service  
for Retirees to be Eligible for Paid Health  
Insurance"  
H.P. 308 L.D. 438

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

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

Bill "An Act to Ensure Fair Insurance Practices"  
H.P. 288 L.D. 409

Bill "An Act to Amend the Automobile Insurance  
Anti-group Laws"  
H.P. 312 L.D. 442

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

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

Bill "An Act Concerning Impact Aid Funds"  
H.P. 289 L.D. 410

Bill "An Act to Increase the Probationary Period  
for Teacher Employment"  
H.P. 310 L.D. 440

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

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

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Bill "An Act Regarding Relicensure of Transfer Stations, Stump Dumps and Recycling Centers"  
H.P. 285 L.D. 406

Bill "An Act Concerning Overboard Discharge Inspection Fees"  
H.P. 299 L.D. 420

Bill "An Act to Reclassify Spenser Stream"  
H.P. 307 L.D. 437

Bill "An Act Concerning Waste Management" (Emergency)  
H.P. 318 L.D. 448

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

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

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Bill "An Act to Amend the Laws Regarding Archery Hunting Licenses"  
H.P. 296 L.D. 417

Bill "An Act to Allow the Introduction of the White Amur into Maine Waters"  
H.P. 309 L.D. 439

Bill "An Act to Create a Wildlife Management Area in the Town of Gray"  
H.P. 320 L.D. 450

Bill "An Act to Provide Free Hunting, Trapping and Fishing Licenses to Members of the Armed Forces"  
H.P. 321 L.D. 451

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

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

Bill "An Act to Protect Scuba Divers and Boaters"  
H.P. 301 L.D. 422

Committee on **FISHERIES AND WILDLIFE** suggested and **ORDERED PRINTED**.

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

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

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Bill "An Act Concerning Requests for Medical Records"  
H.P. 298 L.D. 419

Bill "An Act to Ensure Patient Access to Medical Records"  
H.P. 300 L.D. 421

Bill "An Act to Amend the Laws Governing Disclosure of Information in Medical Support Recoupment and Child Support Cases"  
H.P. 302 L.D. 423

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.

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Bill "An Act to Enhance Protection of Children in Court Proceedings"  
H.P. 303 L.D. 424

Bill "An Act to Increase the Penalties for Career Criminals"  
H.P. 317 L.D. 447

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.

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Bill "An Act to Amend the Laws Pertaining to Leaves of Absence for a Legislator"  
H.P. 294 L.D. 415

Bill "An Act to Exempt Illegally Employed Minors from Worker's Compensation Coverage"  
H.P. 297 L.D. 418

Bill "An Act Related to Workplace Safety Incentive Programs"  
H.P. 304 L.D. 434

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

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

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Resolve, Authorizing Arthur Slotsky to Bring a Civil Action against the State  
H.P. 290 L.D. 411

Resolve, Authorizing David Boone to Bring a Civil Action against the State of Maine  
H.P. 292 L.D. 413

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.

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Bill "An Act to Make the Wild Blueberry the Official State Berry"  
H.P. 291 L.D. 412

Bill "An Act to Require State Audit and Review of Quasi-municipal Corporations Granted by State Charter"  
H.P. 293 L.D. 414

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring the Governor-elect to Receive More than 50% of the Votes Duly Cast  
H.P. 319 L.D. 449

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.

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Bill "An Act to Authorize a Local Option Sales Tax"  
H.P. 311 L.D. 441

Bill "An Act to Amend the Maine Residents Property Tax Program for Elderly Households"  
H.P. 315 L.D. 445

Bill "An Act to Change Property Tax Valuation from Best Use to Current Use Standards"  
H.P. 314 L.D. 444

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.

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Bill "An Act to Fund the Replacement of a Passenger Ferry of the Casco Bay Island Transit District"  
H.P. 295 L.D. 416

Bill "An Act to Establish Special Designating Registration Plates for Veterans of Iwo Jima"  
H.P. 313 L.D. 443

Bill "An Act Relating to the Dissemination of Driver Record Information"  
H.P. 316 L.D. 446

Bill "An Act to Amend the Law Regarding the Display of Legislative Plates" (Emergency)  
H.P. 322 L.D. 452

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.

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Bill "An Act to Protect the Health and Safety of Nuclear Waste Site Workers"  
H.P. 287 L.D. 408

Bill "An Act to Require Telephone Companies to Include Emergency Numbers for Sheriffs' Departments in Directories"  
H.P. 305 L.D. 435

Bill "An Act to Increase the Limit of Indebtedness of the Newport Water District from \$1,500,000 to \$3,500,000" (Emergency)  
H.P. 306 L.D. 436

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

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

**Pursuant to the Statutes  
Committee on AUDIT AND PROGRAM REVIEW**

The Committee on **AUDIT AND PROGRAM REVIEW**, pursuant to the Maine Revised Statutes, Title 3 Chapter 33, ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase Revenues to the General Fund by Streamlining Collection Methods for Use Taxes on Snowmobiles and All-terrain Vehicles Pursuant to the Maine Sunset Act" (Emergency)

H.P. 283 L.D. 404

Be referred to the Joint Standing Committee on **AUDIT AND PROGRAM REVIEW** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **AUDIT AND PROGRAM REVIEW** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill referred to the Committee on **AUDIT AND PROGRAM REVIEW** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
PLANNING ADVISORY COUNCIL  
STATE HOUSE STATION 130  
AUGUSTA, MAINE 04333**

February 5, 1991

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

Dear Mr. President and Members of the Senate:

The Planning Advisory Council is pleased to submit its 1991 Annual Report, as required by the Growth Management Act (30-A MRSA §4341).

As required by that statute, copies of the report have been provided to the members and chairs of the Energy and Natural Resources Committee. Copies can be made available to others who may desire them by contacting the Office of Comprehensive Planning, Department of Economic and Community Development.

Thank you for your continued support of the Growth Management Program.

Sincerely,

S/Mark A. Kearns  
Chair

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

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

February 7, 1991

Honorable Joy J. O'Brien  
Secretary of the Senate  
115th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action on Bill "An Act to Amend Revenue Sharing" (S.P. 121) (L.D. 223).

Sincerely,

S/Edwin H. Pert  
Clerk of the House

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

**SENATE PAPERS**

Bill "An Act to Enhance the Supervisory Powers in the Maine Banking Code" (Emergency)  
S.P. 188 L.D. 497

Presented by Senator **COLLINS** of Aroostook  
Cosponsored by Senator **BRANNIGAN** of Cumberland,  
Representative **MITCHELL** of Vassalboro and  
Representative **GARLAND** of Bangor  
Submitted by the Department of Professional and  
Financial Regulation pursuant to Joint Rule 24.

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

Sent down for concurrence.

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Bill "An Act to Improve Consumer Access to Physical Therapy Services"

S.P. 184 L.D. 493

Presented by Senator **CLARK** of Cumberland  
Cosponsored by Senator **BALDACCI** of Penobscot,  
Representative **SHELTRA** of Biddeford and  
Representative **LEBOWITZ** of Bangor

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

Sent down for concurrence.

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Bill "An Act to Change the Specifications for Membership of the Maine Dental Health Council"

S.P. 180 L.D. 489

Presented by Senator **SUMMERS** of Cumberland  
Cosponsored by Senator **BUSTIN** of Kennebec,  
Representative **NASH** of Camden and Representative  
**BOUTILIER** of Lewiston  
Submitted by the Department of Human Services  
pursuant to Joint Rule 24.

Bill "An Act to Continue Funding for Peer Support and Advocacy Services for Persons with Mental Illness"

S.P. 185 L.D. 494

Presented by Senator **BRANNIGAN** of Cumberland  
Cosponsored by Senator **BOST** of Penobscot and  
Representative **RYDELL** of Brunswick

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

Sent down for concurrence.

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Bill "An Act Relating to Compensation for Hearing Loss Under the Workers' Compensation Act"

S.P. 182 L.D. 491

Presented by Senator **ESTY** of Cumberland  
Cosponsored by Representative **CLARK** of  
Millinocket, Representative **LEMKE** of Westbrook  
and Senator **CONLEY** of Cumberland

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

Sent down for concurrence.

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Bill "An Act to Limit the Number of Lobster Traps Per Line"

S.P. 179 L.D. 488

Presented by Senator **BRANNIGAN** of Cumberland  
Cosponsored by Representative **MANNING** of Portland  
and Representative **ADAMS** of Portland

Bill "An Act to Improve Inspection and Grading of Maine Sardines" (Emergency)

S.P. 187 L.D. 496

Presented by Senator **BRAWN** of Knox  
Cosponsored by Representative **TOWNSEND** of  
Eastport, Senator **BUSTIN** of Kennebec and Senator  
**VOSE** of Washington

(See Action Later Today)

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

Sent down for concurrence.

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Bill "An Act to Clarify Certain Laws Affecting the Maine State Archives, Admissibility of Documents and Local Government Records"

S.P. 181 L.D. 490

Presented by Senator **BERUBE** of Androscoggin  
Cosponsored by Representative **FARNSWORTH** of  
Hallowell, Representative **WATERMAN** of Buxton and  
Senator **FOSTER** of Hancock  
Submitted by the Department of the Secretary of  
State pursuant to Joint Rule 24.

Bill "An Act to Declare Western Style Square Dancing as the Official State Dance"

S.P. 183 L.D. 492

Presented by Senator **THERIAULT** of Aroostook  
Cosponsored by Representative **PINEAU** of Jay and  
Representative **MARTIN** of Van Buren

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

Sent down for concurrence.

---

Bill "An Act to Create a Maine "Dig-safe" System"

S.P. 186 L.D. 495

Presented by Senator **MCCORMICK** of Kennebec  
Cosponsored by Representative **SIMONDS** of Cape  
Elizabeth, Senator **CLEVELAND** of Androscoggin and  
Senator **CARPENTER** of York

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

Sent down for concurrence.

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. 376

**ORDERED**, the Senate concurring that when the House adjourns it do so until Tuesday, February 12, 1991 at 10:00 in the morning and the Senate adjourns until Monday, February 11, 1991 at 10:00 in the morning.

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

Which was **READ** and **PASSED**, in concurrence.

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **REFERRED** to the Committee on **MARINE RESOURCES**:

Bill "An Act to Improve Inspection and Grading of Maine Sardines" (Emergency) S.P. 187 L.D. 496

On further motion by same Senator, referred to the Committee on **TAXATION**.

Sent down for concurrence.

**COMMITTEE REPORTS**

**House**

**Leave to Withdraw**

The following **Leave to Withdraw** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **TRANSPORTATION** Bill "An Act Discouraging Littering of State Highways" H.P. 19 L.D. 22

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, pursuant to Joint Order H.P. 51, on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law" (Emergency)

H.P. 192 L.D. 274

Reported that the same **Ought to Pass**.

Signed:

Senators:

**BRANNIGAN** of Cumberland  
**PEARSON** of Penobscot

Representatives:

**POULIOT** of Lewiston  
**MICHAUD** of East Millinocket  
**CARROLL** of Gray  
**MARTIN** of Eagle Lake  
**PARADIS** of Frenchville  
**RYDELL** of Brunswick  
**CHONKO** of Topsham

The Minority of the same Committee on the same subject, pursuant to Joint Order H.P. 51, on Bill "An Act to Make Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991" (Emergency)

H.P. 193 L.D. 275

Reported that the same **Ought to Pass**.

Signed:

Senator:

**FOSTER** of Hancock

Representatives:

**REED** of Falmouth  
**FOSS** of Yarmouth  
**MACBRIDE** of Presque Isle

Comes from the House the Majority **OUGHT TO PASS** (H.P. 192) (L.D. 274) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-11), "B" (H-12), "C" (H-13), "D" (H-14) AND "F" (H-16)**.

Which Reports were **READ**.

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



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

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On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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

After Recess

Senate called to order by the President Pro Tem.

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#### ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

**HOUSE REPORTS - from the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS:**

Majority Report: **Ought to Pass**, Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law" (Emergency)

H.P. 192 L.D. 274

Minority Report: **Ought to Pass**, Bill "An Act to Make Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991" (Emergency)

H.P. 193 L.D. 275

Tabled - February 8, 1991, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In Senate, February 8, 1991, Reports **READ**.)

(In House, February 7, 1991, the Majority **OUGHT TO PASS** (H.P. 192) (L.D. 274) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-11), "B" (H-12), "C" (H-13), "D" (H-14) and "F" (H-16).**)

Senator **BRANNIGAN** of Cumberland moved to **ACCEPT** the Majority (H.P. 192) (L.D. 274) **OUGHT TO PASS** Report, in concurrence.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all, I would like to frame the issue that we are debating this afternoon. This is a Supplemental Budget, sometimes called an Emergency Budget, I don't know what the official term is, but it is an ordinary process in ordinary times. Governor's, one after another as we go back, have come to the Legislature every year with a Supplemental Budget to make up for some of the changes that have happened while the Legislature is out and time has gone on. Usually, a few million dollars to take care of unexpected Workers Compensation Claims, overtime, usually at prisons, where we have our institutions prisons, and in Mental Health and Mental Retardation Institutions. Usually, it is looked over quickly by the Appropriations Committee and sent on its way through the passage in the other Body and in this Body, and we go with the major business of Appropriations, looking at the Biennium Budget of the next two years.

That is in ordinary times, but this is in extra-ordinary times, different times. This year instead of a few million dollars, the Governor first came in asking that we needed to spend forty million, and then later during our deliberations, another twenty million, round figures, bringing us to over sixty million dollars in new spending. Besides, there was adjustment in the amount of revenues that have been predicted, and as you know, that finally came out to a hundred and six million. And so, we had to deal with this supplementary kind of Budget, a balancing of a hundred and sixty plus million dollars. That is what we are debating here today. But it is still a Supplement Budget, kind of a "Fix It" Budget for this current year, and sometimes it is hard for us. We get it mixed up with cash flow, we get it mixed up with the two years that we are facing soon. This is this year, between now and June, to fix it, to make this year whole.

I certainly have mixed emotions this afternoon in presenting this Budget to you. I am very pleased in presenting it to you, because I think the Majority Report, that package is an acceptable, "Fix It", Supplemental Budget. It does it, and I believe it does it well. I am not pleased that it is a Majority Report rather than a unanimous Report, which it should be. It is very unusual for the Appropriations Committee to come here with a Divided Report. But we are here, and as I say, I am pleased to present to you the Majority Report. We had to cut and we did. We cut in the Majority Report thirty million dollars out of State Government. We cut six hundred positions, many of them filled, some vacant. We had to cut, and we began to cut some programs, streamlining some agencies. We cut in amount of money. We cut people in positions. We've begun changes in programs. We balanced the Budget. We fixed it, and I am pleased to present you with that. We did it without borrowing from the Retirement Fund into the future. We did it without any major taxing to fix it. There is a couple of small, identified tax pieces, but nothing of any size or part of the real major balancing. We did it without cutting the "heart" out of the Community Corrections, which is the type of corrections that allows the criminal to pay with his or her own dollars for their keep, their health insurance. The direction that we need to go in, is make them pay, and not us pay. We did it

without requiring elderly people who are poor to pay more for drugs, or possibly be denied entrance to a nursing home. We did it without the hospitals being hit hard, by requiring them to keep nursing home bound patients for nothing in their hospitals, for weeks, or months, or years, or without taking away the shortfall account, which helps them make up for bad debts that we promised them and we have been taxing to do. We did it without losing large amounts of Federal monies. And so, I am pleased to present you with that, but I am not pleased that it is a Divided Report.

And really, when we come right down to it, for the last week we have been at this point of not being able to come together any closer, even though that between these two Reports there are major differences, those differences can be dealt with. We are really down to two issues; the issue of the Maine Health Plan and the issue of AFDC cuts. I believe everything else could be cared for. And those issues are very difficult for both parties, and they are very difficult because of the inherent problems within them that would allow us to move towards each other.

With the Health Plan, we just started it. Many people of diverse background and loyalties put it together. We just started in September. We put taxes that are still not only being collected, but they are going to be increased to make this run. And now, the Minority Report will want us to move all of those people that have signed up since September off the program. Stop, yes! We were prepared to stop today. Had this Bill gone a week ago when we thought, and now, will under Amendment stop in five days, no more adult enrollment. This is adults we are dealing with, children will be dealt with separately. The inherent problem is, not enough information has been collected, either because it should have been collected and wasn't, or in some cases there just hasn't been time enough. We are not ready to abandon this program, or even to make substantial roll backs yet until that information is ready. And we are prepared then to do what is necessary to keep it from being any runaway program. That is number one.

Number two, is AFDC. Twenty-five percent of the people on AFDC get more money because they work a little, and that is work incentive, or they have an "Ex" that pays them support. That is called the "Gap". We are being asked to get rid of that in the middle of the winter, without any warning. The poorest of people, wack out a hundred or two hundred dollars out of their benefits. The problem is inherent there. Both parties are willing to move, very reluctantly some, to take some of that gap, but the Federal Government will not allow that without waivers. We have said, "Go get the waivers, and we will talk." They said, "No, we must take the whole gap now."

As one of the people on the Committee, and one of those involved in negotiations last week, I believe it is those two areas that divide us. So I am not pleased to present a Budget that is not together. The Budget that is before us has many more diversities, and we must speak about them, because that is what we have to vote on. We must move along, we must vote on this because of the things that are

going on in the state without having a balanced Budget without having this passed. I am pleased because we have made the cuts, and I am displeased because we are not a united Report.

Let us have a debate that is valuable, but let us remember, that it is very important that this Bill pass, and that we get on with state government running by legislation, and that the rest of us can go on to deal with a much larger problem of the months to come. 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. I have never kept a Journal, but if I did it would read something like this; December 25th, 1990, Christmas Day, and I am leaving for Augusta, to work on the Budget Bill at nine o'clock in the morning. I could write every day for the next forty-two days that at nine in the morning we started work on the Budget. The hour in the afternoon would change from five to eight, to nine, to three o'clock in the morning. Time would be taken off to go to funerals. All of that time to balance the Budget.

While you were home for those forty odd days, the infamous Committee of thirteen, soon to become fourteen, became all things to all people. Without benefit of public hearings, the Public Utilities Commission will now be paid for by the rate payers. In other words, the million dollars that comes out of the General Fund Budget for twenty-one employees of the PUC Commission, and the work that they will do, will be shifted to a rate increase to every user in the State of Maine. I honestly believed that that was something that warranted a Public Hearing, and I think the Chairman of the Public Utility Committee should have called that Hearing, been involved in it, and had a Public Hearing scheduled.

I am sure that all of you have school areas who would love to receive thirty thousand extra dollars this year. In this Budget Bill, only one will receive the thirty thousand dollars. But if you had an opportunity to get thirty thousand dollars for your school district, city or town, the increase in the Budget would have been five point five million dollars. The Majority Report contains another item in regard to school construction and school maintenance. This school requires repairs on the roof walls and sprinkler system. I am sure that all of your school boards know the difference between construction and maintenance. I read in the paper today that that district was suing the architect. They don't have to sue the architect. We have changed the language in the Majority Report to accommodate them. I have gone through every aspect of this Report.

I think of the day that we were asked to increase the bonding limit for the University of Maine to twenty-seven million dollars. We were told that the University of Maine had a three year option to buy a building. They had paid a dollar a year for two years, and the third year of the payment would be eighty thousand dollars, and they were now in a position to buy the Lewiston-Auburn Campus. There was very little discussion. But it was agreed that

the University of Maine Trustees would be given that authority, only to find out later that they, indeed, had not paid the third year on the option that was due last March, and that they had no option at all. The newspapers screamed! The people that were going to sell were going to increase the price of that complex by two million. Enough is enough! We felt that once they get a proposal, once the University of Maine Trustees can get their act together, we should look at it at a Public Hearing, because the House and Senate had never agreed on a campus at Lewiston-Auburn. The Trustees did that on their own. We looked at the increase in spending, and the University of Maine complex has grown with leaps and bounds, and after seven years of being on the Appropriations Committee, I had been in the forefront for the University of Maine System on many votes that were twelve to one. But they cried that they could never make the cuts this year, and were not called upon for their fair share. Does this mean that every year in the near future that they will not be able to make these cuts? Does this mean that they expand without benefit of the Legislature's blessing?

