

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 22, 1991

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

Bill "An Act to Make Additional Allocations from
the Public Utilities Commission Regulatory Fund for
the Fiscal Year Ending June 30, 1991" (Emergency)
H.P. 484 L.D. 678

Bill "An Act to Increase the Balance in the Maine
Rainy Day Fund" (Emergency)
H.P. 510 L.D. 704

Come from the House referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED
PRINTED.

Which were referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED
PRINTED, in concurrence.

Senate called to Order by the President.

Prayer by The Honorable Georgette B. Berube of
Androscoggin.

SENATOR GEORGETTE B. BERUBE: This morning we
have both a prayer and a wish, and it is a quote taken
from a lovely song. Let there be peace on earth and
let it begin with us. Amen.

Reading of the Journal of Thursday, February 21, 1991.

Bill "An Act to Prohibit Family Exclusion Clauses
in Automobile Insurance Policies"
H.P. 465 L.D. 659

Bill "An Act to Prohibit Discrimination against
Insureds over 65 Years of Age in Automobile Insurance
Rates"
H.P. 497 L.D. 691

Bill "An Act to Provide a Safe Driver's Discount
for Motor Vehicle Insurance"
H.P. 500 L.D. 694

Bill "An Act to Provide Community Rating of
Health Insurance Providers"
H.P. 507 L.D. 701

Bill "An Act to Repeal Antirebate Laws"
H.P. 511 L.D. 705

Bill "An Act Concerning Rental Vehicle Insurance"
H.P. 534 L.D. 762

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 to Clarify the Responsibilities of
School Boards" (Emergency)
H.P. 536 L.D. 764

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning Retirement Benefits for
Individuals Who Transfer Employment"
H.P. 523 L.D. 751

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

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

Off Record Remarks

Bill "An Act to Limit Domestic Waterfowl in Farm
Ponds"
H.P. 467 L.D. 661

Committee on FISHERIES AND WILDLIFE suggested and
ORDERED PRINTED.

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

Committee on **EDUCATION** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Allow Home Buyers to Conduct Inspections for Radon and Other Hazardous Substances"
H.P. 479 L.D. 673

Bill "An Act to Regulate the Construction of Chimneys and Fireplaces"
H.P. 480 L.D. 674

Bill "An Act to Provide an Opportunity for Complainants to be Heard before the Board of Registration in Medicine"
H.P. 503 L.D. 697

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

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

Bill "An Act to Provide Access to School Facilities and Programs for Home-instruction Students"
H.P. 469 L.D. 663

Bill "An Act to Establish an Office of the Ombudsman at each Campus of the University of Maine System"
H.P. 483 L.D. 677

Bill "An Act to Require That School Administrative Units Be Paid the Actual Per Pupil Cost for Students from the Unorganized Territory"
H.P. 491 L.D. 685

Bill "An Act Regarding Recertification of Previously Certified Teachers and Other Educators"
H.P. 532 L.D. 760

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.

Bill "An Act to Provide Funds for the Montpelier Museum in Thomaston"
H.P. 521 L.D. 749

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Require the Department of Environmental Protection to Seek Authority to Administer the Provisions of the Federal Water Pollution Control Act"
H.P. 473 L.D. 667

Bill "An Act to Amend the Law Pertaining to the State's Contribution to Pollution Abatement"
H.P. 499 L.D. 693

Bill "An Act to Require Repair of Septic Systems" (Emergency)
H.P. 504 L.D. 698

Bill "An Act to Promote Plumbing Efficiency"
H.P. 513 L.D. 707

Bill "An Act to Require State Review of Chemical Spill Clean-up Plans"
H.P. 537 L.D. 724

Bill "An Act to Amend the Agricultural Activities Exemption under the Natural Resources Protection Act"
H.P. 519 L.D. 747

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.

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

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Which was, Under suspension of the Rules, **READ TWICE**, without reference to a Committee.

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "A" (S-22) **READ**.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **PEARSON:** Thank you Mr. President. This adds a fiscal note which is necessary for its passage.

On further motion by same Senator, Senate Amendment "A" (S-22) **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, as Amended**, without reference to a Committee in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Set Standards Relating to Importation Permits for Wildlife" H.P. 456 L.D. 647

Bill "An Act to Ensure the Safe Operation of Motorized Boats" H.P. 460 L.D. 651

Bill "An Act Concerning Ice Fishing" H.P. 485 L.D. 679

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.

Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Plan to Provide Appropriate Services for Severely Mentally Ill Persons Who Are Living in Homeless Shelters (Emergency) H.P. 474 L.D. 668

Bill "An Act Regarding Public Exposure to Nonionizing Radiation" H.P. 509 L.D. 703

Resolve, to Establish the Commission to Study Chronic Fatigue and Immune Dysfunction Syndrome (Emergency) H.P. 512 L.D. 706

Bill "An Act Regarding Continuing Education for Administrators of Boarding Homes" H.P. 515 L.D. 743

Bill "An Act to Enable Retail Stores to Bottle and Sell Water on the Premises" H.P. 516 L.D. 744

Bill "An Act to Enhance the Protection of Children Who Have Been Removed from Their Homes" H.P. 528 L.D. 756

Bill "An Act to Prevent Discrimination against Podiatrists" H.P. 529 L.D. 757

Bill "An Act to Appropriate State Funds to Enable the Bureau of Medical Services to Implement Consumer-directed Attendant Services in its State Plan" (Emergency) H.P. 535 L.D. 763

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

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

Bill "An Act Regarding Release of Joint Tort-feasors" H.P. 472 L.D. 666

Bill "An Act to Amend the Maine Human Rights Act Regarding Pregnancy" H.P. 486 L.D. 680

Bill "An Act to Clarify the Standard for Punitive Damages in Negligence Cases" H.P. 493 L.D. 687

Bill "An Act to Amend the Uniform Fraudulent Transfer Act" H.P. 501 L.D. 695

Bill "An Act to Better Protect Adults and Children Giving Testimony of Alleged Abuse or Neglect Who Reside in Care Facilities" H.P. 522 L.D. 750

Bill "An Act to Amend the Confidentiality of Records for the Department of Transportation" H.P. 531 L.D. 759

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

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

Bill "An Act Concerning Liability for Damage to Property as a Result of Shoplifting"
H.P. 466 L.D. 660

Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Recriminalize Intoxication"
H.P. 524 L.D. 752

Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Amend the Laws Concerning Paper Streets"
H.P. 533 L.D. 761

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

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

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

Bill "An Act Concerning Prevailing Wages Established by the Department of Labor"
H.P. 471 L.D. 665

Bill "An Act to Amend the Premium Pay for Sunday Workers"
H.P. 477 L.D. 671

Bill "An Act to Allow Unemployment Compensation Benefits to be Payable to Individuals Who are Forced to Leave Employment to Protect Their Health and Safety"
H.P. 482 L.D. 676

Bill "An Act to Clarify the Definition of Return to Suitable Employment in the Maine Workers' Compensation Act"
H.P. 498 L.D. 692

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.

Bill "An Act to Amend the Prohibition Against the Sale of Liquor on Sundays"
H.P. 458 L.D. 649

Bill "An Act to Expedite and Improve Procedures Relating to Election Materials"
H.P. 461 L.D. 652

Bill "An Act Concerning the Signing of Marriage Certificates"
H.P. 468 L.D. 662

Bill "An Act to Allow Reasonable Inspection of Absentee Ballots"
H.P. 489 L.D. 683

Bill "An Act to Bring Conformity to the Application of Comprehensive Planning Ordinances"
H.P. 506 L.D. 700

Bill "An Act Related to Theft of Services for Rental Property"
H.P. 520 L.D. 748

(See Action Later Today)

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

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

Bill "An Act Concerning the Scallop Dragging Limit"
H.P. 494 L.D. 688

Bill "An Act to Prohibit Dumping of Menhaden"
H.P. 526 L.D. 754

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

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

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

Bill "An Act Related to Theft of Services for Rental Property"
H.P. 520 L.D. 748

On further motion by same Senator, Tabled 1 Legislative Day, pending **REFERENCE**.

Resolve, to Amend the Master Plan for the Capitol Area (Emergency)
H.P. 476 L.D. 670

Bill "An Act to Restructure Boards of Assessment Review"
H.P. 478 L.D. 672

Bill "An Act to Improve the Disbursement of Funds for Municipal Roads"
H.P. 487 L.D. 681

Bill "An Act to Require the State to Participate in Maintenance and Construction Expenses for the Capitol Area"
H.P. 490 L.D. 684

Bill "An Act to Amend the Laws Relating to Rulemaking"
H.P. 505 L.D. 699

Bill "An Act to Increase the Fees for Recordings in the Registry of Deeds"
H.P. 525 L.D. 753

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

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

Bill "An Act Authorizing Counties to Choose Alternative Sources of Revenue"
H.P. 475 L.D. 669

Bill "An Act to Change Eligibility Requirements for the Maine Residents Property Tax Program"
H.P. 488 L.D. 682

Bill "An Act to Award Costs to the Prevailing Party in Property Tax Abatement Cases"
H.P. 495 L.D. 689

Bill "An Act to Require that Insurance Companies Pay Corporate Income Tax"
H.P. 496 L.D. 690

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

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

Bill "An Act to Amend the Maine Endangered and Nongame Wildlife Fund"
H.P. 459 L.D. 650

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

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

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

Bill "An Act to Improve the Administration of Municipal Accounts"
H.P. 518 L.D. 746

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

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

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

Bill "An Act to Amend the Motor Vehicle Title Laws"
H.P. 457 L.D. 648

Bill "An Act Concerning Abandoned Property"
H.P. 462 L.D. 653

Bill "An Act to Increase the Fees for Local
Registration of Motor Vehicles"
H.P. 470 L.D. 664

Bill "An Act Regarding the Relocation of Utility
Facilities as a Result of State Highway Construction"
H.P. 508 L.D. 702

Bill "An Act to Amend the Laws Regarding State
Assistance to Mass Transportation"
H.P. 517 L.D. 745

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.

