

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Fifteenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

Senate  
May 22, 1991 to July 10, 1991

Index

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

In Senate Chamber  
Saturday  
June 29, 1991

Senate called to Order by the President.

Prayer by the Honorable Jeffery N. Mills of Oxford.

**SENATOR JEFFREY N. MILLS:** Good almost morning. Let us bow our heads in prayer. Lord, grant us wisdom. Amen.

Reading of the Journal of Friday, June 28, 1991.

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

**Emergency**

An Act Making Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991

H.P. 1349 L.D. 1942  
(C "A" H-681)

In House, June 26, 1991, **PASSED TO BE ENACTED.**

June 25, 1991

In Senate, June 26, 1991, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED.**

The Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

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

**House Papers**

Bill "An Act Regarding Simulcasting of Harness Racing" (Emergency)

H.P. 1373 L.D. 1958

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-706)**, without reference to a Committee.

Which was, under suspension of the Rules, **READ ONCE**, without reference to a Committee.

House Amendment "C" (H-706) **READ.**

On motion by Senator **TWITCHELL** of Oxford, Senate Amendment "B" (S-392) to House Amendment "C" (H-706) **READ** and **ADOPTED.**

House Amendment "C" (H-706) as Amended by Senate Amendment "B" (S-392) thereto, **ADOPTED** in **NON-CONCURRENCE.**

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, as Amended, without reference to a Committee and **ORDERED PRINTED** in **NON-CONCURRENCE.**

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

**COMMUNICATIONS**

The Following Communication: S.P. 772

**DEPARTMENT OF FINANCE  
BUREAU OF THE BUDGET  
STATE HOUSE STATION 58  
AUGUSTA, MAINE 04333**

Charles P. Pray, President of the Senate  
Chairman, Legislative Council  
State House Station 3  
Augusta, Maine 04333

Dear Senator Pray:

As required by 5 M.R.S.A., Section 8-F, the rules and regulations established and promulgated by each department concerning the provision of housing and food to employees are to be approved by the State Budget Officer and transmitted to the Legislative Council for its review biennially.

I am herewith transmitting the rules and regulations from the Departments of Agriculture, Food and Rural Resources, Conservation, Corrections, Education, Inland Fisheries and Wildlife, Mental Health and Mental Retardation and Transportation. These are the only departments directly affected by Sections 8-B and 8-C.

Of the departments listed, only Conservation and Mental Health and Mental Retardation changed the policies that are currently in effect. The Department of Conservation - Bureau of Parks and Recreation has made several revisions to their regulations for housing and food to employees but have met the guideline specifications. The Department of Mental Health and Mental Retardation no longer allows prepared meals to be brought into the institution by a commercial caterer or group of individuals for consumption by outside groups.

I am also enclosing for the Council's review the "Guidelines on State Housing" developed by the Bureau of the Budget to provide uniformity between departmental rules and regulations.

Sincerely,

S/G. William Buker  
State Budget Officer

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

Sent down for concurrence.

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**SENATE PAPERS**

Bill "An Act to Authorize the Establishment of a Violations Bureau in the District Court" (Emergency) S.P. 771 L.D. 1965

Presented by Senator **GAUVREAU** of Androscoggin  
Cosponsored by Representative **PARADIS** of Augusta,  
Senator **HOLLOWAY** of Lincoln and Representative  
**OTT** of York  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 27.

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

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

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

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Assigned (6/28/91) matter:

Bill "An Act to Fund Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency)  
H.P. 1375 L.D. 1960  
(S "A" S-387)

Tabled - June 28, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee in **NON-CONCURRENCE**

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

(In Senate, June 28, 1991, House Amendment "A" (H-705) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. Under suspension of the Rules, **READ A SECOND TIME**. On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-387) **READ** and **ADOPTED**.)

(In House, June 26, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-705)**.)

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

Senator **CAHILL:** Thank you Mr. President. This Bill was Tabled yesterday because we were awaiting an amendment that I had intended to put on. We have gone a little further than that, and I understand that there is another amendment to be offered by Senator Bustin. I am hoping that this can be Tabled until we can clarify this.

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Senate at Ease

Senate called to order by the President.

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On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee in **NON-CONCURRENCE**.

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

**Emergency Resolve**

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center  
H.P. 1164 L.D. 1705  
(H "A" H-624 to C  
"A" H-453)

Tabled - June 28, 1991, by Senator CLARK of Cumberland.

Pending - FINAL PASSAGE

(In Senate, June 19, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453) AS AMENDED BY HOUSE AMENDMENT "A" (H-624) thereto, in concurrence.)

(In House, June 26, 1991, Bill and Accompanying Papers INDEFINITELY POSTPONED.)

On motion by Senator ESTES of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, Senate Amendment "A" (S-388) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment was supposed to have been offered by my Co-Chair. There was a mistake in a motion of Indefinite Postponement that brought this down to us in this fashion, so I am correcting the Bill. What this amendment would do is simply remove the authority of the Commission to study the feasibility of the Capitol Cultural Center to automatically submit legislation to the Second Regular Session of the 115th Legislature. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-388) ADOPTED.

Which was, PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities

S.P. 42 L.D. 66  
(C "A" S-292; S "A"  
S-379)

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-292).

Minority - Ought Not to Pass.

In Senate, June 28, 1991, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292) AND SENATE AMENDMENT "A" (S-379).

Comes from the House with the Reports READ and Bill and Accompanying Papers RECOMMITTED to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

Senator BERUBE of Androscoggin moved that the Senate INSIST.

Senator BRANNIGAN of Cumberland moved that the Senate RECEDE and CONCUR.

Senator BERUBE of Androscoggin requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BRANNIGAN of Cumberland that the Senate RECEDE and CONCUR.

A Division has been requested.

Will all those in favor of the motion by Senator BRANNIGAN of Cumberland that the Senate RECEDE and CONCUR, please rise in their places and remain standing until counted.

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

10 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion of Senator BRANNIGAN of Cumberland to RECEDE and CONCUR, FAILED.

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Senate at Ease

Senate called to order by the President.

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On motion by Senator BERUBE of Androscoggin, the Senate INSISTED.

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

The following proceedings were conducted after 12:01 a.m., Sunday, June 30, 1991.

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

**ENACTORS**

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

An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission

S.P. 508 L.D. 1346  
(S "C" S-368 to C  
"A" S-281)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Reduce the Administrative Cost of State Government by Abolishing the Division of Community Services and the Department of Economic and Community Development and Transferring Their Essential Functions

H.P. 1210 L.D. 1768  
(H "A" H-711 to C  
"A" H-690)

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is L.D. 1768, I wish that you would vote against this piece of legislation. Both Departments represent very essential functions to the State of Maine, and I think at this time it is sending a very wrong message if we down grade these departments from a cabinet agency to a department within the Executive Branch of Government. I would ask for a Division and a vote of no. Thank you.