While meetings continued, the Budget cuts failed to meet the revenues in hand. We were hounded by the press. Where are we going to find the money? How much will the total deficit be? As we proceeded through the process, we found money in the Turnpike Authority, we found seventeen million dollars in Working Capitol Funds, and we were fortunate to find that we had overpaid the State Retirement System by forty-nine million dollars. I was incensed. Because the Chairs of our Committee had sent a letter to the State Auditor asking him to find and identify any surpluses that we might have, the forty-nine million dollars was conspicuously absent from his Report. When I asked the Auditor about it, he said, "He didn't think that we should spend it." Ladies and Gentlemen of the Senate, it was not up to the State Auditor to tell us what we could do with the forty-nine million dollar overpayment. It was up to us the Legislature, and we did! We have taken the forty-nine million and we have put it towards the Budget deficit for this year.

We talked about furlough money. The Governor has authority under the State Bargaining Contract to call for furlough days. He will do that, and we could save about eight point five million dollars. Everyone in the private sector is doing the very same thing. Employees are asked to work shorter weeks in order to save jobs, and we thought the same thing. If we could get people to take days off, and payroll lag time, it would prevent massive layoffs that we knew we were going to face. It certainly was a compromise. But in order to do that, we needed language in this Report recognizing the Governor's Order so that we could identify the savings. This was not done. What happens, ladies and gentlemen of the Senate, when the Order is in effect. It will lapse into surplus for the next biennium. This was a cut in state spending, because after all, that is what we were trying to do.

Men and women of the Senate, I am going to speak directly to an issue that was the hardest thing for the Committee to agree on, and we did not, The Maine Health Care Program. When this was first put on-line, it was anticipated that fifty-five percent of the people would be adults, and forty-five percent

would be children. It was put on line with an allocation from the Legislature without benefit of a dedicated revenue. I stress the word dedicated revenue, because all revenues, unless they are dedicated, go into the General Fund, even though you think they are going to be spent for certain things. If they are not dedicated, they become part of the mix and you allocate the money with the dollars you have. No program is safe! When we found that seventy-one percent of the nine thousand people that have signed up for the program within the period of about four months were adults, and twenty-nine percent were children. We realized the projections were wrong. We also realized, looking back, that we only expected twelve thousand people during the whole year. The children will receive matching federal monies. The adults are a very expensive segment to carry, and their coverage is very generous. There are many taxpayers who are paying their tax dollars for this coverage for others, when they themselves cannot afford health care. This Bill allocates seven million to keep just those on the program going until April, when we have to revisit it, because, ladies and gentlemen of the Senate, we don't know how far seven million dollars will go. I believe that we do need a Maine Health Care Program, but we must reassess our position.

We all agree that streamlining and restructuring state government are essential to save taxpayers money in the long haul. But is it a good idea to restructure state government in an emergency Budget Bill? You, as members of the Senate, should have a plan for restructuring, and do it at your Committee Hearings and open meetings, with good information, public input, and input from the Legislature that you were elected to represent. Why should the members of the Human Resources Committee be home, when the Appropriations and Financial Affairs Committee is restructuring the Human Service Department of this state? Who knows better what goes on in that Department than the members of your Committee? Why should members of the Economic and Development Committee sit at home while the Appropriations and Financial Affairs Committee is restructuring the Office of Economic Development? You should not! You have been excluded from the process, and I resent that! I am a member of the Committee that left to its own devices, as evidenced by this Legislative document, has done everything but that which it was charged to do, and that is to balance the Budget with acceptable revenue sources.

That brings me to my next point. General Purpose Aid is not acceptable. To show that the state and their Budget of 1989 deappropriated forty-four million dollars from General Purpose Aid, never to see it again in that fiscal year, is not acceptable. Only this week, by a vote of 30 to 10, the Maine Municipal Offices said it was acceptable, but they wanted to be repaid in the next biennium. In other words, they want their money.

I did not accept the idea of using Teacher Retirement Funds to reduce the deficit, and I do not find this plan acceptable. The private sector in Maine has been experiencing the same affects of economic downturn as the public sector. But workers in the private sector have been faced with layoffs, wage reductions, and other serious consequences. Businesses have failed. The public sector must share in those same reductions, because Maine citizens

cannot afford to pay for government beyond their means. It is very difficult to make decisions that reduce state programs, but those decisions must be made, and they must be made with us. Ladies and gentlemen of this Senate, our tax base has, and is eroding! As businesses fail, and people in the private sector face layoffs, where will we find the revenues to support state spending? We must face them with cuts in state spending.

Now the plot thickens. In December, a Joint Order was passed directing Appropriations and Financial Affairs Committee to report out a Bill. I questioned the Joint Order which was presented because there was no reporting date. As the days wore on, and we considered everything except balancing the Budget, the day of the Joint Order loomed in my head. I reviewed the language of that Joint Order, and when the father of my children called one night wondering why it took so long to work out a Budget, I told him I thought that L.D. 108, the Budget Bill, was only a vehicle, and that we were really working on the Joint Order. We had a Hearing on L.D. 108, and it was a vehicle for us to use as we deliberated. Never in any of our hearings was the Joint Order mentioned, nor at any workshop. At no time was I aware that other members of the Committee thought we were using the Joint Order as a vehicle to report out the Bill. I am not aware the staff knew. But lo and behold, one night, when I thought that we were still negotiating, at ten o'clock, a motion pursuant to the Joint Order was made by the Chairman. No vote was taken on the final Report, and we were told to sign the jacket. If we were opposed, we were told that we had until twelve that night to get the Bill ready. Confusion reigned. I made a call to find out what the alternatives of the Joint Order were. We found that in order to be heard as a Minority that we must also have a Bill. I want to state to you ladies and gentlemen of the Senate, that to put together a Bill between ten-thirty and twelve at night, when one has been working toward an unanimous Report, it is very difficult. It was done, and the next morning I was called to the State House to a meeting of the Appropriations and Financial Affairs Committee. We were asked for a copy of our Bill. That was difficult to do, because I had not seen it. We had put together pieces and parts, and in our haste to do this, if we did not come up with a perfect Bill, we knew what would happen. But it was our objective to work to a unanimous Report. Ladies and gentlemen of this Senate, I would not spend every waking hour for forty-four days if that had not been my first and only objective!

The funding mechanism for funding this Bill, is it not acceptable? And their can be further cuts. There must be understanding from all of us, and I think that we in the Senate must be the healer of wounds, there must be give and take, this must be done, and it should have been done before. In closing today I say to you, do not be angry for that which was done, for you gave us the power in a Joint Order, and one votes away that very precious right to an all powerful Committee when ceased the consequences. Do not let it happen again. I urge you to reject the Majority Report, and in your own private way, to tell every member of that Committee your wish for an unanimous Report, and make sure they hear the message. Thank you very much.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Maine Senate. As a non-member of the Joint Standing Committee on Appropriations and Financial Affairs, I want to preface my comments by thanking each and every member who serves on that Committee for the long hours which all have put in, in good faith and in service to the people of our state. I think that all in the room would agree, that burden on the Appropriations Committee this year was exceptional, perhaps, unprecedented in the history of our state. We would pay homage to the members of the Committee simply because of the work that they have done under incredible pressure for the last forty-five days.

But I think, what is most remarkable, is that the members of the Committee have also given us documents which provide significantly different courses which we can go on. But certainly, we can see in the Majority Report, we see a Report which does insulate those individuals who are the weakest in our society, and those least able to defend for themselves. We insulate those individuals from the harshest cuts which were proposed, given the grave financial circumstances the state finds itself in. Without being presumptuous, I think I speak for many in this room as to our frustration of being told over, and over, and over again, our task is solely to down size state government.

You know I am forty-two years old, and have fought my entire life to provide an appropriate balance between the private sector and the public sector. I have, in fact, opposed candidates in both political parties who have proffered a very constrained view of what government can do to assist people in life. I was not a foot soldier in the Reagan Revolution, nor did I believe that we should downsize government. I did not believe the government was the problem, but rather the solution. I suppose I was a peaceful volunteer in the war on poverty some twenty years earlier, and it certainly pains me to see that we have turned that war on poverty on its head. And, unfortunately, although none of us intended this to happen, the practical reality is that under some versions of a reduced government in our state, we would actually have a war on the floor. In fact, those individuals would be the ones who would suffer the most. I am concerned, because I believe it is well within our power and our abilities to forge a consensus budget. I think that every person in this room is willing to yield some strongly held views. We all understand the necessity and the imperative of reaching an unanimous Report, reaching consensus so we can go forward with the reduced revenues available to the state.

My comments now are not directed to the members on the Committee on Appropriations, all of whom I truly am grateful for their service on the Committee and the Legislature. But, I do believe, that in some quarters we have a public relations process going on. The people sell us cars, they sell us toothpaste. They are selling us our politics and our values the way they are selling us our toothpaste! Well, I am going to brush off that toothpaste. It leaves a bad taste in my mouth. We know that as Legislators, not Democrats, or Republicans, or Independents, but as Legislators, we have to do the

right thing, which is to put together a Budget that will work. I have often stood on this floor and indicated to you my strong believe and support for Legislative Bodies. I do believe that of all the organs of government, the Legislators are the most responsive to the people. We do, in fact, no matter which Party is in control, all of us speak for the various voices that we hear in our districts, and truly, that is a diverse lot throughout the State of Maine. But, I do believe that we have the ability to hear the people and to do what is right.

Two hundred years ago, Alexander Hamilton, expressing the view of those who did not trust public will, cautioned emerging American nations to beware the Mobocrats and the Democrats, and the other rats. Well, as a Democrat, I am proud to have rattled the cages a few time of the establishment. I think it is well in order, and I think it is certainly in order today. When I surveyed the damage upon the little people of the State of Maine, and the people whom I represent in the City of Lewiston, the damage which would have been occasioned if we had in summary fashion disgorged a radical reduction of state government, we would not have done the public service which we are all committed to do. I really do resent the efforts of some to characterize the compassion which we all have for those most in need, as the legislative unwillingness to do the right thing and to forge a Budget. Yes, we must reduce government services because the revenues are not available. But, no, we cannot, and no, we will not turn our backs on those most in need of services, so that they can participate with us in reaching a true American dream, a chance to participate equally in our society.

I am sure many of us could get up and speak at great length and I will try to keep my remarks somewhat short. As you know, I have had the privilege over the last five years of serving as the Senate Chair of the Joint Standing Committee of Human Resources. Now I greatly relinquish that responsibility to the good Senator from Cumberland, Senator Conley. But certainly, I was not unmindful of the activities that were going about in Room 228 over the past forty-four days. And certainly, I did monitor those activities along with other colleagues, and am very pleased that L.D. 274, to see in many respects, many of the programs we have fought for most over the past several years, retained. Foremost amongst those, I submit, is the Maine Health Program. I recall the days not too distant past, when those of us who advocated for an extension of health care services, were perceived as simply unrealistic, and that was not in the realm of our finances, nor was it really necessary, or really needed. But I believe strongly, now, that the events of the past two or three years have taught all of us in our state that health care is, in fact, the most significant value. And if we do not provide some viable, private, public mechanism, partnership, and calibration to extend health care to our people, we will see the present health care delivery system fall and fail. As I have said before on this floor, the demographics of our nation simply compel us to turn away from what we thought was the established order. As we have built our hospital system after World War II, it made sense to encourage people to go into hospitals and to receive reimbursement for that care based under the non-profit organizations of Blue Cross throughout our state and the nation.

But what has happened in the last ten years, and what is happening today, is truly frightening. We are a rapidly aging society. You know that two-thirds of the people in the history of mankind, two thirds, who have ever reached the age of sixty-five are alive today, and that people in that age consume over one-half of the health care dollar. It should be obvious to all of us that the dwindling supply of workers cannot sustain, cannot support the health care needs of our people, and that this employer based system of financing health care is simply not going to work! Every country in the free world, except for South Africa and the United States recognizes that fact, because every country except the U.S. and South Africa have some type of subsidized National Health Care Insurance. Now we do not have to, and we should not, automatically replicate these systems in Canada, or in Great Britain, or in Sweden, but it seems to me that we have to get on with the essential task of providing some type of meaningful public subsidies to health care.

I would certainly far prefer, as I am sure many in this room would, that our government in Washington would take the lead. But, I was not a foot soldier in the Reagan Revolution, and the federal government has not been a meaningful ally in extending health care to our people. In fact, quite to the contrary! Year in and year out, Washington delivers less in overall health care dollars, it delivers less to the states to meet the health care of our people. In 1990 alone, hospital based finances, the federal government through Medicare, underpaid hospitals a hundred and ten million dollars in the State of Maine alone! Now the hospitals just didn't eat that loss. They pass it on to you and me. About half of the annual increase in our health care premiums is directly attributable to the under payment by Washington of their Health Care Bill in the form of the Medicare payments. It is not getting any better! In fact, as I understand, in President Bush's proposed Budget we are going to see fifteen to twenty billion more dollars in cuts in Medicare. Those losses will not go away, they are being transferred to you and to me. When that happens, we simply price the cost of health care insurance beyond the means of our employers to pay for that health care. What happens then? Employers scale back coverage, or drop coverage all together, not because they want to, but because they cannot compete in a global economy when their trade competitors have the benefit of subsidized health care, and we don't.

So the spiral begins and we increase the number of uninsured individuals. In our state, like most states, roughly one person in six is uninsured. And the truly tragic thing is that if that were not bad enough, two out of three of the people who are uninsured are children! Now just contemplate what that means for our generations to come. Generations of workers will hopefully earn enough to provide the finance of health care systems in years coming. But if we don't provide decent health care benefits to our children, what sort of workers are they going to be? What kind of society are we going to have? That is why the State of Maine, along with about half a dozen other states, have adopted some type of health care program for their population. We call those S.H.I.P.'s, or State Health Insurance Programs. Maine's is certainly modest in scope in comparison to other states, but the reality is that the states are

taking the lead in this area because Washington has not shown an ability, or a willingness to address the problem. I certainly wish the state government didn't have to assume that responsibility, but it seems to me, men and women of the Senate, that when we talk about subsidized health care, this is not a luxury, this is not a liberal thing to do, this is a necessity, and this is why it is essential. Even in lean times we maintain the essence, the essence of a subsidized health care system, and we do not walk away from the State Health Plan.

My colleague from Cumberland County, Senator Brannigan, has distributed to you today a summary of accumulative impact cuts on Maine hospitals were we to adopt L.D. 275, the Minority Report on the Emergency Budget. I think it would be worth your interest, if not today, but later on, to look at the proposed cuts in our hospitals, because we would see that many, many of Maine's forty-five hospitals would substantially lose revenues, and once again, those hospitals would be forced to reduce services or to charge higher rates and begin the spiral of escalating health care costs. But what is more frustrating to me, is that this Legislature, or the 114th Legislature, after a great deal of consideration, put together a financing package to subsidize, to basically fund the Maine Health Care Program. Taxes which underlay the Maine Health Care Program are not in effect, and in fact, we have taken in, I understand, some sixteen point one million dollars already. And no, the money was not technically earmarked in a dedicated fund to the Maine Health Plan, but every single member of this Body who voted on L.D. 1322 to establish the Maine Health Plan knew darn well that we were raising taxes to provide subsidized health care insurance! As I understand proceedings now, there were some who would say that they should retain the taxes, but not retain the program. As I look around the room today, I see Representatives of the truly diverse groups which supported the Maine Health Plan; business, labor, insurance organizations, health care advocates, they were able to achieve in Maine what most people have not been able to achieve in our country, a near consensus. I believe L.D. 1322 had thirty-four votes in the State Senate when it was Enacted. We achieved a broad coalition of support for the Maine Health Program. Today, we would turn our backs on that coalition, and although many people made great sacrifices to truly craft a progressive piece of health care legislation, we would today, in the Minority Report, turn our backs on those people, and say we will retain the revenues, but we cannot afford the program at this time. I submit to you, men and women of the Senate, we simply cannot afford not to finance the Maine Health Care Program at this time, at least not until we have legislators and politicians in Washington who are willing to divert a reasonable share of our nations great wealth to sustain the health of our people.

There are other aspects of L.D. 274, and time does not allow me to elaborate upon, because I know many members should, and will join this debate today. Let me just say in my current capacity as Chair of the Joint Standing Committee on Judiciary, I am truly grateful for the Members of the Appropriations Committee, and certainly, in the Majority Report for the work that they have done in avoiding cuts in the level of our justice system. We have been able to basically insulate the Judiciary

from the harshest cuts. We know there is great work to do, and we know the courts, like all other agencies of government, will have to join in meeting our deficit reduction efforts. But I think that the Appropriations Committee should be praised, and certain that the Majority Report is an excellent vehicle for maintaining the level of Judicial services, and also, for maintaining the level of community based corrections services.

I would be remiss if I did not briefly discuss the general area of AFDC benefits. It is my understanding from the comments of the Senator from Cumberland, Senator Brannigan, that one of the major points of disagreement in the Appropriations Committee dealt with the area of AFDC benefits. Certainly, all of those who serve in public office understand that the AFDC program is not the best liked or the most popular program mankind has yet devised.

I have had a truly broadening experience in the last two years. I was asked to serve as Chair of a Study Commission which looked at the adequacy of the AFDC benefit. We in Maine pay about fifty-seven percent of the federal poverty level. Now certainly, a person with my passion to buy baseball trivia, I couldn't support my habit on baseball hobbies for one week on an AFDC check, but the reality is, people in our state can't even provide a basic existence on the AFDC grant that we give them today. Case after case, our Committee learned to our astonishment and to our horror, given how wealthy this country really is, that many people on AFDC simply could not even eat three meals a day in the last week of the month. Now Maine should be congratulated for its efforts to try to keep pace with inflation in our AFDC benefit, but all of us know we simply do not pay enough to those people who need it the most. As I understand the Minority Report, it would eliminate the so-called "Gap" in the AFDC program which would essentially deny AFDC recipients the opportunity to provide even meaningful part-time work and have an income disregard. My suspicion, given the fact people have to sustain themselves and live, some people no doubt would earn money and not report it. I also worry about the fathers and people who have obligations to pay child support. How willing are they to have their wages garnished if they know that child support will be kept in Augusta and will not be funneled through to their children and their former spouses who need the benefits the most? This is a good example in an area that is not very popular, but clearly we have to stay the course, we have to provide an adequate level of benefits to people on AFDC.

If we have to cut government, and yes we do, we can find it in other areas. We can find areas that are not so directly impacted upon the health, upon the well being of our people and our future leaders in our state. Mr. President, men and women of the Senate, I recognize that no budget document will be perfect given the tremendous constraints and pressures visited upon the Appropriations Committee. But I submit that for the time that they had to do the work in, I submit that the Majority Report comes closest to our ideal, to balance our Budget, and to preserve the essential presence of government in peoples lives so they can maintain a basic level of existence, and hopefully, just hopefully, have a

meaningful chance to take part in our society. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I first of all wish to thank and congratulate our three Senators on the Appropriations Committee. I believe that you have done a very thorough examination in a very limited time period, and that some of the ground work is now set for the Biennial Budget that you will be facing shortly.

I really, truly appreciate what you have done, and in Senator Pearson's absence I would like to place on the Record a special thank you to him for making certain that we all had ample opportunity to participate in that process. We were encouraged to make recommendations and to participate in the Appropriations Committee deliberations and hearings, and a special thank you for that.

Second, it was always important to the people of Maine that during a budgetary crisis that we not balance the Budget on the backs of the towns, and more important than the towns themselves, on the property taxpayers of those towns. And it is for this reason that I believe that the Majority Report best reflects what the people want us to do, and that is to provide a Budget that is reasonable, but does not really balance it completely at the property taxpayers expense.