Bill "An Act to Clarify the Lien Rights of Water
Utilities"
H.P. 464 L.D. 658

Bill "An Act to Limit Compensation of Utility
Executives to Comparable Salaries of State Officials"
H.P. 492 L.D. 686

Bill "An Act to Clarify the Authority of the
Public Utilities Commission to Set Rates of Water
Utilities"
H.P. 502 L.D. 696

Bill "An Act to Amend the Charter of the Bangor
Water District"
H.P. 527 L.D. 755

Bill "An Act to Require Certain Proposed
Cogenerators to Obtain Review by and Approval of the
Public Utilities Commission" (Emergency)
H.P. 530 L.D. 758

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 Public Law
JOINT STANDING COMMITTEE ON AUDIT AND PROGRAM REVIEW

The **JOINT STANDING 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 Authorize a General Fund Bond Issue in the Amount of \$10,045,000 for the Maine Technical College System"
H.P. 481 L.D. 675

Be referred to the 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

COMMUNICATIONS

The Following Communication: H.P. 463

**STATE OF MAINE
OFFICE OF
SECRETARY OF STATE
AUGUSTA, MAINE 04333**

February 15, 1991

To the Honorable 115th Legislature of the
State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary O'Brien

I have the honor to transmit herewith an initiated bill entitled "An ACT to enact the Passenger Rail Service Act," and the results of the examination by this office of the initiative relative to it.

The minimum number of valid signatures required to initiate this legislation is 52,308. These petitions were filed in this office on January 24, 1991 which met the requirement of the Maine Constitution. After extensive review we have determined the number of valid signatures is 54,118.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirement of the minimum of 52,308 valid signatures. Since these petitions have previously satisfied the constitutional requirements in all respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called.

Respectfully,

S/G. William Diamond
Secretary of State

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

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

The Accompanying Bill "An Act to Enact the Passenger Rail Service Act" I.B. 2 L.D. 720

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

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

The Following Communication: H.P. 514

STATE OF MAINE
OFFICE OF
SECRETARY OF STATE
AUGUSTA, MAINE 04333

February 15, 1991

To the Honorable 115th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary O'Brien

I have the honor to transmit herewith an initiated bill entitled "An Act to Deauthorize the Widening of the Maine Turnpike and to Create a Sensible Transportation Policy," and the results of the examination by this office of the initiative relative to it.

The minimum number of valid signatures required to initiate this legislation is 52,308. These petitions were filed in this office on January 22, 1991 which met the requirement of the Maine Constitution. After extensive review we have determined the number of valid signatures is 73,552.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirement of the minimum of 52,308 valid signatures. Since these petitions have previously satisfied the constitutional requirements in all respects, under the provisions of Article IV,

Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called.

Respectfully,

S/G. William Diamond

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

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

The Accompanying Bill "An Act to Deauthorize the Widening of the Maine Turnpike and to Create a Sensible Transportation Policy" I.B. 1 L.D. 719

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

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

The Following Communication:

115TH MAINE LEGISLATURE

February 20, 1991

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

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under 24 M.R.S.A., Section 2325-B, we have today reappointed Rep. Phyllis R. Erwin, of Rumford, and appointed Rep. Stephen P. Simonds, of Cape Elizabeth, to the Mandated Benefits Advisory Commission.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

The Following Communication:

DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

Sent down for concurrence.

February 22, 1991

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

The Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

Pursuant to Title 12 MRSA, sub-§ 8612, I have submitted to the Joint Standing Committee on Energy and Natural Resources a report on "Activities Under the Field Forester Program." I send you the enclosed copy for your information.

Additional copies of the report are available from the Forest Management Division of the Maine Forest Service.

Sincerely,

S/C. Edwin Meadows, Jr.
Commissioner

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

Bill "An Act to Provide Coverage for Chiropractic Services under Health Maintenance Organization Plans" S.P. 289 L.D. 771

Presented by President **PRAY** of Penobscot
Cosponsored by Speaker **MARTIN** of Eagle Lake,
Senator **WEBSTER** of Franklin and Representative **GARLAND** of Bangor

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

Sent down for concurrence.

Bill "An Act to Provide Funding for Volunteer Literacy Services for Maine Citizens" S.P. 291 L.D. 773

Presented by Senator **CLARK** of Cumberland
Cosponsored by Senator **PEARSON** of Penobscot,
Senator **ESTES** of York and Senator **FOSTER** of Hancock

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

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System"

S.P. 283 L.D. 765

Presented by Senator **CLARK** of Cumberland
Cosponsored by Representative **JALBERT** of Lisbon,
Representative **HEINO** of Boothbay and
Representative **STEVENS** of Sabattus

Resolve, to Create the Commission to Study a Long-term Disability Program for the Maine State Retirement System Members (Emergency)

S.P. 288 L.D. 770

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Senator **MCCORMICK** of Kennebec,
Representative **JALBERT** of Lisbon and Senator **CLARK** of Cumberland

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

Resolve, to Rename Pickle Island to Woodie Wheaton Island

S.P. 284 L.D. 766

Presented by Senator **LUDWIG** of Aroostook
Cosponsored by Representative **BAILEY** of Township 27

Bill "An Act to Clarify the Voting Requirements for a Board Containing 3 or More Members"

S.P. 285 L.D. 767

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Representative **KETTERER** of Madison and Representative **PARADIS** of Augusta

Bill "An Act Relating to the Knox County Budget Process" (Emergency)

S.P. 290 L.D. 772

Presented by Senator **BRAWN** of Knox
Cosponsored by Representative **SAVAGE** of Union

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

Sent down for concurrence.

Bill "An Act to Provide that Income Data for Maine State Retirement System Retirees be Made Available to the Maine State Retirement System"
S.P. 286 L.D. 768

Presented by Senator **BERUBE** of Androscoggin

Bill "An Act to Require a Current Tax Map Reference on a Declaration of Value"
S.P. 287 L.D. 769

Presented by Senator **LUDWIG** of Aroostook
Cosponsored by Representative **JALBERT** of Lisbon and Representative **TUPPER** of Orrington

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

Sent down for concurrence.

Resolve, to Establish the Commission on Electric Utilities and Long-range Energy Production Planning (Emergency)
S.P. 292 L.D. 774

Presented by President **PRAY** of Penobscot
Cosponsored by Representative **LORD** of Waterboro

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

The following **Ought Not to Pass** Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **MARINE RESOURCES** Bill "An Act to Prohibit the Sales and Service of Propeller Spurs"
H.P. 87 L.D. 122

From the Committee on **TAXATION** Bill "An Act Concerning Reimbursement to Municipalities for Property Taxes Lost Due to the Classification of Property in Farmland and Open Space Programs" (Emergency)
H.P. 111 L.D. 154

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

Senate

Leave to Withdraw

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

Reported by Senator **BOST** for the Committee on **TAXATION** RESOLUTION, Proposing an Amendment to the Constitution of Maine to Define "Just Value"
S.P. 54 L.D. 84

Reported by Senator **BOST** for the Committee on **TAXATION** Bill "An Act to Provide Incentives for Senior Citizens to Remain Residents of Maine"
S.P. 100 L.D. 185

Reported by Senator **BOST** for the Committee on **TAXATION** Bill "An Act to Provide an Income Tax Exclusion for Income Earned by Service in the Maine National Guard"
S.P. 109 L.D. 206

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

ORDERS

Joint Resolution

On motion by Senator **BUSTIN** of Kennebec (Cosponsored by: Senator **MILLS** of Oxford, Senator **WEBSTER** of Franklin, Representative **POWERS** of Coplin Plantation) the following Joint Resolution:
S.P. 300

JOINT RESOLUTION RECOGNIZING THE ESTABLISHMENT OF CHILDREN'S CASTLE

WHEREAS, abuse and neglect of children in Maine has reached epidemic levels; and

WHEREAS, private sector entities, in partnership with state agencies, can play ever more vital and effective roles in solving the needs of these beleaguered children; and

WHEREAS, among the new private sector initiatives is Children's Castle, to be located in the towns of Phillips and Avon, which is planned to be a sheltering village for abused, neglected, abandoned and homeless Maine boys and girls; now, therefore, be it

RESOLVED: That, We the Members of the One Hundred and Fifteenth Legislature, now assembled in the First Regular Session, welcome the emergence of this new resource for abused and neglected children; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the founders of Children's Village as a token of our esteem.

Which was **READ** and **ADOPTED**.

Sent down for concurrence.

ORDERS OF THE DAY

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Allow Relicensing of an Existing Biomedical Waste Facility" (Emergency)

S.P. 15 L.D. 3
(S "A" S-2)

Tabled - December 5, 1990, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

In Senate, December 5, 1990, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-2)**, without reference to a Committee.