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

**Resolve**

Resolve, to Create the Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine

S.P. 548 L.D. 1452  
(S "A" S-377 to C  
"A" S-180)

Which was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Establish the Maine Primary Care Residency Training Assistance Program

S.P. 374 L.D. 999  
(S "A" S-376 to C  
"A" S-106)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Amend the Laws Regarding Complaints against Physicians

H.P. 825 L.D. 1179  
(S "B" S-378 to C  
"A" H-394)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees

S.P. 743 L.D. 1935  
(S "B" S-380 to H  
"A" H-648)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency**

An Act Correcting Errors and Inconsistencies in the Laws of Maine

S.P. 760 L.D. 1954  
 (H "A" H-698; H "B"  
 H-699; H "C" H-708;  
 S "A" S-383; S "B"  
 S-385 to C "A"  
 S-373)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, to Create a Commission to Study the Need for a Technical College in York County

H.P. 1105 L.D. 1604  
 (S "A" S-374 to C  
 "A" H-528)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency**

An Act to Amend the Maine Administrative Procedure Act

H.P. 1371 L.D. 1955

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,500,000 to Provide for the Maine Street Investment Program

H.P. 1358 L.D. 1950  
 (S "A" S-382)

This being a Bond Authorization Act and having received the affirmative vote of 29 Members of the Senate, with 2 Senators having voted in the negative, and 29 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

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

S.P. 288 L.D. 770  
 (C "A" S-171; S "A"  
 S-375)

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

**COMMITTEE REPORTS**

**House**

**Committee of Conference**

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials

H.P. 1202 L.D. 1758

Have had the same under consideration and ask leave to report that the House **Recede from Passage to be Engrossed as Amended by Committee Amendment "B" (H-655); Indefinitely Postpone Committee Amendment "B" (H-655). Read and Adopt Conference Committee Amendment "A" (H-703) and pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (H-703) in Non-Concurrence.**

That the Senate **Recede and Concur** with the House.

Signed on the part of the House:

Representative LEMKE of Westbrook  
Representative MAYO of Thomaston  
Representative MORRISON of Bangor

Signed on the part of the Senate:

Senator GAUVREAU of Androscoggin  
Senator CONLEY of Cumberland

Comes from the House with the Conference Report **READ** and **ACCEPTED** and the Resolution **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE "A" (H-703) in NON-CONCURRENCE.**

Which Report was **READ**.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Although the Committee Report doesn't indicate my vote, I did sign a jacket in opposition to the Committee Report. I would urge you to vote against the acceptance of that Report. As you may recall, this is the Constitutional Amendment that provides for the recall provision to be adopted. It is in addition to the constitutional part. It provides for a provision by statute to implement that proposal. In that proposal on the implementation, it calls for a Commission to determine how these things will be implemented. I would tell you, first of all, that I don't think Maine needs a recall provision in the Constitution that provides for impeachment of the Governor. We have a provision in the Constitution that permits both Bodies of the House and Senate to remove a member by two-thirds vote for bad behavior. It seems to me that this is inappropriate and unnecessary at this time, perhaps forever. I think you will also note that if you read the new piece of legislation that accompanies this, it is numbered 1964, that the way the commission is created certainly favors the Majority Party. I calculate the make up of the Committee from that proposed legislation would be about a two to one in favor of the Majority Party. I would suggest that you reject the Committee of Conference, and I urge you to vote against its acceptance. Thank you.

**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 express my agreement with the Senator from Aroostook, Senator Collins. It seems to me having gone through a period of recall, not myself personally, but in my own city, and it is one of the ugliest things I have ever seen in my whole life. It just didn't take very many signatures before people signed it and almost everyone who signed it said they regretted it afterwards. Senator Collins points out to you that you can impeach a Governor. You can remove someone from the House or the Senate in the State of Maine. Even beyond that, he didn't mention that on the county level that there have been a number of people who have not done their job on the county level, and County Commissioners, sometimes through the pressure of the Legislative Delegation, have relegated the salary of that individual to just about nothing to get them out of office. That is another device that can be used. I don't think this provision is needed. I don't know if I can recall in the sixteen years that I have been here, in the previous time that I have ever watched State Government, that it was ever called for. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As you can see from the Report, two Senators have signed on in agreement to this proposed amendment. This amendment was reached after careful consideration by all members of that Conference Committee except the good Senator from Aroostook, Senator Collins, who had to be in Taxation at the time we met. We totally changed the Bill which was before this Body. We now have some very simple language. You look at Committee Amendment (H-703). You will see that it puts a question to the voters, to the people who sent us here. It will let them decide, not us, as to whether there should be recall provisions for elected officials, state officials, and county officials. These are very general provisions. I can understand that there may be many voters who might be more than a little frustrated with some of their elected officials, particularly those that are at the top of State Government. I think they should be given the opportunity to decide whether or not a provision should be crafted to allow for recall. The Bill that we drafted, again, the five people who signed does not do anything except set up a Commission. That Commission provides incredible protection for the Minority Party. Two-thirds of that Commission has to agree with the actual draft of language that would set up recall provisions. The only way that gets reached is if the people decide that we shouldn't be able to recall state officials. I can't believe that they would. They are going to tell us that they want to recall people. I don't blame them. They should have that right. It is a very reasonable provision. I urge this Body to adopt it and not be afraid to face the people with this question. Thank you.

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



Senator **CAHILL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would urge you, along with the good Senator from Aroostook, Senator Collins to reject the Committee of Conference Report. We had a very healthy vote on this particular issue a week or so ago, and prior to it going to a Committee of Conference. I guess with the good Senator from Cumberland, Senator Conley, that I am sure the people of the State of Maine, if they had a choice this very evening on whether or not to recall the individuals sitting in this Chamber, probably all thirty-five of us would be recalled. I am not frightened to meet my constituents, I don't know if that would make for a very good form of Government if every time the voters get upset with us we pass a Budget, or pass taxes, or fail to pass a Budget, or fail to raise taxes, if that would make for good government, if they have the ability to say I disagree, lets throw all the bums out and start over again. While I agree that some of us might be bums, and it might be an appropriate thing to do, on the serious side of this, I think it would be a very bad thing for the State of Maine to do. I hope that you will vote against this tonight.