Looking at the two Reports, the Maine Health Program, which our good Senator from Androscoggin talked about in detail, and with extreme knowledge, was truly a leader in the development of that fantastic program. The absence of the portion that would be contained in the Majority Report would once again place more burden on the towns and on the property taxpayers, because clearly, those individuals would be going to the town and the welfare departments to help provide their necessity.

Second, the AFDC Program which Senator Gauvreau of Androscoggin also spoke about. Once again, we would be putting more on the towns if we do not allow the program to exist as it does.

Third, the school payments and the interest that are contained within the Majority Report, certainly will also alleviate the huge burden on the property taxpayers. I urge you to support the Majority Report keeping that in mind, and I urge you to do so quickly so that the towns can begin to plan. They have their town meetings coming up, and they need to know what they can count on in addition to making certain that it is not on their backs we are placing this burden. So with that, I urge you to support the Majority Report.

**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. It is not very often that I speak from prepared text, but because of the importance of this issue, I want to debate this and get the points out that are important.

Today, we debate a major issue of importance to the citizens of this great state. We are debating the long term future, and the direction that we ought to go during the upcoming years. The kind of government that we want, the kind of government that the working people in our great state can afford. The Majority Report forces this Legislature into a major tax increase during the next Budget period. If we the members of the Senate assembled here today can't agree on cutting state government as suggested by the Minority Report, we never will. Maine's people are now among the highest taxed in this country. Maine's people are in the bottom half of personal income. Something must give! Government cannot do everything for everyone anymore. Government must become lean. Now is the time to set priorities just as the working people of this state, the tax payers, do every single day.

The Majority Report continues to fund, as has been suggested by other speakers, both the Health Care Program and our current AFDC Program. If we agree with this proposal, the Majority Report, we are maintaining a government that our constituents cannot afford. Why, or I should say, how, can Maine people afford to have the most liberal welfare programs in the country when we have among the lowest paid and the highest taxed in this United States? We currently, according to some reports, have the third most liberal and generous AFDC Program in the United States. The passage of the Minority Report would give us the seventeenth most generous system in this country.

I, along with many of you, wish that we could afford the costs that ten years of spending has created. Ten years of spending during the good times. We can't, and the people of this state, the working taxpayers, and I represent thousands of them, can't afford the financial obligations currently established in state law. Working people who can't afford to purchase their own health insurance, let alone pay for the costly, generous program that is now on the books. Working people who are asking, who are begging us, the leaders of this great state, to relieve them from additional new taxes, and to repeal some of the good ideas of 1980's, the good programs passed during the good times.

Maine people are a proud bunch. Maine people want to be left alone to provide for their families and to build a good life. This Legislature, for whatever reason, has made it a little more difficult for them to do that. This is a time to reassess our priorities. Maintaining massive government and costly programs is not appropriate. Several days ago, I was having breakfast at a restaurant in Farmington, when a man approached me regarding our Budget deliberations. This man, a school teacher, asked me to cut government, to streamline government and not to raise his taxes. This man is married, and has one child. He and his wife work for months to pay their current tax obligations. I expect that he and his wife's combined income might be about twenty-five thousand. How can we expect him to pay more? The average traditional Maine family has an income of less than thirty thousand dollars. These are the people paying the bills. Taxing these hardworking Maine citizens to redistribute their wealth and their income is wrong and unacceptable to me.

Government cannot solve all of societies problems. There are, obviously, several major differences between the two Reports currently before us. One important difference is the cost of the Legislature itself. As you all know, costs of the Legislative Budget have skyrocketed since the early 1980's. Regardless of whether you feel these increases are necessary, and we can debate that. I don't feel they are necessary. They simply cannot continue during these tough, difficult times. The simple fact is that the Legislature has too many employees, spends too much time on politics and an embarrassing amount of money wasting on out of state travel. Maine's working people, people that I represent, and most of you represent, are looking for us to take leadership. Maine's people are tired of this whole situation here today, the political posturing. Maine's people want us to downsize government, and I believe that is a mandate that we are here to fill. The Majority Report simply says more of the same, when our people are asking us to do otherwise.

I am not a great mathematician, but I can see at least seventy-five million dollars in additional spending during the 1992-1993 Budget if we enact this Report. I am embarrassed to say, and I commend the members of the Committee, but I am embarrassed to say that this document before us is a result of one and a half months work. Ladies and Gentlemen, we are elected to represent the people of this great state. The Majority Report essentially buys into the idea Government can still do everything for everybody. I suggest that philosophy is what has caused our people to be among the highest taxed, and yes, as I said before, the lowest in income. Today, you must reject the Majority Report so that we can enact the Minority Report, and give the people of our state, the truck drivers, the farmers, the lobsterman, the factory workers, a government that they can afford. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today in strong support of the Majority Report from the Committee on Appropriations. The Majority Report in strong contrast to the Minority Report keeps faith with the people of Maine, and more importantly, keeps in tact our pledge, our commitment to our most vulnerable citizens, the working poor. The Majority Report also begins the process of downsizing state government, but it does so in a fashion more equitable and fair. The Majority Report recognizes that people, not politics, are important. It recognizes what most Maine people have known for years, state government should be downsized from the top down, not from the bottom up!

Yes, today's debate is about equity and fairness. Today's debate is about process versus politics. Those who stand in harms way today, are truly our most vulnerable, low income working families and adults. These are the most forgotten citizens in Augusta today. Working people, proud of the work ethic, people most often too proud to ask anyone, including government, for help. People who pay proportionately higher tax dollars out of their pockets to the state, federal government, and local

through property tax. People who, when faced with a medical problem, or illness, have to decide either to postpone treatment, or make a decision between paying for food, shelter, clothing, or health care. How many of us in this Chamber have had to make such a decision? The answer is none! Not one of us in this Chamber. How many American dreams will be squashed today, if we do away with the Maine Health Program? How many Maine working people will not get vitally needed health care services if we do away with this good program? How many lives will be shattered and hopes dashed? And ladies and gentlemen of the Senate, what about our word, our commitment to the people of the State of Maine? Is it not worth the ink on the Bill signed a year ago by the Governor to fund this program? The monies raised for the Maine Health Program came as a direct result from taxes collected from alcohol and cigarettes. Implied or not implied. We all knew that when we voted here. Two direct areas which contribute to our Health Care Bill, cigarettes and smoking diseases, and alcohol and alcoholism. What will you do with the money, members of the Minority Report? How can you in clear conscience take these dollars away to those in need and those to whom we have pledged our word and our good faith?

Lastly, I wonder today how many low income working adults have sons or daughters fighting for us this very moment in the Persian Gulf? They fight for fairness, freedom, and justice for those throughout. You and I know that most of the young fighting men and women come from the great middle class and lower income families in our country and our state. How ironic it is today, that many of these families, fathers and mothers, spouses of our Maine Service men and women will stand to have their promise of basic health care insurance taken away from them! Today, if we do not vote the Majority Report, we will be taking away a basic right, a right to a basic quality of life, a right to basic health care. A right as our constitution so eloquently states, "A right to life, liberty, and the pursuit of happiness".

No one can predict when an illness will occur, or an accident, or a life threatening situation will happen? We in this Chamber know this all too well. We collectively as a Body, still mourn for our good friend and colleague, Representative Donald Carter. And we still mourn for the young, precious life of the Governor's son, Peter McKernan. Illness strikes like a thief in the night. And today, the only chance, the only beacon of hope for so many, stands in harms way. I plead with you, my colleagues, I plead with members of the Minority Party, keep hope alive. Keep the hope of fairness and justice for all alive in this Chamber! Keep the guiding light shining for all to see, blazing at the top of the State House, that health care is a right of every citizen in Maine and America. I urge you, I plead with you, to accept the Majority Report, the only true Report before this Body! Thank you Mr. President.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all, I would like to take this opportunity as other speakers have done, to express my sincere appreciation to the



Senate and House Appropriation Committee members and the staff, for a job that has required them to work hours and hours each and every day, and to spend weekends and evenings here at the State House away from their families. While I don't agree with every aspect contained in these documents, I appreciate the effort and the dedication to the process that our Appropriation Committee members, both Republican and Democrats, have demonstrated. And I particularly want to say thank you to the good Senate Chair, Senator Pearson, even though he is not here today, for the job that he has done Chairing that Committee. It is a formidable task, certainly.

During the nights and weekends that I have spent here, I have been enlightened, I have been saddened, and I have been angered by the events that have taken place. I have been enlightened because I have learned more about the Appropriations process than I ever thought I would care to know, quite frankly, and saddened because it looks like much of this hard work will go for not. And angered, ladies and gentlemen, because the Minority members of the Committee have been bullied and attacked verbally, time, and time, and time again. Not, I respectfully add, by anyone that is sitting in this particular Chamber. In my eleven years here, I have seen only one Budget that was divided. In my tenure, I have always been amazed at how extraordinarily well the Appropriations process worked out differences in philosophy, as well as geography. Compromise has always prevailed. Differences of opinion have always been aired in an adult fashion, and I have seen mutual respect among the membership retained. Since the self appointment of the Chair from the other Body, I have seen members of the public badgered, I have seen one member monopolize the questioning, I have seen Executive Branch employees threatened to have their jobs eliminated, and I have seen Commissioners told to leave the room. I have seen political vendettas rule supreme, and I have seen really for the very first time, the Appropriations process to this point, fail. This makes me sad and this makes me angry.

Now there are others here, probably any other person here, that know the actual legislation far better than I, but I will speak just on a couple areas where I have been particularly involved. One issue that I have worked on for a number of years, is the issue of mandates, and how they affect our local governments. From someone's prospective, and from at least a majority of legislators, each mandated program was a good idea. During the past ten years, we have lived in good economic times. We have spent more money on more programs than ever before in the history, and we have passed on more programs to local governments. I share in the responsibility of doing this. Many, most of these mandates were good ideas. But a day of reckoning came, and this Legislature agreed that we were doing the same thing at the local level as the Federal Government does to us, pass on programs with either inadequate or no funding. We don't like it done to us, and the towns don't like it done to them, and fair is fair. This Legislature passed a law last year that the Maine Municipal Association called, "A long, fought dream come true", requiring full funding of all future mandates.

But we must in these recessionary times, go even further. Our proposal, the Minority Report, delays implementation dates of mandates such as gifted and

talented programs in education, elementary guidance, school breakfast, minimum class size, municipal sand/salt storage sheds, and underground storage tanks. Restructuring of state government is an issue that merits attention, and there are differences. With the 1980's flourishing economy, state government has grown in huge proportions. Likewise, legislative staff has increased from 112 employees in 1981, to 215 employees in 1991. The Judicial Branch of Government has grown. The offices held by our Constitutional Officers have increased. For example, the Secretary of State's Office has increased from 368 employees ten years ago, to the current level of 455. The Attorney General's Office has increased from 93 employees to 143 employees. Our recommendation for restructuring, or realigning for all areas of state government, is to go before the designated Committee of the Legislature for study, and for public and legislative input. This issue is too big, and it is too complex to be done by a stroke of a pen in a Budget Bill. It needs thoughtful discussion and deliberation. It needs to be taken away from the highly charged political partisan atmosphere newly acquired by the Appropriations Committee. And to be fair, it must include not only the Executive Branch of Government, but the Judicial Branch, the Constitutional Officers, and the State Legislature.

Several people today have talked a little bit about the Health Care Program, and while this is far from my area of expertise, I would just like to make a couple of points. First of all, I think the issue of National Health Care should remain at the National level. And while I was, and I am proud to say, a foot soldier in the Reagan Revolution, I believe it is Congress that we should be directing our aim to, not the Presidency. I would also like to add that I don't think anyone in this Chamber is advocating the elimination of the Maine Health Care Program. The problem has far exceeded any of our expectations as far as participation in that program, and the program is far too rich for the citizens of the State of Maine to afford. One of the members of Appropriations, one of the members from the other Body yesterday asked a Maine Health Care Provider, "How much the Maine Health Care Program would cost an individual, if an individual like you or I were to go and purchase the Maine Health Care Program?" And that person thought for a little while, and then they came back said, "You don't want to know, because you couldn't begin to afford it." I am willing, and I know a majority of this Legislature is willing to look at a Maine Health Care Program that all the citizens of this state can afford to fund.

And there is just one thing that has been brought up that I would like to respond to, it is the question of taking money away from the hospitals, if you would go so far as to check the Minority Report, you would find that on Page 70, most of the money has been added back into the hospitals, in fact, the balance is just two hundred thousand dollars out of the two million dollars deleted in that Report.

Next, and finally I might add for your benefit, I would like to speak a minute about the funding component of the Majority Report. First, I thought, that the package would pay eleven installments to General Purpose Aid in 1991, and thirteen payments in 1992. But as I have listened to the debate, and to

people speak about this issue, I realize that the twelfth payment, which would ordinarily be due in 1991, will never be paid. Not in 1991, not in 1992, and I might add, never! School districts are going to eventually be short forty-four million dollars. Bookkeeping is going to be screwed up for the state and the towns. This proposal will affect teachers who generally take their last paycheck as a lump sum at the school years end, and the whole scheme lies in the face of generally accepted accounting principals. But leave it to this Legislature to try to change accepted practices that the rest of the world would recognize.

I have heard terms like rape, cheat, steal, and pillage, in reference to another proposal put forth by the Executive Branch of this Government, to borrow money from the Teacher's Retirement Fund. This proposal, then, to be characterized only as a desperate attempt, shrouded in secrecy, in order to beguile the citizens of the State of Maine. Ladies and Gentlemen, when the vote is taken I ask for the yeas and nays.

Senator **CAHILL** of Sagadahoc requested a Roll Call.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Summers.

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This being my first opportunity to speak before this Body, I would like to say that it is both an honor and a privilege to be given the opportunity by the people of my district.

This has been a most difficult time for all of us. The events that have occurred over the last several weeks, the losses of Representative Carter and Peter McKernan have caused great pain and sorrow throughout the state. By these events alone, they are enough to hamper the thought process of anyone, but combine them with the Budget crisis we are now facing, and as the song writer Paul Simon once said, so well, "It is a wonder we can think at all". Mr. Simon's song speaks of the pluses and minuses of the singers limited education. But he says it really doesn't hurt him, because he can read the writing on the wall. Well, as a freshman Senator, who by definition is a novice when it comes to the legislative process, I can relate to those feelings. But, I feel, that my lack of legislative experience hasn't hurt me, because I, too, can read the writing on the wall.

You see, I spent six and one half months knocking on doors, going to town meetings, eating the bean suppers, because I wanted to meet my constituents. Wherever I might be, whether I was on the Flag Pond Road in rural Saco, or at Oak Hill Plaza in downtown Scarborough, or a host of places known only to the community, the comments were always the same, "State Government is too big, the state must stop spending and live within its means. The folks in Augusta are just taxing us to death, and I can't afford it any more." At one point, I was asking a man what his views were, and I will never forget his response. He looked me right in the eye, and he said, "Son, if you have got fifty cents, can you spend a dollar?" Of

course, I said "No", and I still say no. His point then, and my point now, is that we cannot ignore the fact the state does not have as much money to spend as it has items on its "Wish List".

The Majority Report does just that, it spends more than we can afford. Now if our people, the people of Maine were wealthy enough to support the kind of spending that this Budget proposes, I would not be speaking today. It has been said before, and I will say it again, because it appears that not many people have been listening. Maine people are the fifth highest taxed in the United States, and we are among the lowest paid. Now I can not imagine anyone not understanding what that means. Well I will tell you, it means that people of middle income cannot afford homes. It means people who work their tails off are not making it. It means that we have raised the threshold of low income to include what was once considered middle income.

You know, there has been a lot of talk about the impact of budget cuts on the poor. That is actually nothing more than a small smoke screen. Yes, some programs have been cut back, but essential services are, and will be preserved. The more serious side effect of not making the cuts is that we will add more poor people to our population. Middle income families are rapidly joining the ranks of the working poor. And if you don't think that a twenty-five hundred dollar tax increase will hurt an average Maine family of four, think again. No, we cannot keep saddling the people with a Bill for the Legislature's irresponsible spending spree. The Legislature got away with it in the 1980's, but we can't get away with it any longer. Spending beyond our means is irresponsible, and I refuse to return to the people of Scarborough, Dayton, Saco, and Old Orchard Beach, and tell them that I voted to spend a dollar when we only had fifty cents.

The Majority Report is much like the "Kodachrome" mentioned in Paul Simon's song. It gives us some nice bright colors, it gives us the greens of Summer, and it makes us think all the world is a sunny day. Well, if you haven't already got it folks, it is time for a dose of reality. This isn't Summer, it is not even Spring, it is the dead of Winter, and we must read the writing on the wall! The people who elected us want and demand that we live within our means. And, as an elected Representative of the people, I too, must make that same demand. I cannot support the Majority Report, or anything that resembles it. On behalf of thousands of Maine families struggling to get by, I urge you to support the Minority Report and give these people a responsible Budget. Thank you Mr. President.

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I might point out the taxes that we are so frequently referring to today, and granted nobody likes the idea of taxes, but those taxes that we legislated last year to fund the Maine Health Program, I am sure will remain safe and sound in the States Treasury, even if we strip the Maine Health Program, and that in itself concerns me a great deal.

The piece of this Budget that I would like to address is that very part concerning the Maine Health Program, simply because it was a pleasure for me to serve last year in the Human Resources Committee, and the year before working up the basics of how this program would work. The scenario that I frequently repeat when I go out in my district and talk about this plan, I will repeat today, because I think it is pretty simple and gets right down to the basics of one of the primary reasons that it was critical that a Maine Health Program be put into motion.

I tell the story about the family who goes to the hospital, they have no money, they have no insurance. A member of the family, be it an adult or a child is critically ill. The hospital has traditionally in the ethic of Maine hospital's, accepted the patient as a non-paying patient. Care is given to the tune of a hundred thousand, two hundred thousand, whatever the cost might be for care. When it is all said and done, and the patient goes safely home, someone has to pick up the costs of that health care. There is no money, and there is no insurance. And the hospital in its own fragile state is not able to pick up that health care cost, so they pass it along in a form of a rate hike. Now, the rate hike is going to hit those paying patients that follow, or those patients who have health care. And those provide health care are going to say, "How are we going to swallow these rate hikes?" So they in turn are going to look for a rate hike, which comes in the form of increased insurance premiums to each of us, to business, who are clearly being crippled by the ongoing increases in providing the costs of insurance for their employees, or for individuals, who frankly, would have to own a gold mine to be able to comfortably pay for the cost of health insurance. So what happens, the rate hikes go into effect and suddenly, Joe and Mary Citizen can no longer afford health insurance because of the rate increase, so they become one more family that falls in the ranks of those people in the state who have no health insurance. When they next have a family illness, they are the ones arriving at the door of our local hospitals who will, because they have historically and ethically provided free care, they will be receiving that free care, because they now have no health insurance, and I think we can clearly see that same scenario with businesses who can no longer afford to pay the health insurance for their employees.

I call it the "Snowball Effect". If we don't break that snowball effect, than all of the cries that those businesses have come to us with, and all of the families who legitimately are crying because they can no longer afford health insurance, will continue and become greater. For that reason, I believe that the entire Health Care Program is critical, not only to health care, but as a social issue and as a health issue, and economic care in this state when we see businesses going down the tube because they can't afford health insurance for their employees, and families going into the ranks of welfare because they can no longer afford to pay their health premiums.

I think there are a couple of points that need to be made, one is that the Majority Report does include a provision to access very carefully, to reassess the entire Health Care Program, and how it is going to be

paid for. My second point that I would like to make, and would pose this question to those who are supporting the Minority Report, what are we going to do with people who are in the middle of health care that is critical to their health, who are involved in the program, are we going to throw them off the program? I think we have some very serious, moral and ethical issues that need to be resolved in our minds before we support abolishing the Maine Health Care Program. I would very genuinely ask you to support, if for no other reason, this critical piece of this Majority Report. Thank you.