In House, December 5, 1990, referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** and **CONCURRED**.

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table the following:

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
(S "A" S-8; S "B" S-9; S "C" S-10 to H "D" H-14 & S "A" S-11; S "C" S-15 to H "F" H-16 & H "A" H-11 & H "B" H-12 & H "C" H-13)

Tabled - February 11, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**

(In Senate, February 11, 1991, **READ A SECOND TIME**.)

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "I" (S-21) **READ**.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. After a long and tedious talk in negotiations, some of which I was not available for because I was away, I have offered on behalf of my caucus Senate Amendment "I" (S-21), which is designed to cover the Amendments that have been previously offered on the Bill in one larger Amendment. This is an Amendment that combines all of those other Amendments that were passed in this Chamber on February 8th.

The Amendment also includes an additional three point eight million dollars in Budget cuts and surplus reductions that were identified in the last two weeks of our negotiations. These cuts which occurred in the Legislative Branch, Judiciary, Corrections, Human Services, the Executive Department and the Treasury Department, are all reflective of different conditions that have occurred since L.D. 274 was reported out of the Appropriations Committee. Since the Majority Report had already produced a balanced Budget, all of these additional cuts allocated in this Amendment go to the Rainy Day Fund. Altogether, more than ten million dollars will be available in the Rainy Day Fund to cover whatever new emergencies arise during this Fiscal Year. I would not be surprised if we might have another Supplemental Budget before the end of the year given the ongoing "down hill" conditions of the economy.

The Amendment also sets up a mechanism to bring the costs of the Maine Health Care Program under control. A guarantee that it will not cost more than the amount raised in special taxes that were created

with the Program two years ago. Senator Gauvreau, Senator Dutremble, and many more people in here contributed ideas and Amendments that lead to the approach taken in this particular Amendment. It calls for a task force with the authority to demand hard data from the Department of Human Services to set up an Amendment to report back to the Legislature that we will have to vote on, a two-thirds vote, that will place strict cost controls on the Maine Health Care Program. The rules would insure that no one presently enrolled would be thrown off the Program. The Amendment also restores enabling legislation language and funding for the Maine Commission for Women. It includes Labor as one of the groups represented on the Commission. And if there are any other questions on that, others can speak to it. It returns to the driver of the DEEP Program, the Driver Evaluation Education Program, to the Department of Motor Vehicles. It repeals the Office of Alcohol and Drug Abuse Prevention at DHS, which duplicates the Office of Substance Abuse in the Executive Department. It eliminates former positions in the Weatherization Program, instead of transferring them along with the Program from the Division of Community Services to the Maine State Housing Authority. The Maine State Housing Authority can administer the Weatherization without the extra positions. It requires the University of Maine bonding for the Lewiston-Auburn Campus Building to be reviewed by the Appropriations Committee. It restores three seasonal positions in Harness Racing. It makes School Boards, rather than the Municipal Legislatures the appropriate local body to have the authority to delay or eliminate education mandates during the fiscal crisis. It eliminates the Office of Volunteer Services. And finally, it eliminates the need for additional Supplemental Tax Bills for residents of the Unorganized Territories.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today to ask you to reject Senate Amendment "I", and I am not happy to ask you to reject that, because I really felt at some point and time over the last couple weeks that our group established here in the Senate would get together with compromised language so that we could all stand up today and tell you how proud we were to be a member of the Maine Senate. I know that we are still proud to be in the Maine Senate, but this message is not an easy one for me to deliver today.

I had written so many prepared remarks for today. It is sort of interesting, because I write my prepared remarks, as I am sure that many of you do, as you commute to and from the Maine Legislature. So about six days in a row I really didn't know how I got from Woolwich, Maine, to Augusta, because I was writing a speech. I decided to throw them all away and I am just going to "wing it".

As a person I know I have a lot of faults. I am sure that we all do, and we will all recognize or admit to most of those faults. One of the faults that I have, and some members of the Republican Caucus remind me about this fault occasionally, is that I am an optimist. I am an optimist, and if there is any reason, big or little, any reason at all to hang in there, I will hang in there. And we did,

our negotiation group did hang in there. We worked days, and nights, and weekends. I am not looking for a Medal of Honor, but we did hang in there. I think our group worked respectfully of one another, regardless of political differences, regardless of geographical differences, I think we worked as ladies and gentlemen at all times, and I appreciate that. I think that for that reason I am proud to be a member of the Maine Senate.

We began our negotiations by being truly miles and miles apart, and though it has taken a lot of days of blood, sweat, and tears, we have narrowed that margin considerably. Now, some of you might ask how, but I feel we have narrowed that margin considerably. Each member has given way to a lot of compromising, and I think the ultimate intent of each of us was to come up with some kind of package that not any of us loved, not one single person loved, but each of us could live with, that was our ultimate goal.

I would like to talk for a minute about the Maine Health Care Plan, because that was one of the areas that has been talked about a lot in the press, and in these hallowed halls as being a sticking point, as the good Senator from Hancock, Senator Foster, says, "One of the sticky wickets". Now, the good Senator from Hancock, Senator Foster and I, along with numerous other members in the Republican Caucus, do not favor eliminating the Maine Health Care Plan. We support the concept, many of us voted for the Bill when it originated here in the Legislature, we supported it, and it is our hope that eventually it will continue. I think I can say for the members of our caucus that, although we hope that this Program continues, it does need some drastic modifications. We have recommended some of those modifications as we have been negotiating. The Minority side has recommended that we stop enrolling adults in this Health Care Plan on the date that the Bill is passed and signed by the Governor. We have recommended to keep all the children on this Health Care Plan. We have recommended that we pay all existing bills, anything that has been contracted to be paid by the Maine Health Care Plan, remain paid. We have agreed to spend up to five point four million dollars additionally, and that did become a "sticky wicket". That is one of the areas that we disagreed. The Majority Party would prefer to spend seven point one million dollars. We all agreed, I think, that a Commission be established to look at the Maine Health Care Plan, to look at containing the Health Care Plan to the existing revenues to the next Biennium, and to look at areas eligibility standards, and that sort of thing, so that this Maine Health Care Plan will not become an albatross around the citizens of the State of Maine who actually pay the bill of the Maine Health Care Plan.

Now it seems to me that a partial loaf is better than no loaf, and I am sure you have all heard that a court action today has left the State of Maine with no loaf. The Maine Health Care Plan will not exist apparently, after today, after that court ruling. I think that is unfortunate, because we all agreed that at least the children should stay on this Health Care Plan. Because of that court ruling, no one is on that Health Care Plan. I think that is terribly unfortunate.

We are being asked to vote for an Amendment today, which I have had about an hour to look over, as I know all of you have had. And frankly, one of the members of the Press says that I use this word too much. But frankly, I am encouraged by this Amendment because I think it does go a long way from where we were two weeks ago, and I am encouraged by that, but not encouraged enough, unfortunately, to vote for it. The Amendment eliminates the Office of Volunteers, and I find that unacceptable. I am going to go slow through this, I have got it together with paper clips, I do apologize, but I think it is important. The Amendment moves that the DEEP Program be removed from Human Services, we don't agree with that and I think that is unfortunate as well. The Amendment does make a lot of technical changes that we probably all agree on. I am encouraged that the Amendment does reinstate the Maine Commission on Women, and I thank my good colleague, the Majority Leader, Senator Clark from Cumberland, for being the spearhead to do that. I think that is encouraging. The Amendment goes further than we can support with the Department of Economic and Community Development in the State Planning Office. It does some restructuring in those particular offices that cannot be agreed on in our negotiations. It does go part of the way toward taking out a lot of restructuring language. We wish that it had gone just a little bit further and taken out that language as well. There are some revenue sources in this Amendment that we discussed last night for the first time. Some of those we agreed on, others we did not. It may seem to you that there are very few differences that separate us, and frankly, a number of differences have been very few. There has been willingness on both sides to work through those differences. I think it is unfortunate that we have not been able to do that. I was hoping that we might go one step further. One of the parts of the original legislation was to appropriate money through the General Purpose Aid, by moving General Purpose Aid ahead, and getting the forty-four million dollars to fund the Budget package. We were close a lot of times to eliminating that. My Party does not agree with that concept of using General Purpose Aid money to do that. I think that is unfortunate. I am encouraged to see in this Amendment all of the mandate language has been retained. Most of this mandate language comes from the Minority Report, along with an Amendment offered by the good Senator from Penobscot, Senator Baldacci, we support that part of it. So I guess what I am telling you ladies and gentlemen, is apart from some language that we find unacceptable, some money issues that we don't feel are possible, taking a million and a half dollars out of the salary plan, we don't believe that there is money there to do that, and that sort of thing, we still are very, very close.

I recognize each and every one of your frustrations, particularly the rank and file members, with the way you feel you have been treated. I can tell you that our members on the Republican side feel exactly the same way. They feel that they have been left in the dark an awful lot by the leadership, and the people that have been negotiating for them. Those of us that have been doing the negotiations feel kind of torn because a lot of the things that we do in negotiations, the negotiating team views as confidential, and would be breaking the trust on the other side of the aisle if we went out and told you everything that we were trying to do. So I do

recognize your frustration, and I hope in return you recognize our frustration being put in that kind of a situation.