**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 preface my remarks by stating my general concern. This year with a lot of legislation which has been styled in the guise of good government, legislation has really been offered to cast out about the elected voters of the State of Maine as to the appropriateness of State Government, and the State Legislature in particular. I find that legislation offered to promote our partisan goals are short sighted and inimical to the long term goals of our society. We, in fact, do well only if the people of our state trust and respect our institutions of governments. I have been somewhat weary of some of the legislation this year that has been offered, supposedly to improve this Institution. Having said that however, I don't have those same kinds of reservations about a general policy in our Constitution which would allow voters the mechanism to recall elected officials. Yes, there clearly is potential for mischief, and certainly some people who have gone into the political foray over the past several years have, in fact, shown a disrespect for the political process, and a tendency to abuse the political process to advance their own goals. I think that the good Senator from Cumberland, Senator Conley noted in his remarks to you earlier this evening, there is protection. We proposed to set up a balanced Commission which would provide implementing legislation in the event the voters did approve a Constitutional Amendment. That legislation would have to receive two-thirds of a vote of approval in both the House and the Senate. Obviously, this matter has been discussed in some length earlier, so there is no need to address the issues which have been raised in concern in a recall provision in our Constitution. But the real question is, do we have enough faith in the voters of our state to allow them to exercise appropriate judgment to recall a public official? If you answer that question yes, then it seems to me that you vote for this amendment. If you don't have the faith in the voters, then you vote against it. If it comes down to that choice, we have the responsibility to adopt legislation if the voters

approve the Constitutional Amendment, we will have the responsibility to adopt legislation which will, in fact, provide safeguards for public officials. I think we ought to allow the voters of our state the right in appropriate circumstances to recall public officials. Thank you.

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

Senator **COLLINS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I think I would like to correct one thing that has been eluded to, and that is the Commission that drafts what would be criteria, in effect, to be presented to the Legislature. That is in Section 2, and if you would read that you will find that three Senators are appointed by the President of the Senate, one of which must be a Minority member. The same thing takes place in the House with one a Minority member. You see that the Governor has an opportunity to appoint one. It goes to County Government, and one is appointed by the President of the Senate, and one of the Speaker of the House, then three members of the general public, one by the President of the Senate, and one by the Speaker of the House, and one by the Governor. If you do a little computation, you will find that this will come out eight members of the Majority Party and four of the Minority Party. Those people do draft the procedure by which we would act. It is two-thirds of the Legislature who must approve it, but the structuring of the vehicle is obviously done in a very partisan manner. Aside from that, I continue to suggest that it is not necessary, we do not need it in Maine. It hasn't been used very often in the states where it does exist, and I think we can do without it very well. I continue to urge you, as you did in the past, to reject this proposal. Thank you.

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

Senator **CONLEY**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Basically what the good Senator from Aroostook, Senator Collins has described to you here, is the very process that we go through every day around here. The Majority comes up with the Bill, and the Minority sometime down the line gets to reject them. This Bill puts right into Statute the very ability to stop that with one-third, only needing one-third of those people here present and voting to stop whatever legislation that the Commission comes up with. I believe this is all smoke and mirrors in relation to what the real issue is. Why shouldn't the people of this state decide whether or not they should have the right to recall people who they send here? We should not be afraid of that. Thank you.

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

Senator **BUSTIN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I do not have a problem with the recall petition. In fact, in some instances it may be a good thing. On this particular one I think it is more of an inquiry of those who were on the Conference Committee. We are elected for two years. There is great room for mischief. If that recall provision is allowed to prevail during the

election year, it would be a mistake not to vote for a recall petition that allows for that petitioning process to happen during the year of reelection. As far as I am concerned, the real election is a recall petition, and it is done by the voters and should not be used as a ploy to discredit anyone running for office. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would be in agreement with my good friend and colleague from Kennebec, Senator Bustin, but I would remind members of this Body that legislation to address those and other types of problems would, in fact, be the subject matter of the Commission. It will be set up to craft implementing legislation if the voters make a broad policy statement that they want to amend the Constitution to provide for the orderly mechanism for the recall of state and county officials. While I am on my feet, I will again respond to the comments of my seatmate from Aroostook, Senator Collins. I do have faith in this Institution to craft reasonable and fair legislation. We have addressed his concerns as far as perhaps an abuse of the Minority by the Majority by requiring a two-thirds vote of each Chamber as a safety net for bad legislation. It seems to me that we are all too familiar with these waning hours of the Legislature of how the Minority can use the two-thirds vote to block issues or legislation that they do not approve of. It seems to me that it is ample protection for any Minority in any Legislature. I would urge your favorable consideration of the Committee Report. 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. Speaking as the individual Senator from Senate District 26, I am happy this morning to support the Committee of Conference Report, the Majority position, for I have contended for some time that the recall provisions in our State Constitution are insufficient, and that I am, out of faith, in the fact that the Commission will be or should be created as a result of our actions this morning, would indeed be represented in its structure of a fair division between Majority and Minority members. To assume that the presiding officers would appoint members of the Majority Party is not substantiated by the history and their track records. I have served on a number of Commissions as a member of the Majority Party, and I have yet to serve on a Commission, interestingly enough, in which the Majority membership were Majority Party. As a matter of fact, the one that most recently comes to mind is the one that addressed the issue of restructuring and/or addressing the needs of the Legislature when, in fact, I was privileged to Co-Chair that Commission with a former distinguished President of this Maine Senate, the Honorable Kenneth MacLeod of Brewer, and when we looked around on a particularly sticky point, and we were talking about the particular composition of the Commission. As we sat there, it occurred to me that despite the fact that both the House and Senate had the vast number of appointments on that Commission, as well as the responsibility for the public members, indeed there

were a Majority of Republicans. This represents the Minority membership in both the House and the Senate during the 114th Legislature. I am proud to say that that occurs over and over again. To paraphrase the words of the former distinguished Presiding Officer of this Maine Senate, "If it were the other way around and the roles were reversed, there would not be a Minority member on the Commissions." As a Democrat I am proud to say that I am not at all fearful, but the fairness and the track record of our Presiding Officers would indeed provide for an appropriate balance. That balance is further insured by the role of the Minority in its ability to thwart the two-thirds of the membership of this Commission that has yet to be appointed. We certainly know as the Majority Party, speaking as the Majority Leader of this Chamber, that is effective. This is why we are here this evening. Thank you.

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

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

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

Senate called to Order by the President Pro Tem.

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**THE PRESIDENT PRO TEM:** The pending question before the Senate is **ACCEPTANCE** of the Conference Report.

A vote of Yes will be in favor of **ACCEPTANCE** of the Conference Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

**YEAS:** Senators **BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MCCORMICK, PRAY, TITCOMB, VOSE, THE PRESIDENT PRO TEM - JOHN E. BALDACCI**

NAYS: Senators BERUBE, BOST, BRANNIGAN, BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, MATTHEWS, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, WEBSTER

ABSENT: Senators None

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, **ACCEPTANCE** of the Committee of Conference Report **FAILED** in **NON-CONCURRENCE**.

Which Report was Rejected in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

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

After Recess

Senate called to order by the President.

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

**COMMITTEE REPORTS**

**House**

**Ought Not to Pass**

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

From the Committee on **TAXATION** Bill "An Act to Ensure Progressivity in the Income Tax Structure" (Emergency)

H.P. 916 L.D. 1313

On motion by Senator **WEBSTER** of Franklin, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency) H.P. 653 L.D. 927

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-716)**.