**THE PRESIDENT PRO TEM:** The Senator from Cumberland, Senator Titcomb, has posed a question to anyone who would like to answer. The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President. In response to the question, during the deliberations that have been going on, it was not the intention of the Minority to eliminate children, quite the contrary, we want to continue the children. It is not the intent of the Minority to forever and ever do away with adults on the program. And during the past few days of negotiations, we have been trying to work with the Department of Human Services, to do that which you just mentioned, to see how many cases we can handle that are critical, and if they are, to see how much that would cost. I had anticipated had we continued negotiations that that would have happened. And in fact, I think that when we do renegotiate, that will be one of the items that we will look at very strongly.

I really have to talk a little bit more about some of the issues that have been brought up, because when I first went on the Appropriations Committee, the late Representative Carter and I were the two that fought longest and hardest for anyone on AFDC. For the first time in many years, it was bipartisan support for the AFDC Program, and for all these many years it has continued. In the Minority Report, we put extra dollars into General Assistance because we listened to the cries of the people on the local level that needed those dollars. There are no extra dollars there in the Majority Report. Had we continued to negotiate, I truly believed that was a common ground that we would have reached, and hope that it will be. Remember that the programs that are geared to AFDC recipients gain more prominence and more dollars, when a woman from the other Body, a member of the Republican Party, put into being the Aspire Program, none of us in the Minority had ever felt anything but compassion for those who have less. Thank you very much.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I did not expect to rise and to defend any member of the Appropriations Committee, or events that took place in the Appropriations Committee.

My message to you is fairly simple. Its often been said, "Don't shoot the messenger, accept the message". But in this particular case, I think you want to, "Shoot the messenger, but accept the message". When you look at the different Budgets,

and you compare the two, and you get over the personalities of it, I think that by-in-large you have to say that the Majority Report is a better package. It increases the aid to education, it maintains the Maine Health Plan in which many restaurants have been instituting this ten percent sales tax to help fund the Maine Health Plan, along with cigarette tax increases and other tax increases, they specifically went in there for that Maine Health Plan. That particular plan has gotten delayed, forestalled, to utilize those revenues to balance the Budget. And again, I see in the Majority Report the utilization of that factor. Those taxes are there to pay for that program, and they have never been given a chance to get that program working.

You hear about reorganization of government. I wish some of the other members that were speaking earlier, now are no longer here, were back here. But it is the Majority Report that reorganizes government more than the Minority Report. It is the Majority Report that eliminates, three, four different Bureaus and Departments, and reorganizes government. It is the Majority Report that goes at that particular level. When I hear about taxes being fifth in the country, that is not true, and it shouldn't be talked about as true. Maine ranks fifteenth, even in Money Magazine recently it was ranked thirteenth, the amount of state and local taxes that Maine people pay. We, in the last couple of years have given Maine people more money in the taxes. We had Pete Marwick come in and funnel more money back through the income tax structure to middle income people. We had also been giving back checks to people. A lot of people say that we shouldn't have done that, we should have kept the money to balance the Budget. But that has changed Maine's tax position.

Now we don't want to raise taxes without reorganizing government, but I want to remind you that after the elections, we were all of a sudden made aware of a financial problem that wasn't there before the election. Now I am not criticizing the Chief Executive, but the Legislature did not create the circumstances here today. This problem was kept from the Legislature because of the election. We all know that, and so do the people of the State of Maine. It was allowed to get larger and larger, because we didn't want to deal with it over the Summer, because God forbid, when the Legislature came in, my popularity would go down five points!

So now we have a problem. The Legislature has come up with a solution to the problem, and the big difference between Budgets is that one wants to implement the telecommunications tax on the books earlier, and the other one wants to delay for one day an education subsidy check. Now it was the members in the Chief Executive's Office that wanted to change the education subsidy from twenty days to thirty days, the ten day period in the last Budget. Now, the members of the Majority want to go one day, and you would have thought all hell was breaking loose! This concept was totally unacceptable, but it has already been utilized.

I think the people of Maine want us to solve this Budget right now. There is very little, really, when you look at that Majority Report that you can really argue with. They may not be facing reality, but those Budget debates are going to take place in the

Biennium because we are off by so much in the revenue. There is going to have to be cuts, there is going to have to be reorganization, and there is going to have to be a discussion of taxes, and they are going to discuss that in the Biennial, but not now.

I don't think that anybody can say that one side or the other is going to gain an advantage from this, other than the people of the State of Maine are going to have this Supplemental Budget, this short termed Budget, that ends June 30th out of the way. The communities don't have to worry about their education aid, the people on welfare don't have to worry about their particular concerns, the people in the mental health communities don't have to worry about their particular concerns, but they are out there, and we are going to address them, we have to address them, because the Constitution says that we have to balance that Budget.

I am not defending the actions of what took place in the Appropriations Committee, but I am asking you to look at what was proposed. Separate the personalities from the issue and look at that issue itself and say, "Look, Governor, I wish Paul Simon's 'Kodachrome' was here now because there is another song there, 'Fifty Ways to Leave Your Lover', and maybe he can tell the Governor there are fifty ways I have to leave your particular position." But we have got to address this particular issue. We have got to tell the Governor, "Look, we have got to get this behind us, we have a lot of problems in the Biennial Budget", and we can all get into our ideas about saying we want to reorganize government, we don't want to raise taxes in all of those debates. This really is a miniature of the situation to come. I would hope that we would get on with business. Thank you.

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

**Senator COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Penobscot always inspires me to get up and either agree with him or to add to what he has already had to say.

I would like to tell you a little story that perhaps might lighten things up here just a wee bit. When I was a younger person and raising six children in my household, there was always a fair amount of confusion, and there were kids that were getting their feelings hurt, or were getting their fingers cut, or something distressed them during their course of the day. So early on I advised my six children, I said, "There is one thing that you ought to learn very early in life, and that is that you have to suffer a little bit everyday". And low and behold, they came to accept this idea, and pretty soon some of the younger children would come to me and they would say, "Daddy, I got my suffering all done, and it is only eight o'clock in the morning, so that I can have a great deal of pleasure the rest of the day".

Well, I think that there is a lot of suffering throughout the state these days, and the Legislature shares in that suffering, and I think we truly do. We do have different opinions as to what should be

done, but we also have some areas of agreement. In looking over the differences between the two Reports, it seems to me there are a few things that stand out rather strikingly. One, of course, is the difference in dollars between the cuts, between the Minority and the Majority Report amount to about twenty-five million dollars. That is a substantive piece of change when we consider that that is between now and the first of July. Now we have an area of agreement, strangely enough, that we did, in fact, discover some money, and incidentally it did come from the Retirement Fund in a devious sort of way. It appears that there is a particular fund dealing with Disability Retirement that was either overpaid, or in some fashion got over funded. And so, we seem to have an agreement among all of us that it is a proper piece of change to use, and I understand that is somewhere between forty and fifty million dollars, and that is certainly a great help. I think we are all pleased that was found.

So far our debate today, which has been a good debate, and full of fashion and emotion, has dealt primarily with issues in the area of AFDC and the Maine Health Care Plan. I tried to do a little homework last night, and I took both of those Budgets home with me, or back to the cabin that I live in this fair city, and I have to tell you that I did fall asleep after about two hours, and I didn't really get through the whole alphabet. One of the things, however, that I discovered, and this was when I was reading the telephone book that is put out for the departments, I looked under the Department of Human Services, and I discovered, and I counted these, that there were some ninety different bureaus, units, divisions, programs, sub-divisions, and offices, that had telephone listings in Augusta. I said to myself, "I can't understand how anyone could manage a department that is that big, that diverse, and that spends that kind of money." It struck me that all of the talk about restructuring and so forth, obviously, had some merit.

I happened to be reading a piece in the Wall Street Journal, and it was written by Peter Drucker, he is a Professor of Social Studies, and he writes on a number of things, and he happened to write a little piece on "Management and Permanent Cost Cutting". He said something I thought that in the process we are going to go through of downsizing and restructuring, we ought to consider. He said, "It is always amazing how many of the things that we do will never be missed, and nothing is less productive than to make more efficient what should not be done at all." It occurred to me that we must have throughout state government a number of things that ought to be reevaluated, not from a point of reducing people and downsizing, but eliminating altogether. Now I haven't waded through state government to determine what I personally would do, but I am sure they're are some. I think now it is particularly important that we implement a plan to provide a Commission of outside people, not people within government, but outside of government, to examine state government, and to examine what savings can be made, whether we are doing things right, whether there ought to be some vertical eliminations of programs in state government. It seems to me that we ought to be doing that right away. It ought not be put off. I understand that there is some legislation that has been submitted that sort of does this, and I don't

believe it has been addressed yet, I hope that it will be.

The other thing that bothers me a great deal is, I understand that this is the era of innovative accounting. I have a little bit of a background in that field, and I am familiar, for example, with Public Utility Accounting, which is rather a strange piece of work, I can tell you, because they have the ability to manufacture revenue that never exists on new construction projects. They are allowed to earn "X" number of dollars on their investment, and say, for example, the investment is in a new utility property that takes five or six years to build. While they are putting money into that, they make entries showing that they earned "X" number of dollars on that investment, when in fact, there has been no cash transaction whatsoever. I know that insurance companies, for example, set up reserves for losses that are a subjective feature, and numbers are pulled out and applied, and they end up in the balance sheet, and in an operating statement, and state government has learned to do those things.

Well, I don't particularly like the proposal in the Majority Report that funds this proposal by changing a single day. It seems to me that it compounds the problem for the next Biennium, and the next year in particular. It compounds problems for communities and school administrative districts who will have to do all kinds of things in order to live with it. They will have to change the year, they will have to do temporary financing, that is unless, we intend to pay them the rest of that money in due course, and I have seen no suggestion of that in any of the things that I have read so far. I know that on the other side that there have been some equally adept concepts in innovative accounting, and I understand that we in desperation, if I may use that word, we are inclined to do those things. It seems to me that judging between the two funding mechanisms I am more easily pleased with the telecommunications tax change that changes the collection deal to the fiscal year and slips in another half a year. Well done! Good thinking on the part of some junior mathematician or accountant.

But anyway, time is moving on, and we are in the month of February, and it seems to me that we have reached the point in time when people ought to be getting together to reach some agreement on funding state government. Because as soon as we do this, we have the big problem of funding for the next Biennium. I am very happy I am not a member of the Appropriations Committee, because I can tell you their work is indeed cut out for them. But, given the circumstances of the two Reports, I cannot in any conscience vote for the Majority Report. The Minority Report is more realistic. It isn't so vague with the figures. It has more cuts that have got to be made. The State of Maine, with its one million two hundred and fifty-two thousand people, just can't afford the size and the expense of the government that we presently have. The ten good years of the eighties, or the eight good years of the eighties, where we were on a roll, they are gone! You automatically produced additional revenue every year because of good economic times. Incomes were greater, therefore, income taxes were greater. Sales taxes were greater, therefore, people bought more goods and services. Those times are gone, just the

way that they are in the private sector. Everyday we read about a bank failure, or a mill that is gone under, and unemployment that is occurring. These are the facts of life. We have to take advantage of this situation to turn it around, to get the most and the best that we can get out of state government, and we have to do it now. Thank you Mr. President.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Conley.

**Senator CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As I have sat here and listened here to this debate this morning, I have been listening carefully to what my colleagues from the other Party have been saying in reference to their objections to the Majority Report. My good friend, the Senator from Aroostook, my good Senator from Franklin, and my friend from Cumberland County, Senator Summers, have all used a common term in the course of this debate. And this debate is not about gimmicks, or one funding source over another, which approach is better, these tidbits or those tidbits in the Budget, which I know all seem very important in the minds of those people who have spent so many hours down there over the course of the last couple of months.

What this debate is about, is what debates between Democrats and Republicans are usually about. We all agree we can't afford state government as it is presently structured. The three speakers I have referred to have all said, "We can't afford it." The question becomes, "Who do you balance the cuts on? Who pays the price?" This is where Democrats and Republicans always disagree! Republicans always want to balance the cuts, or whatever problems there may be in a Budget, on those who are the most vulnerable. Democrats always want to balance those types of cuts on those who are better able to afford it! Those have been the two major differences in these Parties from the very beginning since they came into being! That is what it is all about. The good Senator from Franklin, and the Senator from Cumberland, have talked about their districts, and what the working men and women of their districts have been telling them.

Well, I would like to tell you a little bit about my district. We all consider our district to be special to us, and it is probably no surprise that the Senator from Franklin, his district might be a little bit different from mine, but I consider mine to be maybe even a little extra special. I happen to have the privilege of representing two United States Senators. One of them, one of the greatest leaders in the country, the Majority Leader in the Senate, the other one an expert in Foreign Affairs. I also represent a Congressman, who happens to serve in Washington, and one who just finished serving in Washington. None of them seek my advice on many issues, and I guess that is probably well understood. I also have the privilege of representing two Bishops, one from each faith. They reside in my district, and I have more lawyers than any of you could throw stones at. I have more doctors, I could get fifty opinions on any abnormality that might ail me. I have business men, professional people, and the regular track crowd. They all live in my district, but probably more by affluent people and wealthy people, than probably

many of the two districts of Senators who are here and serve with me. I could probably walk my district in a shorter district than most of you could drive your district, and that is a fact. It is a very small district.

But in this district, I have more AFDC recipients than any other one of you here. I have more people in need of the services which the people like the good Senator from Cumberland provide, and other mental health professionals in this state provide. They are all in the streets in my district. I have more children, more children that are dropping out of school, who are not making it, who will never have the good job that many of the working men and women in my district and other districts have. Yes, my district has probably more needs than many of the people who serve in this Chamber with me. I walk from my house to work, not every day, but many days, and I walk by many of the housing projects which were made available to the people of my district by the people in Washington, and some of the people in this state have worked hard to get housing for people. And I see the faces of these people who need AFDC. I see the faces of these children who are not getting, and are not going to get the funds which will be cut off by the Minority Report. These are children who have never been dealt a full hand, they don't have a face card in their hand to begin with, and they haven't even started school yet. And as I walk down the street to work, I go down Congress Street, anybody here that has walked Congress Street will verify this, there are more people who have no clue what town they are in, what street they are on, where they are going to be at noontime, or where they are going to sleep that night, than any other person in this Senate can boast of having, or be sad to have in their district. If we accept the Minority Report, those are the people who will be hurt! They are very real! They are in my district, and some of those people have come from your district, to my district, and many of you have similar people just like I do.

Those are the people that this fight is all about. That is what we are doing here, that is why there are two Reports. That is the difference between the two Parties, and you have got to stand up sometime and say, "Hey, this is who I am! This is what it is all about. This is the difference between you and I." And this is really what the fight is all about. I am not going to turn my back on the faces of those children and those mothers who I walk by everyday on my way to work. I just can't do it! I am not going to do it! And I don't know what we are going to do! Does the Governor know what we are going to do? Do the members of the other Party know what we are going to do?

Everybody else has been quoting Paul Simon, I have an old left wing group called Jefferson Airplane. Their quote is, "Where do we go from here?" I would like to see us get some community together, here. I really don't think that people are so far apart. I just wish you wouldn't hurt the people that mean so much to me in my district, and I know that no one wants to do it, but it always comes down to this, and I just really wish we could get back together and work it out. If we can't, than you got to stand up and do what you have to do, and we will continue to run government by Executive Order. Is that really the way it should be? Thank you.

Senator **BRANNIGAN** of Cumberland requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority (H.P. 192) (L.D. 274) **OUGHT TO PASS** Report.

Senator **CLARK** of Cumberland moved that the Senate **ACCEPT** the Minority (H.P. 193) (L.D. 275) **OUGHT TO PASS** Report in **NON-CONCURRENCE**.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. How I enjoyed listening to the Republicans lambaste the Majority Report this afternoon. There have been carefully crafted scripts and sincere revolutions of the experiences of the members of the Committee on Appropriations and Financial Affairs, and all of us have been listening, despite attending to some assorted duties. The public address system works well in this State House. I would remind the members of this Senate that the pending motion is now to accept the Minority Report, and I would be interested in listening to the defense of that Report, and giving the members of the Republican Minority Party in the Maine Senate, that opportunity to defend, educate, and inform us, relative to the contents of their Report.

It is my understanding that among the many remarks this afternoon, if I have been listening carefully, that we talk about reorganization and full involvement of other Committees, and I think that touches a real need on behalf of all of us, but I, as a single Senator from my part of Cumberland County, and just a wee bit of Androscoggin, not only extend my appreciation and recognition to the Committee on Appropriations and Financial Affairs, and that thoroughly professional dedicated and outstanding staff in the Office of Fiscal and Program Review, particularly, but I extend to them my gratitude for the work that they did, and the hours of labor that they dedicated to their responsibilities. There are those of us otherwise engaged, and while some of us had opportunities to journey to Augusta, frankly, not all of us accessed the open door, or the invitation that was afforded us, to make recommendations to that Committee. At least we didn't exercise it perhaps as well as we might have, speaking for myself. There were times which we might have suggested might not have been well received, we all recognize that, also. But those are "ifs", and that time has passed.

There are opportunities to involve us as Committee members now, because we know where we serve. This is a question, one of many that I have, and I am sure there will be other clarifications and questions forthcoming, that elude to that issue of involvement of what we call Committees of Policy and/or Topic. Does the Minority Report language only call for the Governor to submit recommendations on restructuring with reference to the allegations of restructuring contained in the Majority Report, and what occurs now as focused on the Minority Report? And to what extent was the Joint Standing Committee on Utilities, in fact, their involvement in this new telecommunications tax, involved or promoted in the Minority Report, that is different in the Majority Report? My understanding further is, that in the Minority Report, and I am relying on a side-by-side

prepared by the Majority Office and the Office of the President, that the furlough amount in the Minority Report is eight point five million dollars. A three day furlough nets about three million dollars. Where does the other five million dollars come from? How do we know that this will be done, and what happens to the Budget if the Governor does not act here?

I guess that is a good way to start and shift the focus from the Majority Report to the Minority Report. For I think it is not only fair, but I think it is appropriate that a clarification and or defense of the Minority Report see the light of day, in the light of day, in this Senate Chamber this afternoon, and maybe early evening. Thank you Mr. President.

Senator **CLARK** of Cumberland requested a Roll Call.

**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. This has been an indoctrination by fire.

I will start very honestly, that in the Minority Report, we ask for restructuring and cost saving measures not only in one department, not only one branch of government, but to look at all branches of government; the Executive, the Judiciary, Legislative, and also the four Constitutional Officers. In fact, we discussed this a long time in Committee, because one member of your Party said, "I have always thought Motor Vehicles could be in the Department of Transportation." I said, "You did?" And "Yes, I did, this is a good chance to look at that." And I guess maybe the reason I thought we should put that in, I served on a subcommittee of three members of the Appropriations Committee, looking at uniting Economic Development Office and the Planning Office. I went in, we had papers scattered all around, and I said, "What's this?" and they said, "This is the reorganization." And I said, "It is? Where is the Maine Film Commission in this new reorganization?" They said, "Well, they are not in there, what do you need them for?" I said, "What do you need them for! I have worked for ten years to get a Maine Film Commission in this state! Why do you think Stephen King does every movie in the State of Maine? Why do you believe that every day somebody does a commercial?"