I have asked the good Senate President not to run this Amendment today. We feel that we have maybe got one last shot, and I know that a lot of you say there is not one shot, you have been waiting around here too darn long, and you need to have this legislation run today. I feel there is one last shot. I feel that, and I am the optimist, I told you that in the beginning of my remarks, if there is any reason to hang in there, this kid is going to hang in there. I think there are others who are willing to go through the weekend if necessary, nights, whatever it takes to get some kind of a resolution to this problem that we are in. I think it is an unprecedented problem. A problem that I haven't seen, and I have been here eleven years, and I haven't seen a problem quite like this. I would like to send a message to the good Senator from Penobscot, Senator Pearson. My message is, "Don't ever let that Budget Bill out divided again, Michael, that is a warning! Don't do this to us ever again!"

THE PRESIDENT: If the Senator refers to another Senator, she will refer to them by their title and the county of which they are from.

Senator **CAHILL:** Thank you for reminding me of that. I will not do it again, Mr. President. But anyway, I have talked longer probably than I have ever talked before, and I wish you could hang in there. Thank you.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. There are a number of eternal optimists in this Maine Senate, and I would wish to extend our formal and sincere appreciation to the presiding Officer for pausing in this Budget process and providing an opportunity, and a forum, and the support consistently, for the process of negotiations between the positions as so well articulated by my colleague, the good Senator from Sagadahoc, Senator Cahill. We did, indeed, hang in there. We have tried very hard to reach a resolution that is acceptable to all of us. I am proud to have been part of that process, and most appreciative of the support, and patience, and understanding of the rank and file members, all of the colleagues with whom we serve here in the Maine Senate. We did, indeed, hang in there, and it is unfortunate that at this day, and at this time, that we recognize that we were not successful. In fact, much to our surprise, despite our eternal optimism and efforts, we failed. That is not to say that there are not other opportunities before us. And we believe, I believe collectively, we should focus our energies and our support, and welcome this support and constructive contribution and participation by our Governor in this process as it moves to yet another level. But I would echo the words of the Senator from Hancock, Senator Foster, who so eloquently and so sincerely last night, left me with the words and the experience that I had actually acknowledged, but hadn't recognized to the extend that she had, and that is to say as I paraphrase, "Isn't it wonderful, that while we are sequestered away in this negotiation process,

trying to reach a resolution, that the regular work and the duty of the Maine Senate continues. That the Committees hold Public Hearings, the Committees work and dialogue occurs. People take votes and recommendations from those Committees, make their way to the Maine Senate and through the legislative process." For while this Budget issue, Supplemental Budget issue, is before us in its present form, our colleagues continue to carry the burden of their elected responsibilities, and our duties are carried forth. It is with pride and more appreciation that I am able to express, that we recognize our dependency on you to carry that load as we, as I mentioned earlier, are sequestered for nearly two weeks now. But in fact, the problem before us is with precedent, and that precedent occurred in the Second Regular Session of the 114th Maine Legislature, when that Legislature, and that Appropriations Committee, reported out a unified Bill that contained cuts that, in fact, exceeded in the aggregate those which are contained in the original L.D. 108. We hope that which has occurred in this First Regular Session of the 115th, relative to the need for a Supplemental measure, for this state is experiencing dramatic shortfalls in anticipated and actual revenue. And that this Divided Report, as addressed by the Senator from Sagadahoc, Senator Cahill, is not repeated as that same Committee moves forward and addresses the Biennial Budget with its approximate anticipated one billion dollar cut.

Suffice it to say, that there is a time for action and a time for negotiation, a time for compromise and a time for realization. As a member of the media has so eloquently said, "We've drawn the line in the snow and daily it is melted away". The day is here. The time for realization and action is here. I urge the members of this Body to accept the Amendment as offered by the Senator from Penobscot, Senator Pearson, and let's get on with our work. We have a large job yet to do! Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to say that I am somewhat concerned by the remarks of the Senator from Sagadahoc, Senator Cahill. She kept mentioning the words, "hang together, hang in there", hanging worries me in this particular context. I hope people will be kind. People have been saying some bad things about some of us, not that bad, however, I hope.

Regarding the Maine Health Plan, which has been a major sticking point, I would just like to make a couple of comments. One is, that the group that is going to be taking a look at that, it is not a group that is going to be taking a look at that. That task force is going to act. It is an action group that is immediately upon passage of this Bill, going to be appointed, constituted, and in gear, moving very rapidly with some very tight time lines, and with information, hopefully, by then available to it that has not been available to the Appropriations Committee and other people to make the decisions necessary to bring that Program into compliance with the amount of money that it has and is necessary. Let's be very, very aware of that. It is going to be an action group.

And I would like to suggest another action. As you know, as I think everyone knows, these negotiations as this Bill is ongoing, these negotiations are ongoing with players at the highest level. As a member of Appropriations Committee, financial orders go across my desk weekly, the desk of all people on Appropriations asking for their approval. Some of them emergencies that will happen immediately. Others in thirty days. The Governor and his people moving money where necessary. I would think it would be today, this Friday, an act of good will as these negotiations continue, this weekend and next week, for the Administration to put out a financial order to move monies into the Health Plan, so that there will be no children left off. There will be no adults left off for the next few days. We know the children will be funded very shortly by Federal Funds, and we know that we are all committed to a large amount of funding, whether it is five point four, or seven point one.

So I think it would be a good gesture, good government, and a very important part of negotiations that the financial order be done today, and I for one would be one of the members of the Appropriations Committee that would approve that immediately. Thank you very much Mr. President.

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Indeed, when I left here last night, I said to the good Senator from Cumberland, Senator Clark, "It had been a pleasure to attend Hearings yesterday afternoon when we were all working. It is great to go to a Hearing and hear about cranberries and blueberries. It is wonderful to see the process work."

As I drove home I thought to myself, one of the things that really bother you, Ruth, this country of ours is at a war. We are at war, and you know we can't get a Joint Resolution out. It bothers me. Ladies and Gentlemen of the Senate, we are in a recession. We have run out of money and we can't get a Budget Bill out. That bothers me. What do you do? You can sit here from nine in the morning until three the next morning. You look for a way out.

Yesterday morning, I arrived wearing the strongest colors I could, and feeling the best I have felt in sixty days, because we were that close to having an agreement, only to find we couldn't sell it. I had sold it to my caucus. We looked at three tenths of one percent across the board, and it took me a while to try to sell that. I look at the Maine Health Care Program, we offered five point four million dollars. We need language, ladies and gentlemen of the Senate to keep this Program under control. I wonder how many of you know the benefit levels of the Maine Health Care Program? We must, we owe the people of Maine, we owe them the fact that it should keep going. We have to keep it under control. And if I sound frustrated, I am. Because if it is not now, when? If it is not here, where? Thank you very much.

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

Senator **PEARSON**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have always enjoyed working with the good Senator from Hancock, Senator Foster, and have come to enjoy working with the Senator from Sagadahoc, Senator Cahill, although, it has been all too brief.

I must say that I need to make sure that you are not left with an incorrect impression. Senator Foster from Hancock has indicated that we need some language to control the growth of the Maine Health Care Program. I want you to understand that we have language, offered language, we're willing to adopt language to control the growth of the Maine Health Care Program. That's it. Bottom line. I don't want you to have any other kind of impression.

And I also want you to understand that there is nobody in here that is anymore frustrated than the people on my side of the aisle on Appropriations and in leadership with the Budget not being completed by now. We are utterly, totally frustrated by the fact that since the twenty-sixth of December, that this has been an ongoing process forever and ever it seems. I cannot tell you why we are not through. I do not understand why we are not through. But I would like to offer you at least this thought. If you were under the impression that the reason we were not through was because the Democrats in the negotiations were the cause of it, you are mistaken. Nor would I say that the Republicans were the cause of it, either. I cannot figure out why we are not through. Hopefully, in the next several days, we will be able to conclude it.

I also want to say, that the Senator from Sagadahoc, Senator Cahill, when we concluded our meeting last night, was as gracious as anybody I have ever seen at the conclusion of a meeting in which we could not end. I think that was important for the discussions that are yet to take place. Please understand though, that if this is not completed now, we do not feel it is our fault.

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

Senator **KANY**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to point out to the Gentlelady from Hancock, Senator Foster, for whom I have a great deal of respect, I would like you to know, that the Senate voted unanimously, twice, for resolutions about the War, and I believe that is very positive, and I would beg you, the Gentlelady from Hancock County, and other members of the Senate to again vote unanimously.

And I believe that the time to vote for the Budget is now, in fact, the time to vote for the Budget is past. I urge us to vote now, and Mr. President, when the vote is taken I ask that it be taken by the Yeas and Nays.

Senator **KANY** of Kennebec requested a Roll Call.

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

Senator **GAUVREAU**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Let me begin my remarks, if I might, with accolades to my colleagues who have been directly in these tedious and laborious negotiations over the past two months, my encomiums also for the work for which you have done. I think that all of us in this Chamber truly admire and respect the long hours that have been devoted toward this process, which although it is not yielded immediate successful results, I believe will, ultimately.