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

**PAPERS FROM THE HOUSE**

**House Papers**

**RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Limit the Expenditure of the Funds of a Public Mutual Insurance Company Created by the State to Provide Workers' Compensation Insurance to Employers in this State

H.P. 1378 L.D. 1966

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716) AS AMENDED BY HOUSE AMENDMENTS "A" (H-718); "C" (H-721); "F" (H-726); "H" (H-729); "I" (H-731) AND "J" (H-733)** thereto.

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

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-716) **READ.**

House Amendment "A" (H-718) to Committee Amendment "A" (H-716) **READ.**

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

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. If my eyes do not delude me, I believe it is about 5:10 a.m. on this the 30th day of June in the year 1991. We are at the precipice of fiscal bathos in this state. We are about to end State Government as we know it unless we are able to resurrect the remains of a Budget between now and midnight today. I need not tell anybody in this Chamber of the sacrifice and the work that has gone on by all members of this Legislature, including the members of the Committee on Appropriations and Financial Affairs and Taxation to get us to this point. I have been busy like all of you have been. I have been involved in my Committee, the Committee on Judiciary. As I understand the process, on Thursday of this week the Committee on Appropriations unanimously approved a Budget. I understand shortly thereafter the Joint Standing Committee on Taxation unanimously, let me say that again, unanimously passed a Taxation package. Obviously, elements of the Taxation package, or for that matter elements of the Appropriations package were not amenable to many people to both sides of the aisle, but I thought on Thursday and Friday of this week that as responsible public officials, we would recognize when there was consensus, we would appreciate and respect the work product of our peers on the Committee on Appropriations and Taxation, but perhaps more importantly, we would understand our fiduciary duties to the State of Maine and act responsibly, act responsibly to the people to whom we were elected to represent not to use this process as a precursor to the Election of 1992. There are a few things in life that I will not tolerate, but I will not tolerate insincerity. I will not tolerate putting one's own selfish goals ahead of the commonwealth. That I will not do. I cannot tolerate that. Perhaps, and hopefully I am mistaken, but I think not. People in good faith negotiated. People in good faith came to an agreement. Members of my Parties made many painful sacrifices. Values and goals we cherish deeply and, in fact, which brought us into the political process to advance those goals and those values, many of those values were compromised. Many programs we cared deeply and intimately about were sacrificed for the common good. I have spent nearly ten years in public service. When I came to Augusta my daughter Jessica was eighteen months old, she is now over ten. That is a major sacrifice. I am proud of my service, and I am proud of having the privilege of serving with others in advancing the public cause, but I don't like what I see going on at this moment. I will not spare my words. This behavior is insincere, and I will not lend my name to this type of conduct. I do not believe people are acting in good faith. People agreed to a unanimous Report. You know when I give my name to a Report or agreement

I abide by it. I abide by it! I insist that others respect their fellow men and women and abide by their agreements. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I recall a meeting that I attended with all members of leadership; the Governor and some members of the Taxation Committee, about eight weeks ago in response to a question I explained to Speaker Martin, members of this Body, and leadership who were there, and my concern with the need to change our laws to create a better place to live and work for the people in this state who are having a hard time getting by. At that time, I stated and have stated many times since that I would not personally be supporting a major tax increase, a further burden on the citizens of the state to keep, and maintain, or support a Budget that they could not afford unless we did something to create jobs and to keep the jobs that we already have, and improve the business climate, and put more money in the workers pockets. To say it was a heated meeting is an understatement. People questioned my sincerity then, as the Senator from Androscoggin has done now, but the people I represent in rural Maine don't like the government we have here. They think it is too big and too fat. They think there is too many programs, and they surely don't want this tax package. I have said all along, because I have been here a long time, and even though I have voted probably more than many against some of the programs and spending that is in this Budget, we all have a commitment and a need to try to come up with a Budget that passes. Saying all that should come as no surprise that this Senator is not going to vote for a major tax increase on the working people of this state, until I do something to preserve their jobs and to improve the business climate of this state. I represent a shoe factory in Farmington, where the employees were forced several months ago to take a 4% pay cut. The management called the workers together and explained that they had received a major cost increase in Workers' Compensation and they were faced with a tough decision. What were they going to do? The workers and management decided the only thing they could do was for the workers, who I might add sew shoes and make less than \$6 an hour, would have to take a pay decrease to pay Workers' Compensation, or the factory would have to close. Two months ago I went to Kingfield, and in Kingfield, Maine I met with 72 workers, and those 72 workers are not going to get a pay increase this year because of Workers' Compensation, for that mill went from \$120,000 to \$200,000 in one year. Ladies and Gentlemen of the Senate, we may have to raise taxes. We may all, or a majority of us have to vote for a Budget that we don't like, but until this Senate and this Legislature is willing to do something, something meaningful to save jobs for Maine workers, this Senator will not be voting to increase taxes on Maine workers. Thank you.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I apologize for not rising to my feet quicker. The hour is late or early, however you want to look at it. I appreciate

Senator Gauvreau taking the lead in discussing House Amendment (H-718), which as you all are now well aware is the Tax package. I was at the meeting that the good Senator from Franklin, Senator Webster spoke of, the meeting with Legislative leadership, the House and Senate Chair of the Taxation Committee. I was there when Senator Webster, very clearly, as he spoke of his strong desire to connect the issue of Workers' Compensation reform at that time to the Budget. The Senator is correct when he says that the meeting became quite heated. What he didn't tell you was at that time, and I think I am a reasonably good judge of character and body language, the Governor's reception to the concept of holding hostage one element of legislation and tying it intrinsically to the Budget was lukewarm at very best. As we all know, sometimes issues take on a life of their own. I am not privy to the various pressures that the Governor has faced from members of his Party since that meeting. I am quite certain they have been intense, and I would assume that is one of the reasons that we are here at 5:20 a.m. on Sunday morning. Suffice it to say that I was quite taken aback when I was driving home one evening about two weeks ago, perhaps less listening to the radio and an interview of the Governor off the cuff, but listening to the Governor making a statement very clear that not only would he hold the Budget hostage, but also the Tax package which, as we are all well aware, he suggested hostage, as well until he got exactly what he wanted. I underscore exactly what he wanted. No less. I find that appalling. I think the people of Maine, if they were as aware of the process as we are who sit in this Body day in and day out, if they were as aware of what is going on behind the scenes, they would be appalled as well. Unfortunately, it is difficult to get that message out. It gets garbled. It gets caught up in discussion of relatively insignificant action which we take sometimes, the press misses the larger picture. Well, this is the larger picture. We are on the threshold of a new fiscal year, and we are sitting in here unable to reach a consensus on the Governor's own Tax package. I must tell the men and women of the Senate that I do not relish the thought of raising new revenue. I did not enter into this session wanting to raise taxes. I knew that at some point the issue of new revenue would be discussed, but I wasn't chaffing at the bit, nor were the majority of my Committee chaffing at the bit to find ways of taxing Maine people. As we are all aware, particularly those who sat on the Appropriations Committee day in and day out, and day in and day out, listening to every conceivable constituent group coming forward and telling them of the real human dimension of the cuts and how they would impact them. After so much of that, there was just so much that could be cut and then we had to find new revenue. Many members of the Legislature realized that months ago. The Governor realized it on May 20th. We took our charge as a Committee very seriously. We crafted a Tax package recognizing the Governor's imposed threshold of \$300 million in new revenue over the biennium. We held to that threshold. In fact, if anyone bothers to look at the numbers we came in as a Committee, unanimously, \$26.2 million under that threshold. This was done in the face of tremendous pressures from both ends of the spectrum. One end believing rather sincerely that we couldn't raise enough revenue to close the Budget. Maybe we ought to primarily focus on new revenue and not on cuts. The other end of the spectrum, and I suppose just as legitimately, felt