I am going to tell you about a commercial, and how I know about the Maine Film Commission. You can call the Maine Film Commission and find out where there is pink granite, or gray granite, whatever you want. Someone called because Paul Newman was going to do a commercial for an automobile in Bar Harbor, Maine. His daughter was going to school at the College of the Atlantic. Now they didn't want to bother Paul Newman all day figuring out what he was going to wear with what color car and what color shirt. So they said, "Ruth, since you have been instrumental in getting the Maine Film Commission together, would you bop down to Bar Harbor, because we found a nice gray granite wall, and since you have blue eyes and gray hair like Paul Newman, you can be his stand in." I thought that's wonderful, what an opportunity! Paul Newman! So they brought out a red sports car and I put on a blue shirt, and they

brought out a gray car and a pink shirt, and I filmed it. So I said as they were reorganizing the Economic Development Committee, "You have lost me, I don't know anything except about the Film Commission. So, if you are going to write that stuff up, I can't do it. I'm sorry." I then went back to the Committee and said, "Look, we have one member of the other Party that thinks the Motor Vehicle Building should be in the Department of Transportation, why don't we look at them all, and put language in saying that, and give them a deadline", which we did.

Now, about the forty-four million. That was a secret. You couldn't ask anyone about that. So what can I say? I can't call up my superintendent and ask him! But today I had a bright idea and I think I will call him, now. Because you know that first payment, if I read the Bill right, that will be made in July, that should be made in June, is going to be made the first week of July. Now when is the next payment going to be made? Are they going back to pay on the last few days of the month? Because if they do, you know something, they are not going to get paid until the end of August? Has anyone thought about that? Can anyone explain that to me? Because it says in the Bill you cannot exceed that payment in that month. So if you pay forty-four million dollars the first of July, you are naturally not going to pay at the end of July, but when are you going to pay it, in August? Are you going to pay it the first of August, or are you going to pay it the way you used to? Because it is not identified. They could go two more months without payment! These are the things that boggle my mind.

And you say, what about the telecommunications money? Let me tell you something. Nine million dollars of the telecommunications money is coming from the New England Telephone Company, and we met with them, and they were very happy to do it. I think they are really happy to do it because you know what? When we changed from a gross receipts tax to a property tax, it saved them twenty million dollars! I love to see some of the shaking of heads. It is true.

Ladies and gentlemen of the Senate, I keep going along, and I want to answer all of these. I am on the defensive and I know it, so don't make me miss anything. And I want to be. I want to answer your questions. But most of all, I want a unanimous Report more than anything else, and if there are things that you don't like in the Minority Budget, I am willing to compromise. It is simple as that! I can say no more.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. We have started to get into a little debate about Republicans and Democrats, and I am one that was elected as a Republican, and when I came to this Body, and it has been that way ever since I have been in this Body, and it is going on fifteen years, thirteen in this Body and two in the other Body, I forget my partisanship. I am here to do peoples work. If we are here to promote one Party or the other Party, than I think it is time to hang it up. We are really here doing the peoples business.

I look at the Minority Report, and I don't like it at all. In fact, a lobbyist approached me in the office just before we came in here today, and said, "How does it feel to be a bad guy?" I don't consider myself a bad guy just because I am looking at the Minority Report. I am thinking of the reality of the situation. My good "X" seatmate, Senator Baldacci from Penobscot, had expressed earlier what he thought about the fiscal crisis. This is not a fiscal crisis that only Maine is involved in! It is not a fiscal crisis that New England is involved in! It is the nation that is involved in this fiscal crisis, and if we in Maine can't get our heads out of the sand and look at what we are doing, and what we can afford, and what our taxpayers and our working people can afford, than none of us here will ever be in office again! I am not here to promote each and everyone of us running again, but I think it is a reality.

The fiscal situation is here, and we have got to deal with that situation. I look at the Minority Report as dealing with it. The Majority Report does put forty million dollars into the next Budget. We have been here for over forty-four days, someone said today, I have lost count, but I do appreciate the work those Appropriations people have put into this, and I also appreciate the debate that has gone on here today, because I think it has been a very high level debate on everybody's part. But when I look at the forty-four million, and we are throwing that into the next Budget, and we have been here forty-four days and we can't even solve this part of the Budget when we have got the bigger job ahead of us. If we have been here all of that time, forty-four days, dealing with this portion of the Budget, we are never going to go home when we start dealing with the other part of the Budget. I am fearful of that. I am fearful that we are not going to be able to meet it.

As far as I am concerned, when I think of ways that we can handle the situation, I can only come up with three ways to do it. We can look at what money we have in reserve accounts, and we have all looked at those little accounts, and I think of the Rainy Day Fund, and the fact that the Governor at one point in time tried to put a hundred million dollars in the Rainy Day Fund a couple of years back, and I remember sitting in there, there was a Press Conference, and the media was there, and there was a number of Legislators there, and everyone gave him a hard time for trying to put a hundred million dollars in the Fund because they thought he was going to use it for something that he wanted to use it for. I wish to God he put three hundred million dollars in it at that point in time! He didn't, but at least it saved us little bit at this point. I am just so concerned that the big picture, the big Budget that we are going to have to deal with, if we don't start to make some cuts now, they are drastic cuts we are going to be looking at in the future.

I have been very instrumental, along with my seatmate here, we have probably put in more legislation dealing with the human needs of the public, than any legislator in here. When the good times roll, I will roll with them, and I want those people to have those things they need. But I can't see how we can continue to do that when times are bad, I will do the same things here that I will do at



home. When things are bad at home, and the revenue is not coming in at home, you cut back at home. When a business doesn't have the revenue coming in, they layoff people, they do business differently than when things are rolling well. Well, state government has to do the very same thing. One of my communities had a tax cap put on and the people did repeal it eventually. You want to think about the revolt of the people out there, because they can't stand any more taxes, property tax or any other tax. When people are not working, who is going to pay the tax? It is just a situation that we are going to have to deal with, and it is going to be drastic on many, many people.

I feel badly about the Maine Health Program. I work for a hospital and they are going to love it when I go back and say I voted against that proposal to keep them funded to the extent that they would like to be funded. But, in good conscience, I cannot do it. Why I am thinking this way, is that I have hope that this group can work together. I view what we are going through today as an exercise. It is an exercise in debate. It is an exercise in getting all of this information out. It is an exercise for the media, for us to get our positions before them. I think that I would like to see in the next step, the Committee would sit down and resolve this situation, because I believe it can be resolved, and that we can get on with working on the next Budget.

I think I am not going to get to answer a lot of the questions that the good Senator from Cumberland, Senator Clark, asked, but I think that the Majority Report really denies the inevitable. I think the inevitable is that we really have to downsize government. Senator Conley from Cumberland also talked about people that reside in his neighborhood. I grew up in his neighborhood! I know those people well! And it is hurtful. I have some people in my own area that I represent. It is hurtful! But, I don't know any other way. I don't know where people expect the money to come from to do all things that everyone wants to do. I have started to develop my priorities this session, and my priorities are a lot different than they were in past sessions. They are hard to do, but I have decided that the people that absolutely cannot take care of themselves are going to be my top priority. And then, there are some others that I would like to have up there, but they are not going to be up there this time. So, I hope that the Committee does get together.

I pray daily for the Committee, daily, and I have to say that I have been saying a lot more prayers lately than I ever did before. I know the anguish that Senator Pearson goes through as Chair of that Committee, and I know that this has been the very worst year that he ever spent as Chair of that Committee. I do applaud the Committee for the work that they have put in, because I have sat down and watched them, and it has been a difficult situation for all of them to deal with, but I do commend all of them for their hard work. I would hope that we could accept the Minority Report.

I think that when the good Senator from Cumberland, Senator Clark, made the recommendation that we accept the Minority Report, she didn't really mean that, but I applaud her for that, also, and for seeing the light of day, and coming around and seeing

that we could work together. Thank you all, and I thank the leadership, also, because I know that they have also spent a lot of time. Please, please, this exercise has got to be over today, and everybody that is involved has got to sit down and work on this, so that when we do come back Monday, we are going to have something that we are all going to be in back of fully.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Estes.

**Senator ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise at this point because I am hoping that I might make a point of clarification. I was confused by some of the comments that were made earlier in regards to the forty-four million dollar delay of the school subsidy from June 30th to July 1st, so I took my calendar out and did some computation to figure out just exactly what was going to be happening.

This shift to the next fiscal year is no different than the Telecommunications Shift Tax proposal that is in the Minority Report. This is an accounting gimmick, I will be very honest about it, and it is one that we have used in the past. If you remember last year, in order to save a portion of the General Purpose Aid cuts that had been proposed, we did a one time take. We played with an accounting gimmick that moved up the date for the sales and income tax collection. Now you have to understand that a shift in the school subsidy payment has already been made from the 20th to the end of the month, and some months on the 30th, and some months on the 31st. I would say that in regards to the forty-four million dollars, and the discussion that has gone on in this Chamber today in regards to it, what a difference a day makes. What a difference a fiscal year makes.

The shifting of the June school subsidy payment to July 1st does not eliminate a months subsidy check for the FY 1992. The first check will be issued on July 1st, the second check August 1st, the third check September 1st, followed by November, December, January, February, March, April, May and June. Twelve. I counted them. I double checked them. Twelve months in twelve monthly payments that would be paid, all on the first of the month.

Another thing about the Majority Report, it does contain an accounts receivable, and extends deadlines for repayment of temporary borrowing and tax anticipation notes that might have to be undertaken by local districts. Also, close to nine hundred thousand dollars has been added to the school subsidies for this year to cover the interest costs of the additional borrowing that would be necessitated by this change, and by the change that the Commissioner had proposed, to move the pay subsidy from the 20th, which has been past practice, to the end of the month. Someone had referred to this as being an "Accounting Nightmare". I would submit to you, that the real accounting nightmare in the education funding, is the two-year old updating of education costs that is used to compute what the school district subsidies are going to be. I would also like to say that in regards to teachers being affected in terms of their Summer lump sum payment, there is going to be no difference between June 30th

and July 1st. In fact, most school districts do not issue their lump sum checks until the first pay period in July. I hope that information will clarify some confusion that was going on this afternoon. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. In the Minority Report, I think on page 151, there is a provision to eliminate mandates. I would like to have that clarified in regards to eliminating teacher and administrator certification. Is that included? And do schools have a grace period in which to come into compliance after the waiver period has expired? And lastly, if all these mandates are included as it appears, are there then concomitant reductions in staff at the Department of Education, which I don't see, since it takes a lot of people to oversee these mandates? Thank you.

**THE PRESIDENT PRO TEM:** The Senator from Kennebec, Senator McCormick, has posed a question through the Chair to anyone who wishes to answer. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I can't respond to each and every question that was asked by the good Senator from Kennebec, but I would say that in regard to certification and those education issues, they are currently being paid for. My concern, and many people of the Minority's concern, and citizens I might say in the state who I have met with and who have talked to me, have been concerned about state mandates, and were not paid for. Certification and the other issues are currently being paid for by the state taxpayers. The other Bills, for example, salt sheds and some of those others, are not fully paid for. For that reason, if you are not going to give the towns education assistance through the state because of the current situation we are in, obviously, in my opinion and others in this Body, we should put off those mandates.

**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. I was racing through the hall, and I think I heard Senator McCormick ask about mandate language? It is my impression, and I will throw this back to Senator Brannigan, but I think the mandate language was accepted from the Minority Report in the House on a very large Majority vote, so it would be the same.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Mr. President. I would like to pose a question through the Chair, if I may? Does the Minority Report have a pool from the Federal Government on the AFDC funds, or cuts rather, and do these cuts jeopardize the federal funds to this program?

**THE PRESIDENT PRO TEM:** The Senator from Washington, Senator Vose, has posed a question through the Chair to anyone who wishes to answer. The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President. Senator Vose, we proposed to be a rate reduction state. There are only four states nationally that allow clients to fill the "Gap" between the maximum payment and the standard of need with both child support and income. I think that I understand that if you do away with the whole "Gap" system, you don't need the waiver. If you do it proportionately, you have to have a waiver in order to do that.

As I say, there are four states nationally that have this gap. When we were discussing this in Committee, and there was movement on the side of the other Party to reduce the gap. We talked about that, and looked into it, and you can't reduce it. You either have to do away with it, but they were really very good about looking at a way to come to compromise on that. We talked about it informally.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope that when the vote is taken that you will vote against the Minority Report so that we can get on with accepting the Majority Report.

There have been a number of things said here today, and it has been a very, very difficult process. I want to personally thank my very good friend from Hancock County, Senator Foster, I think that is the first time I said that, because I know how hard this is for her. I know where her heart is when it comes to serving people, and I know what she wants to do all she can to fill the needs of those people. I know she is sincere when she says that she is willing to compromise. She wants to see the same programs that we want to see, so I believe her. I hope that she can accomplish that compromise.

I cannot support the Minority Report! The Minority Report does not do what the good Senator from Hancock, Senator Foster, wants, nor my other good friend and seatmate, the good Senator from Cumberland, Senator Gill, wants. And believe me, all three of us have worked very hard in previous years to bring exactly these programs before you that are called mandates, that help people, that fulfill the needs, and fill the gap, and that we are now talking about, but not funding.

There are a number of ways that you can approach the problem. A great number of ways. As some of the speakers were speaking, I thought to myself, "Okay, we didn't come up with a compromise. Okay, for the first time I don't see an unanimous Report on a Budget Bill. Okay, so why don't we then have a Committee of the whole one hundred eighty-six members sit down and hash out this Budget, not behind these microphones, but behind some desks." Is that what we want? No, of course that doesn't work. And of course, the process is flawed. The process of the Appropriations Committee is flawed. Can you imagine thirteen members having to restructure government in a moments time? That is not possible. It will not

be done. What we need to address is what is happening at this very moment. We cannot sanction government by Executive Order. We must have reasonableness and efficiency here.

There are a number of ways to go about that. One of those ways, however, is not to cut out the needs of the people. It is not to cut out the needs of those people that the good Senator from Cumberland, Senator Conley, walks past every day. People will still need to have wheelchairs. People will still need to be in nursing homes. Children will still need to go to school. Mothers will still need to be supported by the AFDC Grant. And incidentally, school officials tell me that eighty percent of the children entering school today are from single parent homes. Everybody knows the statistics about who are in the most poverty, and that is single women raising children. We cannot ignore that. Even in a time of recession. We must act responsibly. We must come up with programs that do not cut Probation and Parole Officers from the rolls, or else you should say to me, as Chair of the Joint Select Committee on Corrections, put them out on the street. Instruct the Commissioner of Corrections to put the prisoners out on the streets without any programs, without any counseling, without bringing them from where they are, to hopefully, where we want them to be to be, good citizens. Because they weren't good citizens, that is why they landed in the Corrections System. Are you now going to tell me that the Probation Officers that are being cut in the Minority Report, instead of, and in the Majority Report, which I am not very proud of, the officers carrying a hundred and fifty case loads as stated in the Minority Report, they would go up to one hundred and seventy? Can anyone here even conceive of handling a hundred and seventy probation cases? Even conceive of it? Do you have that kind of energy and time? Do you think that we can really rehabilitate, that we can really teach those probationers how to do life? Of course we can't, not with that kind of a system. So what you are really saying to me, it is really "pennywise and pound foolish". What you are really saying to me is cut out the least expensive program and use the most expensive program. That is not responsible. That is how you do life. That is not how you do government. Let's bite the bullet and do what we should do.

I think that we need to listen to what a contributor to the Kennebec Journal has said in a guest column from yesterday's paper, and I will only read the last part of it, because I think it is significant, and it tells us what we should be doing, "Compared to other states, Maine State Government is small, with dedicated, talented, and honest employees. Yet even so, no one would seriously argue that it is as effective or productive as it could be. Its structure, it is antiquated and bureaucratic. It leaves workers frustrated and the public dissatisfied. We can do much better. Now is the opportunity to do so. But it will take political leaders who ask the right questions and frame the right challenge. In short, its time for a new mantra. Maine can have the most efficient, and productive state government in the nation. We can afford nothing less." That is from Frank O'Hara, he is a Public Policy and Planning Consultant for Market Decisions, a former aide to Joseph Brennan, he lives in Hallowell. I think that is significant. Even though it might be a Democrat, even though it maybe

my constituent, even though he might have been an aide to Joe Brennan. He has said some very, very significant things.

My good friend from Kennebec County, Senator McCormick and I, and I am sure lots of other people, get an incredible number of calls from these very state employees that Mr. O'Hara is referring to. We hear all of it. He has hit the nail on the head. Those employees tell me that they are frustrated. They tell me there are things in government that are going on that they absolutely don't like that need to be changed. They tell me that we are top heavy and need to take a look at that, and will even tell me where we are wasting dollars. They are the ones! Even when in some instances they know it will mean their jobs. They will tell me. We, indeed, do have honest employees. They know they can do other things than serve state government, but they also know in those jobs that they have, the service they are giving, we must always remember, that what we are giving here in state service, in government, is a service. A service folks! Not a business. If it were a business, we would figure out how to sell our product. We are not selling a product, unless what that product is, is money.

Think of that woman in a wheelchair that I visited during a recent campaign. She is in a motorized wheelchair. Who, in fact, now is independently living, and was under the Consent Decree at Pineland. One of the good things that we did, the Consent Decree. She is not retarded, but because she was put in there at a very early age, she neither reads or writes. She can't access the kinds of things that she needs. What she says to me, and I hope that you people do not take exception to this, but she wants a shower chair. She cannot run her motorized chair into a shower. She says, "Beverly, I take three sponge baths a day, and I still feel unclean". Is that too much to ask state government? Is that person able to get her own shower chair? She doesn't have enough money to get that chair. She doesn't have enough education to get that chair. She doesn't have enough physical capacity to get that chair. Can we offer anything less to her than a shower chair? Can we offer anything less than a decent education to our children? Can we offer anything less than decent medical care to our people? Ask yourselves that question as we are debating this issue.

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 Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. My question is, and I am confused about this issue, and it relates to education funding. If you pay eleven payments in 1991, and you pay twelve payments in 1992, whatever happens to the additional payment that will make the school district whole?

**THE PRESIDENT PRO TEM:** The Senator from Sagadahoc, Senator Cahill, has posed a question to anyone who would like to answer. The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. When the State of Maine goes out of the business of supporting schools in our towns, than that payment will need to be made. The Commissioner decided to move the payments ten days, which costs the towns. We decided to move them one more day, and by doing that, we would work this Budget, which is a "Fix It" Budget, which is a Budget to get the present situation under control so that we can get along. That payment will be moved one day, and it will continue to be moved one day, until one day in the distant future, when the Atomic Bomb goes off, or this Body decides that it will no longer pay towns, whatever, then, and only then, will there be a pay up, and there will be a lot of pay up in those days. This can go on one year, ten years, twenty years, thirty years, forty years, fifty years. Please, maybe you don't understand that, but I understand that. If the Senator would wish to ask the question again, I am sure that someone else would try to explain it.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't believe I really got an answer to my previous question. If I am not mistaken, there are no layoffs in the Department of Education, or maybe there is one. It would seem to me that if in the Minority Report you propose, and I will ask you because that is from whence the language came, if you propose the elimination of all mandates as I read the wording, that is what you do. Why have you not included a concomitant huge cut in Administrative cuts in the Department of Education?

**THE PRESIDENT PRO TEM:** The Senator from Kennebec, Senator McCormick, has posed a question through the Chair to anyone who would like to answer. The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President. Senator McCormick, at ten thirty that night, we put mandate language into our Bill. The next day on the floor of the House, the Majority Party also put the same mandate language in their Bill. It needs to be looked at as I said in my opening remarks. There is not a perfect Bill, and it doesn't show in the Majority Report, either. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We may now be reaching the catharsis of this three hour debate. I would agree with the comments of many of my colleagues in the room, and certainly those of my friend and colleague from Cumberland, Senator Gill, that this process may well be healthy in terms of fostering a very sincere interchange of our views on

efficiency of government and what it means in terms of the people of our state.

I offer a few remarks, some philosophical, and others more pointed in terms of more technical points on L.D. 275, which I believe we are now debating. At first blush, I must confess that I hesitate to make these remarks in the State Legislative Body. But, it seems to me, in fact, that it is indeed relevant, it is germane. My wife would disagree with me, we have had long debates, but I will still proffer the remarks.