The process which we are undergoing, I think, is unique in our political life times. The short term problems has been well discussed in this Chamber before, and caused problems which are truly illusive. We are being asked in a period of a few months to close a Budget deficit of a hundred and seventy million dollars. I think that there are some people in the state, some spectators, editorial writers, who believe that the Legislature, with crystal clarity, craft a consensus vehicle which will goner support from all those in this Chamber and elsewhere in the State House, as well as the groups who will be affected by our Budget. Would it be nice if life were so simple, it is not. I think that in large part brings about the sense of frustration that the Senate Chair of the Joint Standing Committee on Appropriations, the Senator from Penobscot, Senator Pearson, made reference to when he posited the question, why cannot we agree? Certainly the Republicans, certainly the Democrats on the Committee and in the Chamber have in good faith attempted to close ranks and develop a consensus position regarding the Emergency Budget.

If the truth be known, I liken in our fiscal problems to an earthquake. We have thus far, I think, in the last two months experienced a series of tremors. We know that beneath the surface tremendous physical forces are at work in direct opposition to each other. One might refer to them as the forces for more government, and the forces for less government, sort of "taste great and less filling". We have occasionally experienced and seen some hot air, which is a prelude to the earthquake that will eventually come. We know that when the earthquake does erupt, it will forever change the Maine landscape in terms of state government. We know that it will result in a significant restructuring of state government. That in large part, I believe, is why we have had such difficulty in reaching ready consensus on this Emergency Budget, because it, in fact, is not simply another Emergency Budget, it is really a precursor to a revision of the nature of Maine government and the services which you can provide to our people.

I believe that the legislators involved in both Parties have made reasonable, in fact, extraordinary efforts to reach consensus. To some extent I think their task has been made difficult because of the authority which the Minority members have been granted from the Chief Executive. I liken to a Trial Attorney, deciding whether or not to go to trial, and trying to deal with a client, trying to get firm authority, we can negotiate with the adversary and hopefully come to a settlement without necessity of a trial. But the trial counsel, no matter how hard she or he might try to reach consensus, will be frustrated unless the trial counsel has clear and consistent authority so that

the parties can come to a settlement of their differences. We don't have that in this situation, and I think that as long as that authority is absent, we will have some very real problems in reaching consensus. That, I think, is not the problem of any members in the negotiating team as far as the Legislature is concerned.

I would like to touch base just briefly upon some of the points of which were raised in the remarks from the good Senator from Sagadahoc, Senator Cahill. She made reference to the concerns as far as the present benefit configuration in the Maine Health Plan. We have heard many complaints from the Minority members and others as to the benefit designed for adults, but as was mentioned by the Senator from Cumberland, Senator Brannigan, and the Senator from Penobscot, Senator Pearson, we have language in the proffered Senate Amendment, which would in fact, set up a Task Force that will immediately review and report back to the Appropriations Committee, specific changes before the end of this calendar year as far as the level of benefits for the adult population being served by the Maine Health Plan. It seems to me, that is a responsible and a reasonable approach to the problems that have thus far eluded a prompt resolution.

Let me remind my colleagues in this Chamber, that even in the fortnight as we have been debating the Emergency Budget, we have seen again events in our state which underscore the necessity of having a strong subsidized program of health care for Maine citizens. Just last week Blue Cross/Blue Shield had a rate filing requesting in the non-group membership a fifty-two percent rate increase! Now a significant component of that rate increase is the level of uninsured or under insured Maine individuals. So when we talk about the cost which will be visited upon the Maine taxpayers, the consequence of the Maine Health Plan, let us not, let us not delude ourselves. Someone is going to pay the bill! It will obviously be the taxpayer, and hopefully, we will have the political courage to style progressive means of taxation so that we fairly ask Maine citizens to finance government. Because if we fail in that endeavor, there will be a flat tax. A flat tax imposed upon all consumers of health care. They will simply have to pay higher health premiums, and we know all too well, given the median income of Maine citizens, and we know all too well, given the difficulty Maine businesses are having competing in the world market, that if health care costs rise rapidly, many people, thousands of people, will end up underinsured or uninsured. That will simply exasperate the spiral that we have seen year in and year out, which is driving up in significant part the cost of health care in our society. So let us not delude ourselves, and say that if somehow we can affect some savings in the Maine Health Program, that will reduce the overall bottom line cost to Maine citizens. It will not! My concern is that, in fact, it will exact a disproportionate measure on those amongst us who are least able to absorb that cost. That I think is a critical aspect which one must appreciate, understand and appreciate, before one passes judgment on the efficacy of the Maine Health Plan, no matter what its configuration will be.

There are other aspects of the Amendment I think that all of us in the Chamber will support wholeheartedly. I make reference here to the

inclusion of language which would reconfigure the Maine Commission on Women. I, like many of my colleagues in this Chamber, did have concerns when its abolition was being proposed. On the other hand, my service on the Joint Standing Committee on Human Resources for the past five years, taught me that we should, in fact, legislatively restructure the Maine Commission on Women, and make sure that it does represent the interests of the entirety of women in the State of Maine. I can recall as though it was yesterday, my first Confirmation Hearing on the Joint Standing Committee on Human Resources after I was named Senate Chair. We were reviewing a nominee for a position in Administration, and I, in the course of my comments, questioned the nominee's views of the feminization of poverty. And to my consternation and crudity, I learned that the individual who was nominated was not familiar with the term the feminization of poverty. It struck me that there was a good deal of communication that had to go on so that I could effectively communicate my concerns as far as state government addressing the needs of low income working women. I understand that was really at the nub of the problem dealing with the prolongation of the life of the Maine Commission for Women. I understand that in Senate Amendment "I", being offered from the good Senator from Penobscot, Senator Pearson, would in fact, reconfigure the Maine Commission of Women, which would make it in my view, a truly representative Body of the entirety of Maine's women and girls. I think it is a very positive achievement, and I congratulate all of those who worked in developing this language so that the Commission will, in fact, hopefully, continue to serve Maine women and children.

Those are basically my remarks. I would just conclude that stating again, that I believe that every member in this Chamber, in fact, every member in this State House, is truly frustrated with the delay in reaching consensus and reaching agreement on the Emergency Budget. I recognize that we may or may not secure the threshold number of votes to pass this Emergency Budget in the Chamber, today. But the process will not end. It will go on, this measure will go on to the other Body, there will still be discussion, as I understand, at the highest level. I think it is the unanimous feeling among all legislators that we must, and that we will, secure bipartisan consensus. But the message has to go forth today that the process has to have finality. Yes, there is a time for peace, there is a time for discussion, there is a time for negotiation, but government has to go on. We have to live our lives, we have to serve the Maine people, and the Senate, I think, has discharged its duties responsibly. At this point, we have to bring this matter to a conclusion, so that we will create the environment where ultimately all Parties to this discussion will realize the necessity of compromise, and hopefully, we will secure our goal for a unified Budget. Thank you Mr. President.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. We have heard some discussion about some of the things that make up this Budget Bill, and I would like to perhaps pursue a different track for a moment.

I am concerned about the revenue side of the picture, and I would like to pose a few questions, if I might. The first one being, rather or not the funding mechanism is still the avoidance of payment for public aid to education in the month of June, deferring that to July? If it is, when does the additional payment that will be missing be placed in the hands of the communities? Or will it ever?

Secondly, I note that in the statement of fact, the Amendment that has just been placed upon it, says, "Provides an alternative method of funding state services that are provided to unorganized territories". And frankly, I tried to find that in Part "H", and it may be there, but I am unable to identify what that change might be. At the present time, of course, unorganized territory is funded by a state property tax that I think is in the neighborhood of twenty-six or twenty-seven million. I am curious to know whether something different is now in place. I would appreciate some response to both of these thoughts. Thank you Mr. President.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. Sometime ago before I had to go away for a while, the Commissioner of Education, Commissioner Bither, changed the date that General Purpose Aid to Education was going to be paid to the local communities, by what I recall, ten days in each month. That was a delay. I heard nothing from anybody about that change. I heard nothing from anybody about the inconvenience that that might cause to the school systems. I did hear though, that it would save the state a million dollars from the Administration and its representatives, and that was a laudable and commendable thing to do.

Now, when we want to save the state forty-four million dollars by moving it a few more days, all of a sudden its a question! I don't understand that! I do not understand why the Senator from Aroostook, Senator Collins, now has a concern when he didn't have one before. It escapes my ability to understand. And speaking of funding mechanisms, which was the topic brought up by the Senator from Aroostook, Senator Collins, we have an agreement that with regards to this Bill, we would come up with eight and a half million dollars worth of cuts. And we have been working at it, and the Administration would come up with eight and a half million dollars worth of revenues. What are those revenues, Senator Collins? We have never been told. We would like to know.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am very willing to suggest that all kinds of ingenious types of accounting has gone on, as I indicated a couple of weeks ago, with respect to making revenues appear in the appropriate places. I am aware of the change of several days in the payment that the good Senator from Penobscot, Senator Pearson, refers. However, it seems to me there are some differences here. One change was perhaps worth a million dollars, this

change is in the neighborhood of forty-three million dollars. And this change goes from one year to another year. Part of my question was, do the communities ever catch up? Do they ever get that other forty million dollars? As I recall this is nothing new on my part. I have been rather suspicious of "funny money" regardless of where it came from, or who suggested it, during the course of all this negotiation. But it seems to me there is a tremendous difference in the amount of money, and in changing from one year to another, and not providing a time for the repayment to the communities for that amount of money. It seems to me that those communities are going to have to do a lot of ingenious accounting on their part, or perhaps changing their fiscal years in order to accommodate the new situation. Obviously, they are going to carry accounts payable unpaid. They are going to have problems with financing their local school operations. It seems to me that this is a serious situation for public education, and I would suggest that it is worthy of reconsidering.