that we could achieve a balanced Budget without any revenue, that we could arrive at roughly \$1 to \$1.2 billion in cuts. Obviously, the Taxation Committee chose a moderate path, they did not appease one faction or another, but tried to do what was best, well within that \$300 million threshold. I believe that our Committee and its proceedings were an example of the very best that this Legislature has to offer. We knew what our target was, and through compromising at various junctures, being very open with one another about our positions, we arrived at a consensus. The good Senator from Cumberland, Senator Esty, and the good Senator from Aroostook, Senator Collins, both contributed in large measure to the ability of the Committee to come together at the end.

I think it is important to state on the Record the composition of this Tax package. I might preface the description of this tax package by saying that we at great length discussed simplicity within the context of the Committee deliberations, and the fact that too often times in my nine years of service in this Legislature we have been presented with a tax package at the end of session that very few people can understand. It is a hodgepodge of revenue enhancers, many times characterized as "smoke and mirrors". Hard to understand, and certainly hard to articulate when you go back home. You know that the money has been raised, and you are not quite sure how it has been raised. Not so with this Tax package, it is very straight forward. At the Governor's suggestion, an increase in the sales tax from 5% to 6%, which raises \$143.9 million in the biennium, effective August 1, 1991, with a two year sunset provision. 7% meal, 7% lodging, 7% drinks. Meals go from 5% to 7%, lodging remains at 7%, and drinks are reduced from their current level of 10% to 7%. That garners \$20.9 million effective August 1, 1991. A tax on snack food, effective September 1, 1991, gaining \$17.4 million. A 10% corporate surcharge, \$9.1 million, again beginning this year and with a two year sunset provision. 5% individual surcharge on incomes up to \$75,000, a 15% individual surcharge over \$75,000, and an adjustment in the top rate from 8.5% to 8.6%. Those again for individuals of over \$75,000, raising an additional \$82.5 million. All of those provisions that I have just mentioned, again, are sunsetted at two years.

I would also like to note on the Record why it was that the Committee was very firm in its position on sunset. The Governor has proposed that we link the sunset to economic recovery. I believe that economic recovery, plus the 3% rate of inflation, the Committee's position on that was very clear. First of all, we are about to impose a major tax increase on the people of the State of Maine. In order to assure them that it is one that we consider to be temporary, one that we consider to be a stop gap measure, to pull us out of the fiscal situation we are in currently, we felt that a tangible, two year sunset was very important. The Governor has proposed something that was tied to the very information and data base from the State Planning Office that got us into this mess in the first place. We were without question uncomfortable about that.

I think that this is fair. I think it is equitable. Again, I reiterate that there was no one on the Taxation Committee that relished the thought of imposing any of these taxes on the people of Maine. But, we recognized the seriousness of our

charge, and the trust that the people of the State of Maine have placed in us to do what is right, and that is precisely what you have before you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is Sunday morning, and everyone of you in here needs a shower, including myself. And I have a couple of other truths that I would like to share with you! A little bit of a wake-up call, at least from my corner. I believe that the truth of the matter here is, that we are still here, and we have done nothing, because there is no leadership on the second floor. The good Minority Leader, the Senator from Franklin, Senator Webster, talks about Workers' Compensation being the absolute cornerstone of what we need to put together here. I wish that he could have followed the good Senator from Cumberland, Senator Esty and myself around for the last two days. The Governor is not interested in working out a package on Workers' Compensation. He wants it his way or no way! And he wants to have 1.2 million people ride on what his idea is of what Workers' Compensation should be, and their fate should ride on his notions. He doesn't have a clue of what he wants. He rests on some funny numbers that are coming up from some actuary who has never run for county sheriff, and couldn't tie a number to any one of the principles that we have talked about. Nothing! They don't know what they want!

What's the other thing? Things were kind of in the balance this morning. All of a sudden he shows up a concept which has been kicked around here and voted on and passed by two-thirds of this Body and the other Body, video gaming. Someone goes out and sees 20/20 last night, and comes back and says, "My God, there is going to be crime in Maine, corruption!" They saw a show which was six months old. Thank God they didn't see Friday the 13th, part V! Who knows what they would have come back here with! What is going on around here! We have been here all day! All day! We were close. We actually had something except for the Workers' Compensation Package. And where are we now? This government is going to come down and the person on the second floor is responsible. Nobody else! He is the only person who can shut government down, and he is going to do it. A lot of people are going to be hurt. State workers, people in need of vital services, and when you have unanimous reports, which around here this year have been rarer than the second coming of the Savior himself. All of a sudden, nobody can back him up anymore. Let's have a Roll Call. Well I'm sorry! People have got to stand up for what they voted for and what they believe in. We are never going to get anywhere around here until we do it. And if people don't want to do that, and the person who is running the show down there doesn't want to stick his neck out and show a little bit of leadership, then it is about time that he examined the oath that he took for office, because if he can't do it, then he ought to resign!

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I sympathize with the

remarks of the gentlemen from Cumberland, Senator Conley, feeling quite the same, he is just more articulate and better to put them in better words than I. But, hearing the Senator from Franklin, Senator Webster, speak earlier, I can't help but think that the whole business about Workers' Compensation is some sort of magical number, is nothing but a diversion. A diversion trying to mask the fact that the Governor is proposing substantial taxes for the people of Maine. I think that is irresponsible. I am actually coming to the conclusion that perhaps as ludicrous as it may sound, that the Governor actually wants to shut down State Government. This discussion and this diversion about the Workers' Compensation package, the Governor knows full well, or should know full well that he has on his desk a very responsible, comprehensive package on Workers' Compensation that went way, way beyond the Governor's little Bill that he proposed. It has substantial and immediate savings as two nationally known and respected actuaries have stated that in writing. Immediate savings. Beyond that, there is substantial long term savings, and beyond that, individual employers can immediately lower their premium bill by taking loss control actions of their own. Besides that, we who have been actively involved in this issue for months have said that we would listen to any proposals. Senator Esty and Senator Conley have been actively working with the Governor's Office in the last couple of days on the labor issues portions, to see if there could be some agreement that could be reached on some of those issues. We all seem to be coming to the conclusion that the Governor simply isn't interested in coming to an agreement. Not at all. Because then, what would be the diversion from the taxes that he is creating? Then, maybe he wouldn't be able to shut down State Government. Wouldn't that be a shame. That package on his desk is very responsible. It has substantial short run savings, substantial long run savings, and individual employers can lower their premiums immediately.