It seems to me that in America today, and over the last eight to ten years, the American politics suffered some sort of a bipolar disorder. We are in the habit of electing as our Presidents, conservative individuals who see the necessity of a strong, international presence of America, and accordingly over the past ten years, increased our National Defense Budget. It was twenty-one percent of the National Budget in 1979, and it is now twenty-eight percent and perhaps on the way up. There has been a very severe reduction in domestic spending. Twenty-five percent of the Federal Budget in 1980 went to domestic spending, now it is under seventeen percent.

I think back to my early years in politics, and watching the Nixon Administration afford new federalism, and to further Nixon's credit, he, in fact, did provide the fiscal wherewithal to fund programs which were transferred to the states. That commitment to the Nixon Administration sadly lacked in the Reagan Administration. This is really when we began to see the shift of mandates to the states, but there were fewer state funds. We are all very interested in the proposals of President Bush. He is now suggesting sixteen billion dollars in additional transfers, and hopefully, the states will receive the financial wherewithal to provide for those programs. But it seems to me, that those of us in the State Capitals will be faced with these perplexing, and almost unsolvable problems in terms of how to provide what we think are minimal levels of decent services for our people. When the Federal Government pursues this quest to be the world's policeman, and also to provide the liberal social programs, you really can't do both in this day and age we live in today.

I think that the comments from the Senator from Cumberland, Senator Summers, were appropriate. I do think that we have to somehow decide where our priorities are. Well, we can't have it both ways. I think as you may have discerned over the past eight years, I would cast my lot with those who want to invest in our children for education, to invest in nutrition for our people, to provide strong economic structures for our people, and I would think that our allies in the world would have to bear their fair share. It incenses me to a level that our friends in Japan are spending about a billion dollars in low interest loans in the Persian Gulf initiative. They get seventy percent of their oil imported from the Persian Gulf. We get ten percent, and ninety percent of the monies are coming from Uncle Sam. I will say it once, I will say it often, this is insane! And I will not support national policies that maintain that sort of disproportionate burden share on the part of

our country, because it ends up with the people in the State Capitals, trying their best to resolve these problems.

I have great respect for all the members of the Appropriations Committee, and it is very apparent hearing the comments today from the Senator from Cumberland, Senator Brannigan, and the Senator from Hancock, Senator Foster, they have obviously worked exceedingly hard to try to find common ground. They are perplexed because they are faced with the situation that perhaps isn't soluble. The demands are tremendous, but the resources are ever waning.

I will now focus my attention on particulars in L.D. 275. I do not plan to vote for this Document. Some of the major concerns that I have are as follows: Regarding the Maine Health Plan, I believe the Senator from Sagadahoc, Senator Cahill, made the comment that on page 170 of the Minority Report, it was her understanding that there was a significant restoration of funding into the Maine Health Program. Now my understanding, and I confess I read the Document, and I can't understand the Document. But in my understanding, was that there were some significant cuts, including elimination of the Hospital Shortfall Fund, and a continuation of the sunset on the hospital assessment, as well as the elimination of currently enrolled adults. Now I have tremendous affinity and appreciation for the burden that the Senator from Hancock, Senator Foster, has worn today, being the single Minority Member of the Appropriations Committee, she has to field a flock of questions that she has done very well to answer in my judgment. I do not want to make her life difficult, but this is my understanding that these three areas are still eliminated from the Minority Report. If it is possible, if someone could respond to that question. If not this afternoon during the debate, than sometime later on, but that was my understanding.

I will close my remarks on a more political vein, and I apologize for that. The Senator from Sagadahoc, Senator Cahill, had pointed out, and I think quite fairly, that in our quest, our hope, that we devise some sort of National Health Plan for all our people, that the Congress bears a responsibility as does our President, and I couldn't agree more. There was a significant talk in Washington over the last three or four years about devising a basic plan for National Health Insurance, and it came under the Offices of a Commission that was styled "The Pepper Commission", in honor of the late Claude Pepper of Florida. The Health Community held out great hope for The Pepper Commission. We felt that it might be a tool for development of a meaningful health policy on the federal level. But what happened was, the Commission had made a number of recommendations, the members worked very hard toward consensus, and on the weekend before the vote was held on the Pepper Commission recommendations, there were a number of phone calls to Roger Porter, the Domestic Chief in the White House, to the Republican members of the Pepper Commission, basically putting the kibosh on consensus. And in fact, The Pepper Commission split on party lines, and as you all know, the recommendations are now in one of the infinite shelves in Washington in the GSA. Truly, a tragic development, because we held out great hope that The Pepper Commission might, in fact, be tool of bipartisan consensus of development of a National

Health Policy. I do follow very carefully the activities in Washington in terms of National Health, and there are some Republican members whom I have great regard for; Willis Gratison of Ohio, is clearly a leader in National Health, and I think is a member of the Republican Party we all should be proud of.

But most of the real advocates in National Health are on my side of the aisle. Senator Kennedy from Massachusetts, Senator Rockefeller from West Virginia, our own Senator Mitchell, Senator McCloskey of Maryland, and the list goes on, and on, and on. Pete Stark from California, a whole list of members in the Congress. I think it is very important that we continue to demand that our federal representatives do assist us in our quest for National Health Insurance. But quite frankly, I think that the burden falls right now on the Bush Administration. I think that they have to play the role, and they do not have a good track record, from my experience, as on The Pepper Commission. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the first time I have spoken before you, and I must say that I was a little nervous until I realized that you just talk about songs, and Paul Simon, so I feel a lot better, because I know a lot about Bob Dillon, and he has a song for every subject.

I want to talk for a moment about day care vouchers, and the difference between the two Reports. Day care vouchers allow low income women and mothers to work and to go to school. L.D. 108 completely eliminates them, and thereby, creates the concomitant reaction that those mothers that have day care vouchers quit work, stop paying taxes, drop out of school, and continue the cycle of poverty. For example, down in the Appropriations Committee when they were doing Hearings on this Bill, there was a woman who has a special needs child, who is in therapeutic day care on a voucher, and this day care costs something like twenty-five dollars a week. When that voucher gets taken away from her, as it is going to be under L.D. 108, that child is going to have to be in an institution for a huge expense of twenty five or fifty thousand dollars a year. Not only then is there human costs, but governmentally, the public policy contained in L.D. 108 does not make sense. It jeopardizes Federal Funding from the ABC Child Care Bill passed last session in Congress. To be specific, it jeopardizes three point four million dollars which is available to Maine from the Federal Government, but it must be used to supplement, not supplant, meaning not paid for state slots, must be used to expand day care.

Over the past several years, Maine has built a system of Day Care Resource and Referral Centers, and L.D. 108 eliminates six of them and jeopardized our Federal Funding. The Majority Report cuts the same amount of money that the Governor wanted cut, but it preserves the Resource and Referral System, it also preserves our federal match, and it did so by a novel, innovative method of governing, which is asking day care providers how they would have us do it.

I also want to speak to the impact on the elderly on both of these Reports. First, the Maine Health Program. There are about two hundred elderly right now on the Maine Health Program because they cannot get Medicare. About three thousand more, it is estimated by the Committee on Aging, are eligible. So if the Maine Health Care Program is eliminated, the effect on these people is clear. For instance, a real life example. There is a husband who retires at the age of sixty-five. He has had health insurance through his company. His wife has been eligible through his company health insurance policy. The private insurance stops because he is sixty-five and Medicare takes over. The wife is now uninsured, she is sixty-two years old. They cannot afford health insurance for her, she has a preexisting condition, and no insurance company will take her. The Maine Health Program is her only hope, and if we pass the Minority Report, we are taking that away from her.

Second impact on elderly, is Days Awaiting Placement. Days Awaiting Placement, for those of you who don't know, it is a catchy little phrase, but it basically means the number of days that people spend in a hospital waiting to be placed, or waiting for a bed to open up in a nursing home. L.D. 108 eliminates Medicare coverage for those people in that category, Days Awaiting Placement. We estimate that about two hundred people at any one time in the state are awaiting nursing home beds. Hospitals in Maine will not boot them out because of our tradition of care, and because they will not boot them out, and because we are cutting the hospitals Medicare reimbursement, we, as public policy makers are cost shifting. We are shifting the costs from the government to the private sector, to the hospitals. The Majority Report reinstates this Medicare coverage for Days Awaiting Placement, and I think it is important to note.

Third, the Medical Needy Program. The Medical Needy Program is basically a medical insurance program for the working poor, for people just above medicare eligibility. This year, four hundred people were eligible for this program. Next year, thirteen hundred people will be eligible for this. A good portion of these are elderly people, and for nursing home residents who are just over medicare guidelines, and who have significant medical needs, this program is absolutely essential. The Minority Report eliminates this, it will have a huge impact on our elderly citizens.

I also want to speak briefly about furloughs, as the good Senator from Kennebec, Senator Bustin, points out, her district and mine have a lot of state workers, and we feel that they have been overly burdened to the solutions to this problem. Last year we had a two hundred and ten million dollar shortfall, you remember that, and the Governor asked the state workers of this state for voluntary cost savings, which they did. Hundreds of state workers took three months off, took three days off, took one day a week off, voluntarily to save money. This year, we have a hundred and fifty million dollar shortfall, and now the Governor is asking the same state workers to take one day off every pay period without pay. I want to read to you a note from one of the trillion phone calls that I have received since I have been elected, from a man who lives in North Whitefield, whose wife took three months off on

the voluntary cost savings, and barely got back to work, when the Governor asked her to take a twelve day furlough in the next six months. She said she was glad to help, but they can't afford it. They just did without three months of her salary and they can't afford it.

It further goes on to say that his son and daughter both work for state government. One of them is going to be laid off, the other is going to have to pick up the health insurance and take a twelve day furlough in addition, and that they can't afford it. Here is one who is a level nine state worker, makes eighteen thousand dollars a year, works two jobs, and his furlough will mean that he will have to refinance his trailer. Here is a person who reminds me that in my district there are lots of families, count them, two state workers per family, which means a twenty percent cut in income to those families. Here is a person who asked me to remember that furloughs are not fair to state workers because it is going to affect their retirement calculations. Here is one, I like this one, from a person who works at DHS, who would like all of us to come over and watch state workers work. And I think we all ought to do that, because I think there is a bias here that state workers don't work hard enough, and I think that is absolutely not true. Lastly, here is a message from a man in Randolph, he and his wife both work for the state, and he reminds me that his mortgage isn't going to go down ten percent, and his child care payments are not going to go down ten percent, and what is he going to do when his family income goes down ten percent.

State workers feel that they have more than their share to balance the Budget. And I get calls from people who are state workers and others in their district, "Doesn't the state government belong to all of us? And please, spread the burden across a broader population than just state workers, or retirees. Don't let the retirees carry the entire burden." The Majority Report eliminates furloughs and does spread the burden of the crisis more fairly across the entire population.

I want to also briefly respond to other comments that have been made about the Maine Health Program. I want to go back to the origin of this program. Remember in the last session, when I was not in this Body, but was advocating for this program from the outside, the issue was health insurance, and you all discussed it very heatedly. Remember, one of the trains that drove discussion was about a forty million dollar bad debt of hospitals. In 1988 it was sixty six million, I forget what it was last year. One of the ways that you all decided to deal with that huge debt of medical providers and hospitals, was the Maine Health Care Program. When the good Senator from Hancock, Senator Foster, said we had more applicants than expected, I say, "Yeah!" I say that because we need this program, because it is a good program, that it is because health care is breaking the backs of the people of Maine. The Maine Health Care Program was the lynch pin of the strategy that you put together to address the health care crisis, and when the good Senator from Sagadahoc, Senator Cahill, mentioned that in the Minority Report they have put back in eleven million dollars for the bad debt care to health care providers, I want to say that is not good enough, it is not good public policy to just give a hand out, to just plug a hole. What

the Maine Health Care Program does is put in place a whole program that is so successful that we now want to cut it out? This program that will from next year, and the year after, and the year after that, take care of the uninsured, and plug that hole and stop that bad debt care to our hospitals and providers. So what will happen if the Maine Health Care Program in the Majority Report is defeated? It will mean, and I am quoting from Blue Cross/Blue Shield, "Twenty-four million dollars will be added to all of your health care premiums across the state." And I propose to you that is a tax. That's a tax on businesses, and that the Health Care Program is a much better use of that money, it will not cost twenty-four million dollars, we have already collected taxes for it, it is a much more cost effective way of addressing the health care crisis in Maine.

I also want to say two things about AFDC. First of all, the good Senator from Franklin, Senator Webster, might think our AFDC payments are generous, but they represent just half the poverty level. A woman on AFDC that gets that in Maine creeps up to half the Federally established poverty level. That doesn't seem generous to me.

Secondly, the Minority Report eliminated the AFDC "Gap", and that I propose to you is also bad public policy. It eliminates any incentive to go back to work. It is as if we are giving up. As long as I have been alive, the goal of government is to get rid of welfare. It is like throwing all that out the window, just plug the hole in subsistence programs and forget about incentives to work, forget about trying to get people off welfare. Not only that, but by eliminating that gap, we do something that I think we have not even begun to hear the beginning of, and that is that we have put into place a practice because of our being out of sink with federal policy, that when absent fathers pay child support to women on AFDC, those women only get to keep fifty dollars of that, the rest of it either stays in Augusta or gets sent down to Washington. In other words, when we eliminate that gap, we don't allow any incentive for absent fathers to pay for their family costs. Once absent fathers get the idea that only fifty dollars of any amount of money they are sending to Augusta is getting to their children, I don't think they are going to send very much more.

Lastly, I just want to echo the Senator from Cumberland, Senator Conley, just generally philosophically, how we deal with this situation, and ask on whose backs we are balancing this Budget. I think that when I look at it, I think we are balancing it on the backs of state workers and the poor, and I have to say that I feel like we are only focused on welfare programs when we talk about how we have to have a government that Maine people can afford. We keep looking at AFDC and saying, "It is too expensive, it is too expensive".

We don't look at the other welfare programs that we have, like to the middle class, to the upper class, and yes, this federal government does give welfare programs to the middle class and the upper class that dwarf the AFDC Program. I am speaking of, for instance, mortgage interest deductions on second and third houses, and even on first houses. That is a welfare program that every single person probably in this room benefits from, and I am talking about

tax expenditures. A tax expenditure is a tax that we as public policy makers decide we are not going to collect, and we dole it out to people in ways we think are good for government. We have just doled out about seven hundred and fifty million of it to businesses to pay for the electricity for manufacturing. That is a decision that we made. Let's look at all decisions, let's not just look at the decisions to help the poor, let us look at the decisions to help the rich.

That brings me to my Bob Dillon song, so you know I am finishing. And I might add that I think we are all dating ourselves by the groups by whose songs we are quoting. But, Bob Dillon said in one of his albums that I love the most, "You got to serve somebody." I think we all have to figure out who we are serving when we vote on this Bill. Thank you.

**THE PRESIDENT PRO TEM:** The Senator from Hancock, Senator FOSTER, asks Leave of the Senate to speak a fourth time. Is that the pleasure of the Senate to grant this Leave? It is a vote. The Chair recognizes the Senator from Hancock, Senator Foster.

Senator FOSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I really don't want to get up and speak, but I have to answer the Senator from Kennebec, Senator McCormick, because she has asked me something, and I feel compelled to answer. But I can't, because L.D. 108 is dead. It is a unanimous Ought Not To Pass legislation. We are dealing with L.D. 274 and L.D. 275, and when you ask me about day care vouchers, and ASPIRE, and things like that, they are the same. That is all I want to say, so I can't answer your questions because you were using L.D. 108 every time, not the two documents before us, and I am sorry. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I realize that one of the former speakers did, on occasion, refer to one of the Bills that has been killed. However, most of her points were valid, and I wasn't going to get up, but I do get up, and I want to back up with some statistics what the Senator from Kennebec, Senator McCormick was saying.

The AFDC "Gap" elimination is in the Bill before us, the Minority Report. It will immediately, if we were to accept it in this vote, knock fifteen hundred people, families, children and mothers off AFDC. Fifteen hundred, immediately off! Now these are very poor people. Twenty four hundred other people would be reduced. Now where do you think they are going for their help, for their assistance? And to save Senator Foster from Hancock, getting up and answering, her Report will say that they will go to General Assistance. Yes, they have put one point seven million extra dollars into that account to try to cover some of these folks who must go to the town and city offices. But one point seven million in General Assistance is all raw state money. The money we are paying and helping these folks on AFDC through that gap, is not state money, or it is only very partially state money. It is a very varied flaw, and I bring it up here especially because it is one of the areas that we are divided on, as I said in the

beginning, it is one that we must solve. I urge you to vote against the Minority Report, and vote for the Majority Report.

**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. To make it perfectly clear to the members of the Senate, I don't think that compassion and desire to protect the needy people of this state is held by any one Political Party, or one particular Senator, if we all want to be assured that the citizens that we represent, or the truly needy citizens of this state are protected.

My point in my debate several hours ago was, and still remains, that we are the seventeenth most generous state in the country, if we accept the Minority Report. Now you could argue that we should be the number one most generous, we are already the third or the fourth now under current law, and it could be argued that we ought to be the most generous to giving our support to those people mostly in need. I think the point is, and it concerns me greatly, is that we have established programs in government that we cannot afford. Now the major difference that I can see between the Minority and the Majority Reports is thirty million dollars. I suggest that those people who are going to support the Majority Report, ought to tell us where they are going to cut thirty million dollars.

I don't want a shell game of eliminating some departments so that you can get at this person, or eliminating this job so you can get somebody else. I mean, if we are going to eliminate, we are going to change the Department of Finance and Administration, than I think we ought to change the Attorney General's Office. Let's play that game for a while guys, let's be honest here. Let's talk about real savings. Now somebody in this Senate has a better proposal than this to cut savings? But you know what concerns me most, and I have said this all along, that I am looking at the next Budget cuts. If we can't solve this now, how are we going to solve the next Budget? This is insignificant compared to the seventy-five to a hundred million dollars that you are voting for if you vote against this Bill. Ladies and Gentlemen, that is the difference in the next Budget!

I would like to pose a question. Now, there are those people who don't like this Bill. I would like to know how any member of this Senate is going to find the money? What are you going to do? Are you going to cut seventy million dollars out of the Budget, or are you going to raise taxes? How are you going to find the money? You don't like this Bill, and I have been involved with this since the day after Christmas, and the good Senator from Hancock, Senator Foster, and some of us don't like everything in this Bill. I can tell you right now, we don't. We surely don't like the Majority Bill, and probably this Bill should have stayed in the Committee until it was taken care of. But the simple fact is, no cut is going to please anybody. If you have a better proposal, and you want to cut something else, than I think we should put it on the Table and decide.

I would like to ask a question, because I think it is very important. The message today has got to be between these two Budgets, one of them costs a hundred million dollars more in June of next year, and one of them costs a hundred million dollars less. It is simple, simple facts! If you don't want to cut the Health Care Program, than what do you suggest we cut? We all want to do everything for everybody. You know government works best when we are spending. It is easy for Legislators to come in here and spend, but the tough thing is to set priorities. Now the good Senator from Kennebec, Senator McCormick, talked about a constituent in her district who wasn't going to have as much income. Well I have those kind of people in my district, and they are on AFDC, they are everyday people who are working in shoe factories and just got laid off! Now I am suggesting that they are not going to pay their oil bills this winter. Unless, ladies and gentlemen, unless we cut spending. Now we could go along and just pat ourselves on the back and say, "You know, we have come up with these schemes to solve this problem". A hundred and sixty million dollars worth of schemes! They are all full of schemes. But the simple fact is, we haven't done anything to cut spending. So next time, in June, we are going to have this battle, but it is going to be a lot worse, because if we don't make these cuts now, it is going to be a lot harder to make it later.