With respect to the eight and a half million dollars suggested revenue that the good Senator referred to that had not been identified, I am equally unable to identify that, and I have not been a part of the Budget negotiations, so I do not have access to that type of information.

The second part of my question had to do with, as you may recall, the alternative method that it refers to for funding services in the unorganized territories. I ask that question just because I don't know, and I would like to be enlightened. Thank you Mr. President.

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

Senator BRANNIGAN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am certainly disappointed that the Senator from Aroostook, Senator Collins, was not able to answer the question of the good Senator from Penobscot, Senator Pearson, regarding revenues. I am sorry he has been left out, a lot of people feel left out. Page Four, line twenty I believe, answers your question as to where it is located, the unorganized territories. Being very expert on the unorganized territories living nearby, I would like to say that it is my understanding that this was a surplus in some of the accounts in the unorganized territories. It was going to be a secondary supplemental tax on the people there. We averted that tax by allowing transfer of funds from the surpluses. I certainly feel just warm all over having done that.

Now, to get to this other question. I truly find it difficult to believe that the good Senator from Aroostook, Senator Collins, does not understand that there is not going to be any crisis in public education, because after his Commissioner pushed for ten days, we pushed one more day. Granted, it goes into the next fiscal year. Granted that that push will continue, year, after year, after year. It is an accepted accounting process, as I believe. It is certainly a painless way for us to get this over with and go on with real business. Now if I had a calendar right here, I could do a long hour by hour recitation until we got to that year when they would

get that last payment. We would have to talk about God, we would have to talk about the evolution of the Universe, the changes of the political ramifications. But, no community, as long as they are surviving in the State of Maine, and the State of Maine is surviving, will they be deprived of one cent by that one day push which would have helped us so much to get by these thorny problems. Thank you very much Mr. President.

Senator **KANY** of Kennebec requested and received leave of the Senate to withdraw her request of a Roll Call.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Certainly, far be it from me to discuss God with the good Senator from Cumberland, Senator Brannigan, because he knows about those matters a lot more than I do, as is evident. I would suggest that perhaps he talk to the good Senator from Hancock, Senator Foster, about a recent phone call she received, because she may be able to enlighten him a little bit.

But to get on with the serious nature that we are in today, I would like to respond to a couple of comments that have been made. First of all, the question was raised from the good Senator from Penobscot, Senator Pearson, about the eight point five million dollars in revenues. Well, when we began our latest rounds of negotiations, Senator Pearson from Penobscot was not involved in that particular round. One of the very first ground rules that we laid out, and I think were pretty much agreed upon, was that when we got to eight point five, or eight point three million dollars in spending reductions, when we got to agreed upon spending reductions, then we would talk about revenues. But we never got to the spending reductions, and so therefore, we never discussed revenues. Frankly, I don't know where those revenues are either.

I would like to talk a little bit about a couple of other questions that have been raised by the good Senators from Aroostook and Cumberland, regarding the GPA money on education. Like so many of the rest of you, I am always a little skeptical about how money is counted, and how money is not counted in state government and in the Legislature. But if the good Senator from Cumberland would go just a little bit further with the Commissioner Bither story, yes, she did push the money up ten days. But she did go a little bit further to say except for the month of June. In the month of June they would receive their payment on the nineteenth so that bookkeeping could take place and their fiscal year could be wrapped up in a timely fashion. As far as general accounting practices, I talked to the Business Manager of one of the schools in my district, and they have never seen general, acceptable accounting practices that move education funding from one year to the next. They have never seen something like that.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the comments of all of those that have spoken today, because I think that in the Senate, every member of this Body has risen to this very momentous occasion. But one comment that did particularly bother me, and I think it is very important for future negotiators to entertain this when they are doing their negotiating, wherever that may take place, but when you are criticizing different funding sources, I think that it is very important to probably look at some of your own.

One letter that I have received a million times a copy from has been from state employees. I guess what they have been told is that they won't be receiving their pay checks on the regular day that they have been receiving their paychecks, that it will be pushed forward, and that it will be pushed forward again, and it will be pushed forward again! Now, I don't mean to criticize the Administration, nor to raise questions for my good friend from Aroostook, Senator Collins, to answer, but I would like to know where that elusive paycheck finally is going to end up? Some of my friends, who are state employees, have told me that they were told they would get that upon retirement, but if they do quit, they are not subject to get that paycheck that they are going to be losing. So while there might be shortcomings with the movement of the General Aid Assistance, there are also monies in the Budget to bridge from this point to the point which they will be reimbursed that money. In my particular school district, they seem to be somewhat supportive of that concept at this particular point. A lot of state employees have contacted me about this particular push into the next fiscal year. Where they have given so much of the furlough program, the voluntary program, they have been coming up with ideas and savings to the state, and where they thought that they were participating in helping to reduce the deficit that is very large, they felt that maybe in this particular case it was very unwarranted, and was more or less putting an undo burden upon them. When the negotiators are doing their negotiating, nobody is pure in this particular matter, and I think that the most important thing is to resolve this, and as the good Senator from Cumberland has stated before, it will be the forces of the universe that resolve the larger question. Thank you Mr. President.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. There have been a number of questions presented to us this afternoon regarding accounting procedures, and not only today, but in an earlier debate on this same issue. They were characterized as ingenious. At that earlier date, I was tempted to respond and am not going to refrain from doing so this afternoon. It is important that members of this Chamber realize that the method of accounting which will allow local school units, even their business managers, to transfer one receipt of monies in GPA from the state to another year, was presented at a recent meeting of the Maine Superintendent's Association. Opportunities for questions and answers were also afforded in that forum, and the practice has been accepted. It is not ingenious, it is an acceptable

accrual method of accounting adopted by the American Association of Certified Public Accountants, with which my students at Freeport High School are familiar in introductory, as well as intermediate and advanced project accounting. I invite any school business manager who is unable to understand those basic principals of accounting, to Freeport High School for a remedial class. Thank you very much.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As I rise to speak, the wind outside starts to blow harder, and I don't know if that is an omen for me or not.

One of the things that at least has impressed me with the discussion today, and it has been an elevated discussion, very upbeat, and we are discussing the issues, and not attacking each other, and I think that everybody in the Senate should be commended for that. The process of government is one of such that deals with compromising. Were I, as much as the good Senator from Sagadahoc, Senator Cahill, is an optimist when it comes to working in negotiating and compromising, I would like to consider myself as much an optimist as she is. But I am also a realist. I also realize that at some point, that when things just don't move, it is time to move on, and I think that we have reached that point, not once, but a couple of times in negotiations.

As the Senator from Hancock, Senator Foster, had said concerning the point three percent cut across the board, she said she sold her caucus on that, and she wished we had sold ours, but we could not. We were close, we were very, very close to agreement. I must point out, and I must correct that at that particular point I never really felt that we were that close, because when we as Democrats continued to address the problem with the eight point five million dollars, the cuts, whenever we came close to it that particular night when I felt things were further apart than they should have been, there was a whole other list of demands that were presented along with that point eight. We were about one point five million dollars off, there was a whole other list that was presented to us that included the Maine Health Program, that included language for the AFDC, language for Medicaid, language that would support the Governor in taking the furlough money from the state employees, and those were all other issues that we were so far apart on. We were very close when it came to the money, but so very far when it came to all these other side issues, very far.

Those were the issues, that even though we continued looking for the money, that continually broke off our negotiations. I think that is important to realize. Because actually, we did make some cuts in areas even further than what you see in this present Amendment. We as Democrats made cuts in areas that we were very uncomfortable with, not even knowing what it was going to be doing, just so that we could reach that target figure of point eight million dollars. So when we say that we were only one point four million dollars apart for the five point four to the seven point one in the Maine Health Care Program, I think it leaves the idea that we

didn't want to compromise, but we did cut all kinds of other monies in other departments, a lot of them, and we felt very uncomfortable doing that, but we did that to try to compromise. I think that is very important to bring out, because it leaves the impression that we didn't want to make any cuts at all, because we couldn't sell it to our caucus. I think that what we continually stress is that we can sell it if it wasn't for all this "other stuff". The "other stuff" is what drags this process down. Last night when we talked about the money, it was the other side, that stuff, that we couldn't find language to agree on, the furlough money.

The good Senator from Aroostook, Senator Collins, talks about the forty-four million dollar push in one day. It is not such a terrible idea, it is a great idea, even the Governor is using it in pushing the employees money to the next month. I think that has got to be pointed out, too. The good Senator from Cumberland, Senator Clark, talks about accounting practices. She is absolutely correct that schools could book that money on June 30th, even though they got their check on July 1st, they could still book it on June 30th. If I am not mistaken, all they have to do is look to the state. Last year when we balanced our Budget, we booked money in May, but was only collected as revenues in October. We did it! Don't say it is an unacceptable accounting practice. We did it!