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Let's get back to this Budget Bill. I want to first thank all of you for your input. It was most helpful. We have incorporated into this Budget Bill many of your suggestions. Those that were unanimous, we put into the Budget Bill, and I think that they should stay there. I will be voting for this Tax package, because we had a unanimous Report. I would like to get it to Enactment. Then, I think I do see a problem, because there are those that feel very strongly about Workers' Compensation. But, I am the eternal optimist, because I think that you will come up with something on Workers' Compensation very soon. Then we will go on to Enact the Budget. Hopefully, that will be the scenario, that you will before enactment, come up with something that all will be happy with, or not happy with, but can vote for. Then we will have this document that the people of the State of Maine need. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is **ADOPTION** of House Amendment "A" (H-718) to Committee Amendment "A" (H-716), in concurrence.

A vote of Yes will be in favor of **ADOPTION** of House Amendment "A" (H-718) to Committee Amendment "A" (H-716), in concurrence.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **CAHILL** of Sagadahoc who would have voted **NAY** requested and received leave of the Senate to pair her vote with Senator **COLLINS** of Aroostook who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, EMERSON, ESTES, FOSTER, GAUVREAU, GILL, GOULD, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY**

**NAYS:** Senators **BRAWN, CARPENTER, ESTY, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER**

**PAIRED:** Senators **CAHILL, COLLINS**

**ABSENT:** Senators None

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators having paired their votes, and none being absent, House Amendment "A" (H-718) to Committee Amendment "A" (H-716) **ADOPTED**, in concurrence.

House Amendment "C" (H-721) to Committee Amendment "A" (H-716) **READ**.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the one year Budget amendment, and I move Indefinite Postponement.

On motion by Senator **PEARSON** of Penobscot, House Amendment "C" (H-721) to Committee Amendment "A" (H-716) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

House Amendment "F" (H-726) to Committee Amendment "A" (H-716) **READ**.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the issue that deals with three positions in Fisheries

and Wildlife, and I would again move to Indefinitely Postpone.

On motion by Senator **PEARSON** of Penobscot, House Amendment "F" (H-726) to Committee Amendment "A" (H-716) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

House Amendment "H" (H-729) to Committee Amendment "A" (H-716) **READ** and **ADOPTED**, in concurrence.

House Amendment "I" (H-731) to Committee Amendment "A" (H-716) **READ**.

**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 again move to Indefinitely Postpone House Amendment "I" (H-731), which says that there were a number of drafting errors, and I have checked it out with staff, and we did find one, and I will offer that particular amendment in a few minutes.

Senator **PEARSON** of Penobscot moved to **INDEFINITELY POSTPONE** House Amendment "I" (H-731) to Committee Amendment "A" (H-716) in **NON-CONCURRENCE**.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I ask for a Division on this, and I am going to be supporting House Amendment "I" (H-731) with all due respect to our wonderful staff, and the good Senator from Penobscot, Senator Pearson. Many, many people have been very, very closely following the negotiations of the Appropriations Committee. I think that the errors are corrected in House Amendment "I" (H-731) and were truly moved into the Budget. Just to itemize them for you, they are in addition to the one that there is agreement on, which is the ASPIRE language. There is language that a Medicaid recipient may not be required to pay more than four prescription co-payments per month. There is also language that has to do with teeth. That was a very famous discussion as you will remember. The thought of Mainer's having to go without teeth because of our fiscal woes is one particular image that has stayed with me throughout. In fact, the language that you see in the amendment even modifies even further the adult denture language that was already contained in our law, and it says only if it can be verified from a physician that masticatory deficiency is likely to impair the individuals general health, only if that can be proved can dentures be approved. The cost of this amendment, which I might add, the advocates who have been closely watching out our deliberations over the past months, think have been moved in, the cost of this is about \$800,000. \$500,000 from Federal Funds and \$300,000 from General Funds. I think that is a very modest amount. Later on in today's session, should we get that far, I will be introducing an amendment that has an extra \$500,000 in it. I would be glad, if I am wrong, and this was not added up in the tally, I would be glad to donate that \$500,000 so that people can have teeth. Thank you.

Senator **MCCORMICK** of Kennebec requested a Division.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The legislative document that we have before us is 750 pages. We moved some things in and we moved some things out in order to balance the Budget. None of them were pleasant, obviously. This is one of the items that the Committee on Appropriations and Financial Affairs negotiated with both sides agreeing. This was agreed by both Republicans and Democrats in our Committee. To put it back in will create a \$300,000 problem. I think that I might say at this point that I believe in the Committee process and I don't think that it should be violated.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** House Amendment "I" (H-731) to Committee Amendment "A" (H-716) in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor of the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** House Amendment "I" (H-731) to Committee Amendment "A" (H-716) in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

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

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** House Amendment "I" (H-731) to Committee Amendment "A" (H-716) in **NON-CONCURRENCE**, **PREVAILED**.

House Amendment "J" (H-733) to Committee Amendment "A" (H-716) **READ**.

Senator **GILL** of Cumberland moved to **INDEFINITELY POSTPONE** House Amendment "J" (H-733) to Committee Amendment "A" (H-716) in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Human Resources Committee in its deliberations looking over the budgetary matters that we had before us, came up with a suggestion that Administrative costs be allocated in a special way, that those costs may not pay for certain things within community agencies. It received a Majority Report from the full Committee. In fact, as it was presented to the Appropriations Committee, they embraced that concept, also. My understanding is, it not only deals with mental health community agencies, but it deals with correctional contracts that are given to community agencies, and also in human service areas. It insists that the state dollars that be given be used to pay for services and not administrative costs. I think in these difficult times that we are facing, it is a wonderful suggestion, and the amendment that we have before us that I have asked for Indefinite Postponement of would repeal that position in the

Budget that is already in the Budget. I know myself, I ran across a computer printout that was three and one-half pages long, that alone was subscriptions for one agency. They were multiple subscriptions of the same articles or the same magazines. When they were questioned about it, they responded that they wouldn't want to share the magazine within the agency. Each person had to have their own subscription. I think that in these times it is a waste of money for something like that. But, if you notice in the Budget Document, it does say that the money should be spent for direct client services, or training required for licensing of certification of the community agency. Funds may not be used for individuals licensing of certification. Subscriptions lobbying bonuses and incentives, or legal fees that exceed \$1,000, or the average of the last three years, whichever is less, the monies that come from the state may not be used in those areas. It may not be used for purchase, rental, or lease of vehicles that are not required for direct client services. It may not be used for donations. It may not be used for non-clinical consultants. It may not be used for salary increases with persons of salaries of over \$50,000, or for that portion of the salary that is attributable to administration functions.