So ladies and gentlemen of the Senate, I would like to pose a question. For those who don't like this Bill, I suggest you tell us, today, and the citizens of this state, how are you going to find a hundred million dollars more in the Budget to pay for the Bill that you advocate passing?

**THE PRESIDENT PRO TEM:** The Senator from Franklin, Senator Webster, has posed a question to the Chair to anyone who cares to answer. The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Several figures have been thrown around on what the difference is, I believe that the Senator from Aroostook, Senator Collins, pegged it at twenty-four million. His leader is pegging it at thirty, or a hundred. I say sixteen million.

We have a better package, and you are going to have a chance to vote on it on the second vote, and let's do that and then we will show you how are going to balance the billion dollar problem that you and we are all going to face. Now let's get on with it and cut the mustard!

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY:** Thank you Mr. President. I would like to pose a question as well. I hesitated to do this only because I thought it might be appropriate later, but the good Senator from Franklin, Senator Webster, brought up the issue, and since I have been trying to go through both Budgets, I did have this question.

Regarding the Attorney General's Office, I noticed in the Majority Report that one hundred



thousand dollars was cut for personnel services. It describes the layoff of up to six Assistant Attorney General positions. I look in the Minority Report, however, and it cuts five hundred and five thousand, six hundred and seventy-seven dollars out of personnel services, but doesn't describe how those cuts are going to be implemented. My question is exactly that, how are they to be implemented? How many people does that affect? Consumer fraud prosecutions, homicide prosecutions, assistance for people who need the Attorney General's Offices, what is that five hundred and five thousand dollars represent, and how does it impact all of the citizens in our state? Thank you.

**THE PRESIDENT PRO TEM:** The Senator from Cumberland, Senator Esty, has posed a question through the Chair to anyone who would like to answer. The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. I have just been told by one of our friends in the back that it is sixty degrees outside today.

But anyway, to answer the question, the five hundred and five thousand dollars that was cut from the Minority Report, was the Attorney Generals original target which they never met. They came into the Appropriations Committee on a number of occasions. The first time they said, and I think the Attorney Generals Office agreed, that the Attorney Generals Office could they do it another day, and they did it another day, and another day, and another day. I don't think they ever came up with their target. How that affects them, I am not sure. They are going to have to make that determination. I could perhaps offer some suggestions, but maybe that won't be in order at this time. Thank you.

**THE PRESIDENT PRO TEM:** The Senator from Androscoggin, Senator **GAUVREAU,** asks Leave of the Senate to speak a third time. Is it the pleasure of the Senate to grant this Leave? It is a vote. The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. With reference to the last point, I have some knowledge which I will tempt to impart on the members of this Body.

My understanding, having had some conferences with the Attorney Generals Office is, that were the technical language in L.D. 275 to see its way into law through some political arbitration, it would result in a loss of thirty Assistant Attorney Generals. My thoughts were when I was first apprised of that, was mindful of the temporal pressures upon the Minority, and felt that it was clearly a glaring mistake, but I didn't think it was an intentional omission on the part of the Minority.

As you know, we have some thirty-two Assistant Attorney Generals, and the rest are funded by Federal lines. My understanding is that if we did adopt L.D. 275 in its current formulation, the fact that we would be down to the Attorney General and two Assistants aside from those who are funded by Federal lines.

But as I say, I really wasn't concerned about that because I felt there were not enough votes to adopt L.D. 275 in its current formulation. Thank you.

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

Senator **CLARK:** Thank You Mr. President. Ladies and Gentlemen of the Senate. It may be sixty degrees out there, outside on this day in February, but it is going to be a lot warmer in June, and we had better get used to it, because this is a preview of coming attractions.

I submit to you, that the good Senator from Franklin, Senator Webster, has asked the question that begs an answer, and I for one would like to give it to him. He asked if we can't solve this now, how can we solve the next Budget, and he of course was referring to the Biennial Budget, which is the "Son" of the Supplemental Budget, with reference to the places on this, the 115th Legislature.

We are going to solve it, because I submit, the Appropriations Committee is going to do nothing else between the time it convenes with the Budget before it, that Biennial Budget, and the end of the session. And I submit, with this preview that we have had, this walk through the effects of a Divided Report, that there will be concerted, coordinated calibration between the members of the Party and all the interests that are injected into that process. And we will have before us a united Budget, a unanimous Committee Report from the Committee on Appropriations and Financial Affairs, as has been the proud tradition of Maine Legislatures for decades, and decades, and decades. We know that when that united Report comes to the floor in either Chamber, that it is in "Violet". That those Amendments that we tender representing our little pieces of energy and our constituents concerns, will be offered, but don't stand a chance of usually being accepted if past history is an indicator of that process.

But that is not what happened in this Supplemental Budget. We are faced with a shortfall, and I ask you to remember the words of the Senator from Cumberland, Senator Brannigan, when in his introduction he prefaced his motion, or he followed his motion correctly, by saying that this state faced a shortfall in projected revenues, the likes of which had never faced the state before with such a short time to remedy it. And that is true. And to compound that, we had emergency monies requested by the Commissioner of the Department of Human Services and assorted other branches of Government that increased that shortfall, so that it sort of revolved depending on whether you incorporate the surplus for revenues in the month of December or you don't. Anywhere between a hundred and fifty and a hundred seventy million dollars, give or take a few. And the Majority Report, like the Minority Report, addresses the shortfall, and addresses the emergency funding needs. Some of which I wish we would question a little bit more closely, and there the two are identical. The difference between the Minority and the Majority are not just the Maine Health Care Program and the "Gap" with AFDC, but its also the honesty of addressing what the Governor did by Executive Order, and that is reimbursing the

municipalities for the monies that they lose because the Governor changed the date of the school payment. It makes the municipalities whole. I have a whole long list nicely prepared on the Legislative Word Processing and Data Processing System of the differences. And all of us have stood at one point or another in this long debate and focused on them. But the questions haven't been answered with reference to the pending motion. Where is the money going to come from for the people who no longer will be on the Maine Health Care Program, while literally tossed off the program? Where is that money going to come from?

Let me back up. Most of us are incumbents to this Chamber, and most of us, and I can't remember if it was all, but I think it was, voted to incorporate and embrace the Maine Health Program, because it reflected a priority of the last Legislature, Health Care. Remember, that was even the focus of a Maine Development Seminar at the Samoset. Remember, that we all, I think all, again, voted with one exception, for the Maine Health Program. And by so doing, to fund that gem we increased taxes. We increased taxes, and we created new taxes. There is something that is deceitful in the Minority Report. I submit to you that by eliminating the main body of the Maine Health Care Program, we aren't as alluded to by the good Senator from Penobscot, Senator Baldacci, repealing those taxes. Remember, we voted only for those taxes because they provided relief for hospitals, relief to businesses, relief to insurers, and relief to uninsured people, knowing that so doing with the Maine Health Program, we would relieve the people who also pay health insurance premiums. That is why the Maine Health Program is a barrier, I submit, to what might have been a unanimous Report from our Appropriations and Financial Affairs.

AFDC payments in Maine are not generous. There are other New England states that far exceed payment. The Minority Report carefully, inadvertently, or deliberately, whatever, eliminates a number of things which were part of the crown of the accomplishments of the 114th, not the least of which is the ASPIRE Program. I submit to you, that the Minority Report is sorely lacking, and so are the answers that have been asked this afternoon, with reference to the Minority Report. I agree that it is not the perfect Report. I also concur that the Majority Report falls short of that measure, also. I believe that I am speaking for all of us when I say that we would rather not have it this way, we would rather have it a United Report. It isn't. And so because this is our process, we are going on Record in support of first the Minority Report or against it. And support then of the Majority Report and against it. To indicate philosophically, politically, position item cuts, or what have you, where we are and we will be held accountable. It is fair that we be held accountable for our positions on both Reports to provide a balance should our votes in this respect be used for purposes outside of this Chamber. That is the motivation of those of us who sat here and listened to the well prepared, carefully crafted scripts, focusing on the Majority Report.

I regret to inform you, that I haven't seen the light, to my good friend, the Senator from Cumberland, Senator Gill. For she knows, as do most of you, I feel sure, that my movement of the Minority

Report, was not particularly sincere, but to afford all of us here in this Chamber, an opportunity to ask questions on both Reports and to be recorded on both Reports. I appreciate the courtesy of all of you who have been so patient this afternoon. I appreciate the courtesy of the Chair for enduring this process, and I appreciate and am grateful to the leadership, my friends across the aisle, for providing the pairs for our absent members when the Roll Call is taken. We pledge to you on the Record that that same courtesy will be extended to them. Thank you Mr. President.

**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 listened intently, and often time with amusement, the comments from the good Senator from Cumberland, Senator Clark, as she talked about her concerns with the Minority Report, and the way things have progressed here today.

Let me simply say that if the good Senator and those members of this Party of the Legislature and the opposite Party, and our Party, too, don't like the Minority Report, and particularly the good Senator from Cumberland, Senator Clark, is truly interested in providing the best way for tax dollars to be spent, than I think we could find a way to do that.

You know, one of the things that has frustrated me as I have talked to rotary's and groups in my district, is the fact that often times the Legislature doesn't really seem to set good priorities. For example, one of the things that I find offensive, and it may not bother anybody but me, but in the Majority Bill which we debated on earlier, was a position to hire a Tour Guide for the Legislature. I know that probably doesn't bother you, but it bothers me, because we are making tough decisions here. We are deciding whether we ought to be cutting programs and eliminating state employees jobs, and it doesn't seem appropriate to me that I would run my household budget like that. I would not spend money on those kinds of things, and I find that offensive. I suggest, that if the good Senator from Cumberland, Senator Clark, and other people agree that we ought to be doing something more for the needy people of this state, keep some of those state employee jobs, that the best way to start would be to take another million dollars from the Legislative Budget, that is one of the things that we proposed.

You know, it is interesting because we balanced our Legislative Budget by taking it out of surplus. I suggest that we just clean out the surplus account, and let's not have all that money around for next year, for the next Budget, and let's fire four or five, or eight or ten state employees, whatever it is. I think there are ways to cut, ways that we can save money.

I received on my desk a few minutes ago, the Senate and House 1991 Register, and I was amused and amazed with all of the positions that we have in this book. Assistants to assistants, that's great, huh? Its wonderful! Meanwhile, we have got poor people out there who can't heat their houses, and we are hiring and paying somebody ten, fifteen, twenty, thirty, thirty-five, who knows what we are paying

them? I am sure we can find out, but the point is, we are spending money, maybe we are not really spending it the best way we could.

Ladies and gentlemen of the Senate, this is not a battle over who cares for poor people, we all do. This is a battle over cutting spending. If you want to cut spending than you could support the Minority Bill. We could cut the Legislative salaries, we could cut the Legislative Budget, we could do a whole lot of things. Ladies and gentlemen, what we should do is send this back to the Committee. I hope that this is where it goes in a short time at some point, because this is really what we should have done, we should have come out of Committee with a unanimous Report.

It seems to me that it is hard for me to believe that the Attorney General in this state can't find a cut in his department, for we have to eliminate state employee jobs. How much money has he cut, besides, you know, increasing some fee, and that is always the easy thing. We can't cut funds, we can't cut dollars, but we can increase some fee.

You know, on two separate occasions the good Senator from Cumberland, Senator Clark, had made reference to the careful scripts. I would like to commend Senator Summers from Cumberland, for his good speech. And I would like to say, for those of you who have any doubt in your mind, any text that you heard was written by the Senators who are serving in this Body. I suggest that if we had, perhaps the many staff people who are roaming around the halls, we might have somebody to write our speeches and perhaps, to even stuff our envelopes and do those kinds of things. But, ladies and gentlemen, we don't. So if you hear a speech from this Senator, and I would dare say from many Senators, at least in my Party, you will find it was written by us.

Just as, in the hall a little while ago, someone made reference to me, one of the Senators suggested that they had read an article in the paper that I had written, and I somehow hadn't written it. Well, let me tell you ladies and gentlemen, that I don't have unlimited staff, and if I had them, I wouldn't have them anyway, I wouldn't do that, because it seems to me that twenty thousand dollars to pay that staff person to do whatever they do, is not a good way to spend taxpayers money when truly needy people, truly needy people in this state, are not going to have anything that we would like to give them, because we don't have the money.

Ladies and gentlemen, I suggest that we really ought to look at that, and if the good Senator from Cumberland is willing, take money from a legislative account, money that we don't need, money that we shouldn't have put into it begin with, than perhaps we could keep a few state employees jobs, and better yet, perhaps we could take care of a few more people out there who this Legislature deemed needed. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I don't know if I can handle much more of the debate from the good Senator from Franklin, Senator Webster, when he talks about the Legislature and the Legislative Account.

In the Majority Report, they are recommending cutting one million point two, and in the Minority Report, they are talking about cutting two million. The Legislative Account, whether it is fourteen or sixteen million dollars, stands pale when you are looking at a bureaucracy of three point two billion dollars. When the Governor wants to cut money out of the University. When he wants to cut aid to education in the communities. When he wants to cut mental health workers at BMHI, or AMHI, or Pineland. When he wants to close down Charleston or the Pre-Release Center, where do the people of this state go! They go to you, they go to you, they go to you, and they go to Legislators who are making maybe seventy-five or nine thousand dollars a year!

We have got fourteen or sixteen million dollars in the Legislative account. I will tell you, if it is any indication of the way this Budget has been handled, the Legislature should have more power, should have more offices to keep the Administration in check and balance, because the people need to be protected. Everywhere I go, they are saying don't pay attention to those cuts, because the Legislature will change them. I sat down in the Appropriations Committee Room while they went through an entire weeks budgets, through every state department, and they tried to do the best they could do. They have a finance office downstairs that is trying their damndest, and they do a hell of a job! And I will tell you, we conducted a study on taxes this Summer with an appropriation of a hundred and fourteen thousand dollars, and we returned to the General Fund, or the Legislative Account, a hundred and seven thousand dollars.

The Legislature is working very hard to do its job and get it done. This is a full time job. I have been bothered like you wouldn't believe between the University, the Education Community locally, and the Mental Health. But those people are very concerned. That is why it is important that this Legislature do its job. And I am sick and tired of the criticism of the Legislature and the leadership in the Legislature. I think they have done a good job. They are trying to do what is best. I don't agree with all that is in the Majority Report, but I will tell you this, for the people in Mental Health, the people that are going to school at the University, the people that are trying to teach the classes that had sections cut, that had teachers cut. They are thankful for the Majority Report, and they are thankful for the Legislature. So, you can beat on them all you want, and you can try to convince the people of the State of Maine that there is fat in the Legislature, and that is where we should cut. Well, maybe if I controlled the Executive Branch I would feel that way about the Legislature. But the majority of people throughout this State of Maine, they are very thankful that there is a Legislature here to right the wrongs that were proposed by this Administration. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. Up until a short while ago, we had a high level debate going on here. I hate to leave this day with the vote being taken and nothing resolved. And it seems that we have been here since eleven o'clock, and we have had a lot of good debate going on. The vote is about to be taken, and we are still not going to resolve anything! Neither one of these Bills or Reports are going to get passed! We can count. Both sides of the aisle can count. It didn't pass down there, it isn't going to pass here, maybe with a majority vote, but it is not going to pass ultimately. The thing that we have got to do is get the people back working to put something together so we can unanimously adopt this.

And I would urge all further negative debate to stop, and let's get on with taking the vote and getting the people back to work so that they can do their job. I want to come back here Monday, and I want a Report that we can buy into. I am going to put it in the hands of the Appropriations Committee and leadership to do that! We have wasted forty-four days! I am not going to waste another day! You people have got to get to work!

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator CLARK of Cumberland to **ACCEPT** the Minority (H.P. 193) (L.D. 275) **OUGHT TO PASS** Report.

A vote of Yes will be in favor of the motion to **ACCEPT** the Minority **OUGHT TO PASS** Report.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator WEBSTER of Franklin who would have voted **YEA** requested and received Leave of the Senate to pair his vote with Senator PRAY of Penobscot who would have voted **NAY**.

Senator CAHILL of Sagadahoc who would have voted **YEA** requested and received Leave of the Senate to pair his vote with Senator PEARSON of Penobscot who would have voted **NAY**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators BRAWN, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS

**NAYS:** Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND CONLEY, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - DENNIS L. DUTREMBLE

**ABSENT:** Senators NONE

**PAIRED:** Senators CAHILL, PEARSON, PRAY, WEBSTER

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 4 Senators having paired their votes, and None being absent, the motion of Senator CLARK of Cumberland, to **ACCEPT** the Minority (H.P. 193) (L.D. 275) **OUGHT TO PASS** Report in **NON-CONCURRENCE, FAILED**.

Senator BRANNIGAN of Cumberland moved to **ACCEPT** the Majority (H.P. 192) (L.D. 274) **OUGHT TO PASS** Report, in concurrence.

On further motion by same Senator, 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 the motion by Senator BRANNIGAN of Cumberland to **ACCEPT** the Majority (H.P. 192) (L.D. 274) **OUGHT TO PASS** Report.

A vote of Yes will be in favor of the motion to **ACCEPT** the Majority **OUGHT TO PASS** Report.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator WEBSTER of Franklin who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator PRAY of Penobscot who would have voted **YEA**.

Senator CAHILL of Sagadahoc who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator PEARSON of Penobscot who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

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

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

**ABSENT:** Senators NONE

**PAIRED:** Senators CAHILL, PEARSON, PRAY, WEBSTER

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators having paired their votes, the motion by Senator BRANNIGAN of Cumberland, to ACCEPT the Majority (H.P. 192) (L.D. 274) OUGHT TO PASS Report, in concurrence, PREVAILED.

Senator WEBSTER of Franklin moved that the Bill and Accompanying Papers be RECOMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. While I don't think that eventually the motion of the Senator from Franklin, Senator Webster, is a bad motion, I think that at this point in time its inappropriate to refer the Bill back to Committee in its present form. There are a number of Senators who have worked long and hard to present Amendments, either today, or on Monday when the Bill is in Second Reading, to highlight points of interest and budgetary items in this public forum of the Maine Senate. It is this vehicle that ads emphasis and focuses on those priorities. It is this process that reaffirms the importance of those particular Amendment topics to the Joint Standing Committee on Appropriations and Financial Affairs, as well as the public, and the constituents they are pledged to serve. And so, while I hope eventually, either this Bill is soundly returned to the Committee on Appropriations, or disposed of in some other fashion while that Committee continues to work, I think I would encourage you to vote against the pending motion, and thus allow this process to continue to prevail. Because I assure you, while this goes on here in this Senate Chamber, the Appropriations Committee is not sitting around twiddling its thumbs, but that Parties are continuing the process of negotiations, not in a formal sense that they did during that long tenure of forty plus days, but in an informal sense without the constraints that sometimes that process imposed on that Committee. Thank you Mr. President.

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

Senator WEBSTER: I would like to assure you that I have no intention of having a prolonged debate on whether we should refer this to Committee or not, but it would seem to me that my feeling is that we, the

Legislature itself, is beginning to look rather foolish in the way we have knocked this legislation around. Anyone here can count and can see it doesn't matter how much time we spend, hours or days, adding Amendments to this Bill, it is unacceptable to many members of the Legislature. It would seem to me that we ought to send a message to the citizenry that we are serious.