I am not in the Appropriations network. I was pleased to be involved, but I had a lot of listening to do, because the good Senator from Hancock, the good Senator from Penobscot, and good Senator from Cumberland, are involved in Appropriations. They know so much. But one of the things that I was never able to understand in my simple mathematical mind, was that we were always accused of spending money in this Budget, and we didn't want to make the cuts. Every time I looked at it, I saw that our programs, the Maine Health Program and the Rainy Day Fund totalled thirteen million dollars in increases. Yet, the Governor's Budget was sixty-two million dollars! Now, I don't know about the Appropriations network, but in my mathematical mind, there was a lot more spending in the Supplemental Budget than there was in the Democratic part of that Budget. I am sure someone will get up and correct me. And then in the cut portions in the Republican Minority Bill, there was thirty-six million dollars in cuts. In the Majority Democratic Budget Report, with the additional cuts in this Amendment, it is almost thirty-four million dollars, just a couple million dollars difference there. Again, it is just how I see it as an outsider of the Appropriations network.

I wish that we had resolved this, I have dealt with issues before with all of you. I have seen all you Senators in your Committees compromise, negotiate, and work hard to come up with resolutions on important issues, and we have always been able to solve any issue that faced us. I don't ever remember failing on an issue, and we have always been able to look each other right straight in the eye and say "We did it again". Well, this is one of these tougher issues. You know a good Legislator can compromise. A great Legislator takes compromise on the impossible issues. We came close at some points on the money, and also on the other issues. Maybe now that this

process is going to continue, that negotiations can continue amongst the people that have been mentioned, and we can once again, when the whole issue is done say, "We did it". But right now this has got to move on. Thank you.

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. You know I am not good at figuring out accounting moves, and it is probably great, but what bothers me is spending the forty-four million dollars. That is my bottom line. Spending it. So I will clear the air on that one. At the time I thought the Senate members had agreed on three point three million dollars in cuts, and about three point four million dollars on the three percent of one percent across the board, which would have been three point four making six point seven. I want to state that I was jubilant! We are that close! Let's keep negotiating! The other issues can fall by the wayside, perhaps. But then, when the three point four disappeared, I didn't know where to go! We're back to three point three, or maybe we are not to three point three, we might be at three. The original premise was to make some cuts and prevent having to take the forty-four million.

We talk about some of the problems that divide us, I always thought there was room to compromise. But when we lost the fact that we couldn't get to the cuts, last night the good Senator from York said all of a sudden, "You look exhausted, you look drained". And I said to him, "Did you just tell me that the three point four million across the board, you can't sell to your caucus?" And he said, "I don't think I can". Ladies and Gentlemen of the Senate, I didn't know what to do. I mean, I didn't know what to do. I still don't.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I must get up to correct, because I must also point out that at one time, as we were so eloquently putting materials on our easel up there, and that is three point two million, not three point four that was included for the point three percent, could we have sold that to our caucus, I said I don't think we can unless we can resolve everything else. It is everything else that is the problem, because you have to remember that at one point I said that if we included those cuts in the Majority Amendment today, if we included those last three issues, that we would be at seven point nine million dollars if you had everything, if we could resolve everything else. That is when we started talking about everything else, and that is when it feel apart.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to also add something to what the Senator from York, Senator Dutremble, said, and that is only speaking with reference to my political caucus of which I am one member. In my political caucus, there are not

guarantees, because every single one of them is an individual. We have to go to them and say to them, "This is what we have talked about, this is why we have reached this conclusion, and we would like to have your approval". All you have got to do is look around the Chamber and look at any Democrat in here and you know that everyone of them is absolutely unique. Sometimes it is a hard job, and is not a sure sell.

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This was your idea, and I had to sell it to my caucus. I sold it to them, I came back, and they will agree for what you have told me! Take out General Purpose Aid and Teacher Retirement, we all agreed on that. Then you say, "I don't know if I can sell it to my caucus". This was not my idea! I cannot tell you of the frustration!

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to speak to the Republican members of the Senate. You have a fine, outstanding, brilliant, I would say, member of the Appropriations Committee of whom you should be proud. She has been involved in this discussion longer than I have, and on a more consistent basis. Different people see different things in different ways when you are negotiating, there is no question about it. What she tells you, what she just got through telling you is totally accurate. I have no quarrel with anything that she has said, nothing. She has always been truthful to me ever since I have ever known her. It is one of the joys of working with her. No question about it, I do appreciate her.

All I would like to say to you is this. Yes, the idea was ours, mine. But we had not had a chance to talk to our caucus about it because they simply weren't here. I would like to think that from time to time I can convince my caucus to do some things if they sound reasonable, and I think we probably could. I still do. It just a matter of mechanics that hadn't taken place yet. It was ideas brainstorming and all of that, and I think they would go along with it if all things being equal. I am pretty sure they would, but I can't guarantee that, and I just hadn't had the chance to talk to them yet.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I had absolutely no intention of speaking on this issue today. We all know what is going to happen, and I think we should get on and let it happen. But I am a very simple woman. I tend to like simple answers to simple questions.

It really quite boggles my mind when I hear that accounting procedures aren't understood, about the forty-four million that would be moved from one month to another month, and it would be an accounts payable and an accounts receivable issue. It apparently

hurts no one, because the schools will still operate, they will still get their monies, they will still have all of that. Yet, on the other hand, daily, I get calls from state employees who are going to be missing in this funding year, a weeks pay. A weeks pay! They aren't going to get that back with an accounts receivable! They are only going to get that back as accounts receivable when they die, or retire, or terminate! Can you believe that! That is when they are going to get it back. And we can take a weeks pay from workers who make anywhere from twelve thousand dollars a year, that is poverty level, folks, that is less than minimum wage level, folks. You take it away from them and you are concerned about moving an accounts payable to an accounts receivable? It is absolutely incredible to me. From all of the discussions that I have heard, and yes, I am one of the outsiders, one of the "outties" not one of the "innies". But, from all of the discussions that I have heard, the real sticking point is this, forty-four million dollars accounts payable or accounts receivable. Can't we move off that dime? Can't we be that simple? Think of state employees not getting paid one week that they are giving to the state. I am not talking about furloughs, I am talking about not getting paid for a week. What do you think these people have to do for their accounts payable? Please, let's sit down, it would take one minute, go back to your caucus's, agree, come back, let's vote this Bill in with the forty-four million. Thank you.

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

Senator **VOSE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is my understanding that at one time there was a proposal to move it ahead ten days. Now, if that had been done, it appears to me that the due date would have been June the 30th. I would like to pose a question through the Chair. When would the schools get their check?

THE PRESIDENT: The Senator from Washington, Senator Vose, has posed a question through the Chair to anyone who would care to answer. The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. There is a good chance that they would have received it on July 1st.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all, to respond to the good Senator from Washington, Senator Vose's question that was stated previously in the debate, which has been long and drawn out. Commissioner Bither had notified the school districts of the state that they would receive their check as before, on June 19th. The state would pay it on the thirtieth every other month to gain the interest, but the checks would be mailed on the June 19th, so I assume they would get them, knowing sometimes how the Postal Service works, by the thirtieth if they mailed them on the nineteenth.

I would like to address a couple of brief points that have been made that I think are important. The first thing was the point made by the good Senator from Kennebec, regarding the forty-four million being a sticking point, and that has not been a major concern to me, although I don't like the idea, it is a scheme. I would prefer that we cut, and cut, and cut, because I think that is what the people of the state are demanding, but let me just say that I think it is interesting when we finally do enact the Budget, and I would also agree with the Senator from York, Senator Dutremble's comments about the high level debate here today, and I appreciate that. I think that when we are finally done here, and we have a Budget, and I am questioning why we are going through this process here today, because nothing is going to happen. We are not sending any message at all to the citizens of our state that we are doing anything because we are going to "bounce the ball" between the two Bodies for a few more days or weeks. But regardless, at some point I think we are going to have a Budget. I know we are going to have a Budget.

But why I am standing here today to speak to you, is because of the comment made by the good Senator from York, Senator Dutremble, about the "other stuff". I add up the "other stuff", and the "other stuff" amounts to about eighty million dollars in the next Budget. That has been my concern. Each and every member of the Senate here has their own reasons for liking this Bill, or liking a compromise, and not liking a compromise, and maybe somebody having some particular department head, or somebody in your district eliminated, or who knows what. My concern, and my absolute major concern, my real concern with this Budget, and any Budget that we pass, is the "other stuff".

I don't want to pass a Bill here today, or tomorrow, or next week, that does not deal with what the costs will be in the 1992-1993 Budget. If we don't do it in this Budget, it won't get done. If we can't, to use a statement that I read in today's paper, "If we can't fish or cut bait now", I credit that to the good Senator from Cumberland, Senator Clark, we're not going to. This is the time, this is judgment day as far as I am concerned. Ladies and gentlemen of the Senate, the "other stuff" is important. If we need to put language in this Budget Bill which deals in a more comprehensive and better way than setting up some Commission to look at the Health Care Program, we need to do something about AFDC, we need to do something about Medicare, and whatever there is in that Budget that is going to add tremendous costs in this Budget. Ladies and gentlemen of the Senate, we need to send a real message out there that we are passing a Budget to make up for the shortfall, the hundred and sixty, or the hundred and sixty-two, or the hundred and seventy, whatever it is, we need to deal with that, we also need to put a clamp on state spending. I just feel it is important that we talk about the "other stuff", too, because that "other stuff" is going to cost the taxpayers, the citizens of this state, millions and millions, upon millions of dollars, if we don't deal with it in this Budget. Thank you.

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

Senator **DUTREMBLE**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. I would like to know where the eighty million dollars is, and that may be part of the money that is corrected by the language in the Maine Health containment language, the Majority Amendment, but I would like to know if it is different than that? Second, I would like to know if we are delaying this Budget and jeopardizing the children who are going to be cut off from the Maine Health Program on issues that should be addressed in the Biennial Budget and not this Budget?