I think that the concept is a good one. It says that the money will be used for direct client services and not for administrative costs. Most of the agencies that we looked at had other sources of funding. There was the ability to have money available for some of these things for their other sources of funding. But state money, it was felt, should be used for direct services to clients.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would ask that you not vote to Indefinitely Postpone this amendment. The good Senator from Cumberland, Senator Gill spoke at length about the language which was inserted into the Budget Document, and made reference to that by way of the amendment that is before you. However, the amendment before you does not remove that language. It simply sunsets that language June 30, 1993.

I would like to just rather than get into the issue at length, because we may have another opportunity to do that before we recess on another amendment which may be coming down before you in the next few minutes, rather than get into the details, I would share with the Body the rather convoluted process that this language made on its way through the process of the Human Resources Committee and into the Appropriations Committee. It was not a unanimous recommendation, and the good Senator from Cumberland, Senator Gill, did not characterize it as that. But, it was certainly not a unanimous recommendation from the Human Resources Committee that this language be inserted in the Budget.

Again, like another issue that I spoke on earlier, this literally took on a life of its own. The individual who promoted the concept initially, a Legislator from the other Body who also sits on the Human Resources Committee, was very clear with regard to his intent. That was to "send a message" to two or three large mental health agencies that at least



by way of perception had rather high administrative overhead. Much to the dismay of that individual, it blossomed and began to include as it began to snowball through the Committee, include all mental health/mental retardation facilities, large or small. I can tell you that this individual indicated to me that he regrets at this point having initiated the original language, because it was not his intent to go after those who are not spend thrifts, and do apportion their finances wisely. He was simply uncertain as to how to stop the process. Once it got to the Appropriations Committee through the sub-committee of the Human Resources Committee, I believe there were other agendas at work, and that is why you have it before you.

I have said enough. I would urge you to oppose the pending question, and I request a Division.

Senator **BOST** of Penobscot requested a Division.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The one thing that some of us who have served on those Committees for a long time have tried to get at is, where funding comes from for the various agencies that we as a state give money to, we have never been able to get a handle on that, because some of the agencies that come before us are quite evasive about where their funding sources are. They will tell you how much state money you give them. They might tell you a couple of other things, but they never bare their Budget to us. We felt that this was an opportune time to try to find out more information about the Budget. The Representative on the Committee who brought this idea up in the first place, had ample opportunity through the process, because as I was down to the Appropriations Committee, he was there quite often, and he could have stopped this in the process if he wished. I know that he was there and available many, many times. It either didn't occur to him or he chose not to stop this process. I think that this was a way for us to look at where the money was being spent, and where their funds were coming from so we would get a total picture of the funding from the agency. State money is scarce. We want to make sure that state money is being spent properly. This was the only way that we knew how as a Committee to do that. We did extend it, and we suggested that the Appropriations Committee extend it through all of those agencies that were dealing with Mental Health, Corrections, and Human Services, because we do have many community accounts that we deal with, and we wanted to make sure that they are spending their money properly.

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

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am a little confused as to the sentiment of the Committee on Appropriations on this matter. My thought this morning is to support the Committee on Appropriations on its recommendation on a Budget. I am not certain

from the debate where members of the Appropriations Committee stand, whether this is an issue that is ambiguous, or whether this was an issue that was clearly an addition to the recommendation of the Committee on Appropriations. I would ask members of the Committee on Appropriations if this issue had been discussed, and what is the position, if there is any, of the Committee on Appropriations on this matter?

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think that the two Appropriations members of the Democratic Party are a bit reluctant to speak on this, because we both have contracts that might be effected. This is a sunset provision in which these restrictions will be looked at in two years. It was never discussed in the Appropriations Committee. Changes of language were discussed, but sunset was never discussed, so I think it would be hard for us to give you an impression of whether this should be changed in two years, and therefore, I would vote for it. As far as giving you any more sense of the Appropriations Committee, I could not.

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment was put in the Budget exactly the way it came from the Committee. Senator Pearson sustained from voting because he felt he had a conflict. I believe that all I can say is what Senator Brannigan said, we took their recommendation and put it in the Budget. We applauded them for their courage. It was something that we had talked about for a long time, and we never knew exactly how they felt about it. Those that appeared that day spoke very strongly in favor of it. That is why I really enjoyed the Committees coming before us, because it was a learning process.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **GILL** of Cumberland to **INDEFINITELY POSTPONE** House Amendment "J" (H-733) to Committee Amendment "A" (H-716) in **NON-CONCURRENCE**.

A vote of Yes will be in favor of the motion by Senator **GILL** of Cumberland to **INDEFINITELY POSTPONE** House Amendment "J" (H-733) to Committee Amendment "A" (H-716) in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEAS: Senators **BERUBE, BRAWN, BUSTIN, CAHILL, CARPENTER, CONLEY, EMERSON, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER**

**NAYS:** Senators BALDACCI, BOST, BRANNIGAN, CLARK, CLEVELAND, DUTREMBLE, ESTES, ESTY, KANY, MATTHEWS, MCCORMICK, MILLS, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

**ABSENT:** Senators COLLINS, PEARSON

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator GILL of Cumberland to **INDEFINITELY POSTPONE** House Amendment "J" (H-733) to Committee Amendment "A" (H-716) in **NON-CONCURRENCE, PREVAILED.**

On motion by Senator WEBSTER of Franklin, Senate Amendment "C" (S-397) to Committee Amendment "A" (H-716) **READ.**

Senator PEARSON of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-397) to Committee Amendment "A" (H-716).

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to explain to the members of the Senate, that first of all, prior to my deciding to offer this amendment, I thought about the Committee process. I sat, as many of the members in this Legislature did through many hours of discussion around the appropriations process. For that reason, knowing how the process works downstairs, and knowing the desire of the Committee to come out with a unanimous Report, it was a very difficult decision for me to try and amend this Budget.

I represent an area of the state that is a very high receiver. Virtually all the school districts in my area are very high receivers under the school funding formula. The citizens of this state have repeatedly shown a strong interest and desire in supporting higher education and education at all levels. I couldn't in good conscience, especially after watching the Committee process, not offer an amendment to redirect the way that the state dollars are spent from the Budget. This amendment is one of two amendments that I would offer if this one is accepted. It simply sets the priorities differently than that of the Appropriations Committee. This amendment would eliminate the Maine Health Care Program, a program that we have had on the books for less than a year. It would eliminate a \$130,000 speculation building which few members of this Legislature even know is in this Budget, which I find offensive. It would also eliminate a tour guide which I don't think is appropriate during these tough economic times.