The good Senator from Cumberland, Senator Gill, made a point that I think is well taken. We ought to get back to business. We can posture, we can debate, we can go into each and every line of this Budget and debate to whether it is good or bad. The simple fact is, no Budget will pass in my humble opinion, unless we can get the Appropriations Committee to meet and agree on a unanimous Budget. Now, if we want to spend hours here today, and put on a half a dozen Amendments or more, that is fine. But it is my opinion, and I say this in all sincerity, it is my sincere opinion that we ought to just send this back to the Committee, let's send a message to the citizens out there that we want a balanced Budget, that we want to work together, the Democrats, the Republicans, the Liberals, the Conservatives, all Parties, all philosophies, and solve the problem. My interest is to put this back where it belongs, because I can assure you that we can bounce this thing back and forth between Bodies for weeks, and all it does is show the people of this state that we cannot act. The time has come to send this Bill back to the Committee, and let them decide, and reach an agreement with leadership with all the members of the Committee with whomever wants to become involved in this process, to come out with a Budget that is acceptable to everyone, all the people involved.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I feel certain that the Senator would probably withdraw his motion if he would listen to my words of wisdom. While I am waiting for that opportunity, I would also encourage you, as the Senator of Cumberland, Senator Clark, has encouraged you to vote against this motion were it to stand throughout after my convincing debate. My debate will be convincing throughout this motion, because I think you will understand the language that I am going to speak, as I speak it, and he listens to it. He will find that my language will be very convincing once he listens to it because he will decide then, very quickly, to withdraw his motion. I would like to say that if the proposer of this motion understood, given the fiscal conservative nature which he has shown during the last few hours, and knew that it cost eighteen thousand dollars to print the two Bills before you, when we can assure him, I believe his own members as well as myself, if people are in agreement, we can use these as vehicles and save thousands and thousands of dollars in the Legislative Budget, than we can go on with our work, we can use this as a vehicle. At this point, this is what we have before us, we hope that it will be acceptable at some point to everyone. But I would suggest, save the state money, and I would add respectfully, hope that the motion would be withdrawn. If not, defeat it. Thank you.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator **WEBSTER** of Franklin, to **RECOMMIT** the Bill and Accompanying Papers to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The Chair has ordered a Division.

Will all those in favor of the motion by Senator **WEBSTER** of Franklin, to **RECOMMIT** the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator **WEBSTER** of Franklin, to **RECOMMIT** the Bill and Accompanying Papers, **FAILED**.

The Bill **READ ONCE**.

House Amendment "A" (H-11) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-12) **READ** and **ADOPTED**, in concurrence.

House Amendment "C" (H-13) **READ**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope you will vote against House Amendment "C". It is an attempt to put in reorganization language into the Majority Report, and I disagree with that Amendment, and I would ask for a Division.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is **ADOPTION** of House Amendment "C" (H-13), in concurrence.

A Division has been requested.

Will all those in favor of **ADOPTION** of House Amendment "C" (H-13), please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, House Amendment "C" (H-13) **ADOPTED**, in concurrence.

House Amendment "D" (H-14) **READ**.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-8) to House Amendment "D" (H-14) **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "C" (S-8) to House Amendment "D" (H-14) in **NON-CONCURRENCE**.

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "B" (S-9) to House Amendment "D" (H-14) **READ**.

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

Senator **CAHILL:** Thank you Mr. President. I have a question to ask about this particular Amendment. Is there is fiscal note attached to this? How much is the Amendment going to cost? Because it would appear to me that now we are not having one entity involved in this, but the entire state, and it seems that would cost money. Is that true?

**THE PRESIDENT PRO TEM:** The Senator from Sagadahoc, Senator Cahill, has posed a question through the Chair to anyone who would care to answer. The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe that the Amendment does not change the original Amendment in which it amends, but the amounts stay the same.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator **GILL:** Thank you Mr. President. I would like to pose a question through the Chair. Can someone tell us how much the amount was?

**THE PRESIDENT PRO TEM:** The Senator from Cumberland, Senator Gill, has posed a question through the Chair to anyone who would like to answer. The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. I believe the original amount is twenty thousand dollars.

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

**THE PRESIDENT PRO TEM:** The pending question before the Senate the motion of Senator **BRANNIGAN** of Cumberland to **ADOPT** Senate Amendment "B" (S-9) to House Amendment "D" (H-14).

A Division has been requested.

Will all those in favor of **ADOPTION** of Senate Amendment "B" (S-9) to House Amendment "D" (H-14), please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BRANNIGAN** of Cumberland to **ADOPT** Senate Amendment "B" (S-9) to House Amendment "D" (H-14) thereto, **PREVAILED** in **NON-CONCURRENCE**.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "C" (S-10) to House Amendment "D" (H-14) **READ**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would hope that you would vote against Senate Amendment "C" for two reasons. First, it moves the Driver Education Evaluation Program, known as DEEP to the Department of Motor Vehicles. Both Reports currently put it over to corrections. They felt that it was the best place for this particular program in Corrections, and it also eliminates the Office of Alcohol and Drug Abuse Prevention.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I know that you want to move this along fairly fast, and so do I. I will just tell you that the reason that I am presenting the Amendment is because DEEP, in my opinion and a lot of others, is not a Corrections Program. It is not a punishment model. It is a treatment model. It doesn't belong there. It also has to do directly with OUI's. Where it belongs is where OUI's are held and where the licenses are held, and that is in the Department of Motor Vehicles.

Secondly, we are in fact saving money, and I am surprised that the member of the Minority is telling us that we ought not to save money, because we are, in fact, eliminating a division of the state. Because we have set up the Office of Substance Abuse, and all we are doing is moving the few functions that are left over to the Office of Substance Abuse and it saves a position.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "C" (S-10) to House Amendment "D" (H-14).

The Chair ordered a Division.

Will all those in favor of the motion by Senator **BUSTIN** of Kennebec to **ADOPT** of Senate Amendment "C" (S-10) to House Amendment "D" (H-14), please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

19 Senator having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "C" (S-10) to House Amendment "D" (14) **PREVAILED** in **NON-CONCURRENCE**.

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Tabled and Later Today Assigned matter:

Senate Amendment "A" (S-8) to House Amendment "D" (H-14)

Tabled - February 8, 1991, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION**

(In Senate, February 8, 1991, on motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-8) to House Amendment "D" (H-14) **READ**.)

**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 would like to pose a question to the good Senator from Kennebec, Senator Bustin. My understanding is, as I read this, that this Amendment would bypass recall procedures on the bargaining agreement. Are we coming into the Legislature now and tinkering with the bargaining agreement? I mean, basically, this is what this does from what I understand, and if so, it is difficult for me to understand the Senator from Kennebec, who since we had an existing bargaining agreement, I hadn't heard many ask me to alter, and all of a sudden we are trying to do that. That is my understanding of saying what this Amendment does, and perhaps it could be explained. Thank you.

**THE PRESIDENT PRO TEM:** The Senator from Franklin, Senator Webster, posed a question through the Chair to anyone who would like to answer. The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would be happy to answer the good Senator from Franklin, Senator Webster.

Of course, I would never violate a bargaining agreement with my good friends from the Maine State Employees Association, nor the ASK ME Group. In fact, it does the exactly the opposite of what the good Senator implies. It kicks in the collective bargaining agreement to help when those positions are recalled to put that through. It, in fact, uses the Collective Bargaining Agreement to do that.

On further motion by same Senator, Senate Amendment "A" (S-8) to House Amendment "D" (H-14) **ADOPTED** in **NON-CONCURRENCE**.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is **ADOPTION** of House Amendment "D" (H-14) as Amended by Senate Amendments "A" (S-8); "B" (S-9) and "C" (S-10) thereto, in **NON-CONCURRENCE**.

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

Will all those in favor of **ADOPTION** of House Amendment "D" (H-14) as Amended by Senate Amendments "A" (S-8); "B" (S-9) and "C" (S-10) thereto, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

19 Senator having voted in the affirmative and 11 Senators having voted in the negative, House Amendment "D" (H-14) as Amended by Senate Amendment "A" (S-8); "B" Senate Amendment "B" (S-9) and "C" (S-10) thereto, **ADOPTED** in **NON-CONCURRENCE**.

House Amendment "F" (H-16) **READ**.

On motion by Senator **CONLEY** of Cumberland, Senate Amendment "A" (S-11) to House Amendment "F" (H-16) **READ**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not a lawyer, but I don't have any bad feelings to lawyers, but I just want you to know that, so, tongue and cheek I am saying that perhaps this is lawyer Bill, and if the good Senator from Cumberland would perhaps take a second to tell me what the lawyer words mean, I would appreciate it.

**THE PRESIDENT PRO TEM:** The Senator from Sagadahoc, Senator Cahill, has posed a question through the Chair to anyone who would care to answer. The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President. In answer to the question from the good Senator from Sagadahoc, Senator Cahill, some would question at times if I am a lawyer. You can actually, rest assured, I was asked to sponsor this Amendment after talking with people from MMA who have had a chance to review it, so people from the environment arena. Some cases are pending in court right now, and the Amendment as presently drafted, may affect their rights. Future people can always bring an action against the city through the Maine Courts Claims Act, and this would continue to allow them to have that right.

On further motion by same Senator, Senate Amendment "A" (S-11) to House Amendment "F" (H-16) **ADOPTED** in **NON-CONCURRENCE**.

On motion by Senator **ESTES** of York, Senate Amendment "B" (S-14) to House Amendment "F" (H-16) **READ**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Of all the Amendments that have been offered, I think that if I read this particular Amendment right, it is the most objectionable that we have heard so far.

This Amendment takes out the mandate language of House Amendment "F", and one of the things that I felt good the Majority Report. There were other things, but this happens to be one of the things. They included throughout the amendment process, and Amendment that municipalities, the school districts, and that sort of thing with some of the mandates that we have passed over the years. This would completely take out this mandated language, and on this particular Amendment, I would like a Roll Call.

Senator **CAHILL** of Sagadahoc requested a Roll Call.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Estes.

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I left here late yesterday afternoon after listening to the debate that was ongoing in regards to this piece of legislation, L.D. 274, not knowing that there was going to be an Amendment proposed that would literally roll back and undo education reform in the State of Maine.

My departure late yesterday afternoon was to attend a conference that was being put on by the Maine Development Foundation dealing with a coalition on education excellence. I found out about seven o'clock last night that this Amendment had, in fact, been offered. When I came back this afternoon, at the very beginning at session, I was not able to locate the individual who offered the Amendment. I did talk to a few individuals, and I know there is objections out there, what are referred to as education mandates.

I think that one of the things that distressed me the most was the fact that this was not being considered and deliberated in the Education Committee, the education community, and interested parties. When in fact, there are a number of Bills that will be coming before the Education Committee with waivers and repeal of mandates. You did have on your desk yesterday afternoon a copy of an informational letter, Number 75, from the Commissioner of Education, that went out to various Superintendents across the state, as well as the School Board Chairs, informational letter Number 75, on Waiver Procedures for State Education Mandates. This was passed by the Legislature in the 114th, a Bill which I co-sponsored. It has not been utilized to a great deal.

I also rise out of frustration, because this work could have been well under way in terms of reviewing the mandates if the last Legislature in the First Regular Session had funded L.D. 1564, which was the Special Commission to Study and Evaluate the Status of Education Form in Maine. It was a Commission that



was an accountability to the tens of millions of dollars that we have spent since the Education Reform Act of 1984. We were able to carry that Bill over into the Second Session of the 114th, and we were able to pass it. But we passed it without a Budget. That Commission has been established, and it has met three times, and it is very anxious to do the work that needs to be done in terms of accessing what was good and what was bad about education reform before we start taking an ax to it. I would urge that the members of this Body accept this Amendment, which will delete the mandated programs section in House Amendment "F". Thank you.

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

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am sure that although we have heard a multiplicity of different voices this afternoon, we all share one common emotion, and that is fatigue.

I rise because I am somewhat uncertain as to what the intent is of my good colleague from York County, Senator Estes. Many years ago, I had occasion to serve on the Committee of Education, and those were heady times for all of us, because we were involved in what we thought was the Seminal Legislation, which ultimately came forth in the Maine Education format. I have generally been supportive of state requirements to enhance the requirements of education in our state. However, I certainly do understand, in fact, I am very sympathetic to the notion that as the states revenues decline and we provide less aid to our local governments, than we should provide some level of flexibility to the locals in administering the mandates. I share with my colleague from York County, Senator Estes, frustration at the delayed information on the mandates. When I arrived in the Chamber this afternoon, I thought that with respect to this particular issue, the one on mandates, I thought the real issue wasn't so much whether we should provide flexibility to the locals, but whether that flexibility should be ordained to whether we should repose authority in the Superintendent's Office, or the Commissioner's Office, or should there be some other mechanism that locals could apply for and secure relief from the mandates.

Now if I understand correctly, what Senate Amendment "B" to House Amendment "F" would do, is retain the mandates, and I am questioning if that is what the intent is, would this language do this if it were enacted?

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Estes.

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to be specifically clear on my Amendment.

My Amendment would eliminate a Section, Section GG1 of House Amendment "F". That section dealing with, "Any legislation, or rule containing a mandate inactive after January 1, 1984, may be eliminated or deferred until the state restores state aid to education at the levels required by laws in effect on January 1, 1990". The decision would be made at the local level, either as the Amendment originally proposed, either with the Counsel or the Selectmen of the municipalities, or the SAD Board.

It is my contention that this is not the proper time for us to be considering this in terms of fiscal savings to school districts and municipalities for this fiscal year, it will not save them a dime. I think we have plenty of time for the Education Committee and the full Legislature to consider legislation which will be coming before the Education Committee shortly, which deals with this issue of waivers and mandates. I hope that I have answered the question of the good Senator from Androscoggin.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Amendment was presented before the Democratic Caucus earlier today, and there was no unanimity with reference to our reaction to it. And as is the proud tradition of the Democratic Caucus, we celebrate our diversity. There will be Democrats who support this, and Democrats who oppose this, but we all know that whatever our position, it is no reflection on the sincerity of the Senator from York, Senator Estes, who presented this to us for our consideration. I guess that we who have been in education, for some of us, namely me, for over a quarter of a century now, understand the frustration of municipal officials, and can identify with their frustration.

But also, House Amendment "F" (H-16) does something that is embraced by the Maine Municipal Associations Legislative Body by a good Majority vote that has never been done before. Since local School Committees, School Boards, or SAD Boards of Directors were constituted, it shifts the responsibility for determining the program of the school Budget, and what is contained in that program, from the local School Board, School Committee, or SAD Board of Directors, to the local Legislative Body, whether it be the Board of Selectmen, your city Council, or your Town Council. That is what I have a problem with, I stand here and freely admit that I understand the frustration of the Municipal Officials as they wrestle with the entire Budget. But I also respect the integrity and dedication of those officials who likewise, are elected, who have had as long as our state has been a state, had the authority to determine how the monies allocated for local schools will be spent.

With that in mind, I need to share with you that I will be voting in support of the attachment of this Amendment, and the person with whom I intend to Pair, will be opposed to that Amendment. You will see that members of this side of the aisles Floor Leaders will be also split on that measure. So in case I haven't telegraphed quite directly enough, as usual, members of the Caucus, do as you wish.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The first portion of this Amendment can be handled through the waiver process that exists already, and through rules made by the Department of Education. And I also attended the Summit on Municipal and Legislative Affairs, and in the group that I moderated, it was apparent that MMA had not done its homework with its own members. Because many of those people in that group were not aware of the appeal process. I think that if we are doing to something to help them, than they had better get their ship in order, and do their work amongst their own municipalities before they come in here and want to throw something in as an Amendment in the Bill that we are debating. I would suggest that we not pass this.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator **ESTES** of York to **ADOPT** Senate Amendment "B" (S-14) to House Amendment "F" (H-16).

A vote of Yes will be in favor of the motion by Senator **ESTES** of York to **ADOPT** Senate Amendment "B" (S-14) to House Amendment "F" (H-16).

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **CLARK** of Cumberland who would have voted **YEA** requested and received Leave of the Senate to pair her vote with Senator **PRAY** of Penobscot who would have voted **NAY**.

Senator **DUTREMBLE** of York, President Pro Tem of the Senate who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **PEARSON** of Penobscot who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BRANNIGAN**, **ESTES**

**NAYS:** Senators **BALDACCI**, **BERUBE**, **BOST**, **BRAWN**, **BUSTIN**, **CAHILL**, **CARPENTER**, **CLEVELAND**, **CONLEY**, **EMERSON**, **ESTY**, **FOSTER**, **GAUVREAU**, **GILL**, **GOULD**, **HOLLOWAY**, **KANY**, **LUDWIG**, **MATTHEWS**, **MCCORMICK**, **MILLS**, **RICH**, **SUMMERS**, **TITCOMB**, **TWITCHELL**, **VOSE**, **WEBSTER**

**ABSENT:** Senators **COLLINS**, **THERIAULT**

**PAIRED:** Senators **CLARK**, **PEARSON**, **PRAY**, **PRESIDENT PRO TEM - DENNIS L. DUTREMBLE**

2 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 4 Senators having paired their votes, and 2 Senators being absent, the motion of Senator **ESTES** of York, to **ADOPT** Senate Amendment "B" (S-14) to House Amendment "F" (H-16), **FAILED**.

On motion by Senator **BALDACCI** of Penobscot, Senate Amendment "C" (S-15) to House Amendment "F" (H-16) **READ**.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to clarify, its the local School Board which determines the program to which the review of the mandates it entertains instead of the local Council or Town Council.

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

Senator **CAHILL:** Thank you Mr. President. I like this Amendment, and I hope you vote for it.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think the same argument goes to this one as goes to the other Amendment, that the process is there for the appeal process already, and only when those that giveth can taketh. It seems to me, if mandates are done by a Legislative Body, the State Legislative Body, that a Local School Board can't decide that they don't want to adopt the mandate. There is an appeal process, and if the municipality feels that they cannot uphold a mandate, than they have a process in which to ask for a waiver.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to the Gentlady from Cumberland, Senator Gill. Could you provide the Senate with any information as to how many waivers have been granted since that provision was in place?

**THE PRESIDENT PRO TEM:** The Senator from Penobscot, Senator Bost, has posed a question through the Chair to anyone who would like to answer. The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator **GILL:** Thank you Mr. President. One of the things that I did at the Municipal Summit was chastise the Maine Municipal Association for not doing its job, and I am doing it again right here, now. Because if they had let their members know that the appeal process was in place, than there would be some appeals and waivers. But there were people who were dumb founded in the group that I was monitoring, who did not know that there was this process even available to them.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Estes.

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Either I am confused, or maybe some of the members of the Senate are confused in terms of what this Amendment does and what the previous Amendment that we just defeated would have done.

Under the original House Amendment, the waiver process is wiped out totally. No waiver process is left back to the localities to make a decision about whether they go along with mandates or not. And so the legislation that we passed the Second Session of the 114th, in which, to my understanding there have been several waivers that have been granted, but not very many applications because a lot of municipalities didn't know about it, and a lot of school districts didn't see the need in this particular school year. So, what we are doing with this current Amendment before us is just simply changing the House Amendment, which means it is up to the local school board if they decide that they do not want to, or cannot live up to one of the state mandates, and they won't. This negates the waiver process that currently is in effect and will be reviewed by the Education Committee in the next couple of weeks.

On motion by Senate **BALDACC**I of Penobscot, Senate Amendment "C" (S-15) to House Amendment "F" (H-16) **ADOPTED** in **NON-CONCURRENCE**.

House Amendment "F" (H-16), as Amended by Senate Amendments "A" (S-11) and "C" (S-15) thereto, **ADOPTED** in **NON-CONCURRENCE**.

The Bill as Amended, **TOMORROW ASSIGNED FOR SECOND READING**.

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**Senate**

**Leave to Withdraw**

The following **Leave to Withdraw** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator **MILLS** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Related to Pool Enclosures within 150 Feet of a Lake or Stream"

S.P. 27 L.D. 37

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**ORDERS OF THE DAY**

The Chair laid before the Senate the Tabled and Specially Tabled and Assigned matter:

**NOMINATION** - of Lai Orenduff of Farmington for appointment as the Chair of the Cultural Affairs Council

Tabled - February 7, 1991, by Senator **CLARK** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 7, 1991, Communication from the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ORDERED PLACED ON FILE**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **CONSIDERATION**.

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Off Record Remarks

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by the President Pro Tem, **ADJOURNED** until Monday, February 11, 1991 at 10:00 in the morning.