THE PRESIDENT: The Senator from York, Senator Dutremble, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I wish I had my debate of several weeks ago when we initially debated this issue. But, this Bill as I read it, and has been explained to me on the Senate floor by the Senator from Androscoggin, Senator Gauvreau, and the Senator from Penobscot, Senator Pearson, this Budget sets up some type of Commission. It doesn't say that we are going to limit, at least the way I read this, I stand to be corrected, it doesn't say that we are going to limit spending to a certain amount during the next Budget. It doesn't talk about the next Budget. It doesn't deal with the "Gap" as I see it, and I stand to be corrected. I would mention as all of you have, I have had this Budget now for less than two hours, I haven't had a chance to go through every single word of it, and perhaps, those who know more than I could explain. But I don't see this Budget, and let's remember folks, we could be passing the final law here. That's what is being advocated by members of the Legislature here today in the Senate. I don't see any attempt to cut spending in the next Budget, or any attempt to roll back and not go on as things have always been. That to me is not acceptable.

I need to see in this Bill some serious attempt to downsize state government. I don't see that. Now, this Study Commission that has been advocated in this Amendment, I don't see where they are going to come back and report the way I see it, I guess I don't understand what that does. I don't see it changing the law, I don't see it saying that there will only be thirty million dollars being spent in the next two years, or whatever. Those are the things that we ought to be doing now. I suggest that the comments made from the good Senator from York, regarding the children is a good point. We should have dealt with this Budget two months ago. We shouldn't have gone through all of what we have gone through in the last two months. We shouldn't have displaced some of the state employees that many of us are concerned about. We shouldn't have done that a month ago because of politics. This is a political system, I don't like the way things are going anymore than anyone else does. None of us like the way this has happened and where we are today. But it doesn't change the fact that we need to cut the size of government and downsize. I don't see that in this Amendment, and I could be corrected and I am more than willing to hear from anybody that knows more about this than I do, but I don't see any attempt to

deal with the "Gap" in the AFDC Program, to deal, if you want to talk about it, to deal with legislative spending. My opinion is, this leaves us with at least eighty million dollars more in expenditures in the next Budget. That concerns me because it isn't sending a message that we are serious about cutting down the size of government.

I am not going to stand here two months from now and agree to vote to raise taxes, because this Legislature refused to cut spending when it had a chance, and today is the opportunity.

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

Senator **GAUVREAU**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe that the remarks of the good Senator from Franklin, Senator Webster, fairly well characterized the contretemps that the Senate now finds itself in, and why we have been unable to reach consensus on an Emergency Budget.

This is my ninth year of legislative service, and until this year, I thought I had a reasonable concept of what an Emergency Budget was, which was in fact, to get us through until the end of the fiscal year, which happens to be June 30, 1991. Now we are all painfully aware of the major downsizing of government which will have to occur as a consequence of the nine hundred and thirty million dollar shortfall targeted for the next two years. But it is my understanding, and there is not one element of discussion in today's debate which would persuade me otherwise that the Budget document we have before us, in Senate Amendment "I", would in fact, provide a rational and a fair method to get us through the end of the fiscal year.

There are legitimate questions that have been raised as to the benefit level of the Maine Health Plan. But the reality is that we haven't got the data. We don't have the data right now to make informed rational decisions on how to redesign the benefit package. We won't have that data, as I understand it, until April and May. We can function upon surmise and conjecture. As I recall there was some surmise and conjecture when we crafted the Maine Health Plan a couple of years ago because there were widely different versions on the enrollment among adults, ranging from forty-three percent to seventy-seven percent. We can go that path and conjecture what would happen, or we can act as reasonably intelligent, rational individuals, and take a look at the data, and then decide, in a rational method, what are the most important procedures to people in Maine, to adults who would be otherwise tartaric in the Maine Health Plan, and reconfigure the plan based upon those priorities and based upon the data we receive.

Let me betray my partisan roots. There is no acceptable algorithm which I will accept in restructuring Maine government. I believe strongly that government has a role to play in helping those who are less fortunate. And, yes, I will join in a spirit of bipartisan consensus restructuring government to meet or reduce revenues. But, I will always be faithful to the notion that government has

a vital, and indeed, an essential role in people's lives.

We live in a poor state. Many people whom I represent, and I am sure many whom you represent, live in a poor state. They are working poor, they need some minimal level of assistance. We are really talking about that. It seems to me that the comments of my good colleague from Cumberland, Senator Conley the other day, spoke well to that point. He spoke quite eloquently as to the constituency in his district, and he fully understood that impact upon those individuals if we were to go through a process of eliminating essential benefits. We understand we have to reduce services to Maine people. But it seems to me that we should do so in a rational and a principled way. As far as the Maine Health Care Plan is concerned, we have to study the data, study the utilization, and then after we know what is really driving the Program, we can redesign the Program for the upcoming Biennium.

This debate is not about whether we are going to downsize state government, we all understand that we are going to have to do that. This debate is simply about passing an Emergency Budget so that the Maine Legislature can go about its process of hearing two thousand five hundred Bills, and get on with the process of the Biennial Budget. I submit that is why the rank and file is so cantankerous. We want to get on with the process! Let's vote the Budget out, and let's get on with our business. Thank you.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. I would address my question to the good Senator from Franklin, Senator Webster. The good Senator from Franklin, Senator Webster would have us downsize government on the backs of those who least can afford it, the working poor and the poor. My question is once that has been achieved, what happens to those working poor and those poor people? Where do they go? Do they disappear? When they get sick, where do they go? What happens to the good Senator's hospital there in Franklin, Franklin Memorial, what happens to that hospital? Where is the justice in his statement? Thank you Mr. President.

THE PRESIDENT: The Senator from Kennebec, Senator Matthews, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. In response to the question from the good Senator from Kennebec, Senator Matthews, I suggest that he obviously misinterpreted my suggestion. I would simply say that I probably have as much concern for the working poor and the needy people in this state as he does. I would also add though, that my major concern has always been and continues to be for the working people of this state. The working people who are paying the bills, who have a government that they cannot afford, who have a government that is too big, and too intrusive on their lives.

On further motion by same Senator, Senate Amendment "I" (S-22) **ADOPTED**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "C" (H-13).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** House Amendment "C" (H-13) in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "B" (H-12).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** House Amendment "B" (H-12) in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-11).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** House Amendment "A" (H-11) in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "F" (H-16) as Amended by Senate Amendments "A" (S-11) and "C" (S-15) thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-11) to House Amendment "F" (H-16).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** Senate Amendment "A" (S-11) to House Amendment "F" (H-16).

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "C" (S-15) to House Amendment "F" (H-16).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** Senate Amendment "C" (S-15) to House Amendment "F" (H-16).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** House Amendment "F" (H-16) in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

Senate at Ease

Senate called to order by the President.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "D" (H-14) as Amended by Senate Amendments "A" (S-8); "B" (S-9) and "C" (S-10) thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-8) to House Amendment "D" (H-14).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** Senate Amendment "A" (S-8) to House Amendment "D" (H-14).

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "B" (S-9) to House Amendment "D" (H-14).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** Senate Amendment "B" (S-9) to House Amendment "D" (H-14).

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "C" (S-10) to House Amendment "D" (H-14).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** Senate Amendment "C" (S-10) to House Amendment "D" (H-14).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** House Amendment "D" (H-14) in **NON-CONCURRENCE**.

Senator **WEBSTER** of Franklin requested a Division.

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "I"** (S-21) in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor of **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "I"** (S-21) in **NON-CONCURRENCE**, please rise and their places and remain standing until counted.

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

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "I"** (S-21) in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

Senator **CONLEY** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I must say as we debated here today, I was a little bit removed and was not able to rise to the debate of my good colleague from Franklin County, Senator Webster. I was too engrossed in my thoughts, actually, to rise to that debate and join in the riot that ensued.

The thoughts that I had actually were involved with the Calendar that we have today, and I noticed on there a Joint Resolution that we had in honor of former Senator Hollis Wyman, from Washington County, whom I remember as a kid when I used to come to the Legislature with my father, being introduced to him many, many times as a very powerful member of the Majority Party in this Body at that time. Unlike all of the members here in the Minority, he never served in the Minority. As a matter of fact, I am sure he would have a difficult time even imagining there ever would be a Minority, which I would note, that people probably of my own Party would have trouble believing that we were ever in the Minority, or maybe return there again, which is why I make my remarks.

Twenty-two years in this Chamber, and I guess I was a little distressed that something wasn't said at the time that the Resolution was offered, and that, in fact, had originated in the House. It just made me think how we are all here for such a very short time. We can spend our time debating such important matters like this Budget, or not debate little things like renaming "Pickle Island". But, I think as we go through life, we would all be probably lucky if we lived long enough to even be mentioned here in this Record after we pass on, let alone maybe be remembered someplace else.

I just think it is important to keep that type of stuff in mind as we deal with each other, which we will have to do in the next couple of weeks, and as we make our way through life, and through our life in this Chamber. Thank you.

Senator **GAUVREAU** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **VOSE** of Washington, **ADJOURNED** in memory of the former Senator from Washington, Senator Hollis Wyman, until Tuesday, February 26, 1991, at 10:00 in the morning.