Knowing how the process works, I know that sometimes these things get into the Budget. But my priorities and the priorities as people of this state, are to use limited dollars we have in the best way. Frankly, when you have many schools that are being faced with what is being called "flat funding", I thought I could not in good conscience allow that to happen without making an effort to try and put

more money in that area. This amendment and the amendment that I will offer on the Part Two Budget, if this amendment is successful, will redirect about \$30 million to General Purpose Aid, a position that I feel that we need to take and send a message to our people that our priorities, if faced with making tough decisions, my priority would eliminate something that has only been around for a short time, and put the money to better use. Maine cannot afford to have one of the few socialized medicine programs on the books, a program that was just recently established, when school teachers and school children in this state are not going to be receiving the kind of financial support that they deserve, and the commitment that this Legislature for many years has given to education.

My constituents have asked me to set priorities. I am willing to take the political fall out that comes from advocating eliminating a program that is popular among some people. But if given the choice between continuing the Maine Health Care Program or funding education at a higher level, I have opted to support a redirection of our limited dollars to a more appropriate funding of education. I would ask you to support this amendment.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. There are three components to this particular amendment. One is a tour guide that is \$16,000. Why a tour guide was picked in this amendment? I haven't any idea. Why couldn't it have been a merit of other jobs? I don't have any idea. It is not a position, it is a contract. The second one is a \$125,000 speculation building in the Katahdin region. The region of the state that has the highest unemployment of any region in the state! It can be for job opportunity zones. That is okay. It can be for the Department of Economic and Community Development. That is okay. You can be for all kinds of projects everywhere all around the state. That is okay. But the one that is located in the Katahdin region to provide something for an area that has the highest unemployment in the state, 20%, that is wrong. Now where is the logic? I fail to see the logic! It almost makes me feel like its a political move. But I could be wrong. Then the rest of it is to provide money for General Purpose Aid to education. We would all like to do that. But, we had choices. One of the very largest departments in the state, we asked everyone else to be flat funded, I shouldn't say the largest department, but one of the ones that the department has the largest amount of money, is education. How painful that was. It is not easy for any of us to do that. But choices had to be made, and we made some very difficult choices. This choice was a suggestion of the Governor.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. Let me explain since the good Senator from Penobscot, Senator Pearson, has questioned why I chose these three items. First of all, I thought about other areas in State Government that we could cut spending. One of

the things that I looked at was eligibility requirements for several programs that I think are more than the taxpayers of this state can afford. I wanted to have a proposal that was clean and clear cut. This is why I looked at a program that has only been on the books for a short time. I would not have even under any circumstances, because I am sure that there are other things in this Budget that I don't like, and I don't think that the people of this state like, particularly, that the Legislature doesn't like, but I didn't pursue those because I didn't happen to be in the room at the time that this was rammed through the Appropriations Committee. Frankly, I happened to be sitting there when the tour guide was mentioned and there was no debate. It was passed by a nine to four vote. The same thing happened on the Katahdin building. No explanation, perhaps it was discussed in some Party Caucus, I didn't hear anything about it, I was sitting right there. In both cases, neither one of those proposals would stand on their own on this Senate floor. I had no intentions of debating those two issues because they are very insignificant. If the Senator from Penobscot, Senator Pearson, or someone else wants to take those two issues out and fund what I would call "pork barrel" proposals, I would not object. The issue here is whether we are serious, and I am serious about doing something to relieve the property tax in this state, and to do more for education.

This is a sincere proposal. I was asked by my constituents to set priorities and I am doing that. If you don't agree with that, and you think it is more important to fund this social welfare program, that is fine, you have a right to do that. I know that there are people here that would prefer to spend money in that area. I don't. I am representing the citizens of my District who want something done for education. They also want something done to set priorities, and they do not, and I repeat, they do not support the type of programs that we have passed in the last few years here. One of those, if they have to make a choice, they would prefer us to put the money towards education. I want the members of this Senate to know that I brought this issue up out of courtesy, because I felt it was appropriate to my caucus, and I can tell you right now that there are some very strong feelings about this issue, and perhaps because of them, for whatever reason don't agree with me. I represent an area of the state that is very hard hit by the current Budget proposal in education, and I am going to represent them. I am doing that today. If you feel strongly that education is a high priority with you, then you would make the same kinds of decisions that I have done. I would ask for a Roll Call.

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

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Franklin, Senator Webster very seldom, very seldom can persuade me or convince me on some items. But he is starting to persuade me. Sometimes that scares me. He said that you should do all you can to protect your District. The people in my District

don't want me to touch Workers' Compensation. Do you know that? So if we use the theory that is set forth by the good Senator from Franklin, Senator Webster, then I shouldn't touch Workers' Compensation. I think I can go down the line here and pick a lot of the people who may have been willing or still be willing to work on it. But, if we go by that premise, we shouldn't touch it.

The good Senator from Penobscot, Senator Pearson is confused by what the good Senator from Franklin, Senator Webster is telling us. I am not confused. He told us a long time ago that we cannot be all things to all people. I think that we are finding out today that means we cannot be all things to all people, let's be all things to his people. If that is not starting to sink in on my friendly Republican colleagues, then I hope that you start to listen to your leader, very, very carefully. Because if we adhere to his principles on how this Senate should be conducted, then we shouldn't be doing anything at all as a group to do what is better for our state, we should only be doing what has to be done to get reelected. The good Senator has his reelection piece. Congratulations. I hope you are proud. I hope that you are real proud. You are nodding your head, and we can see that you are. When I look in the mirror when I go back home today, I will see Duke Dutremble, and thank God it is not going to be another Senator in this Body!

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. Let me say first of all, I spoke at length in an effort to explain to the Senate that I was not speaking today as a Minority Leader, but as a Senator from Franklin County. I can assure you, that many of you that listened to the previous speaker, that I am not alone when it comes to making decisions based on what is right for my District and the state. I can tell you right now, even though perhaps that the good Senator from Cumberland, or Aroostook, or wherever you might come from, perhaps you might not agree with my priorities, but I can tell you that the people of Maine would choose education every time over continued government welfare programs. I believe that. The people that I talk to believe that and that is the position that I have taken here today.

The good Senator from York, Senator Dutremble says that his constituents don't want Workers' Compensation reform. I wish I had the list of factories in this state that closed, and particularly, those in York County that have been closed. But, we don't need to change it because it is going to go away! I will tell you one thing, the people that I represent don't want taxes! They want government to be downsized. They want Legislators to be leaders, and take positions, and set priorities.

I was interviewed by somebody the other day on the Workers' Compensation issue, and more importantly, I was interviewed on taxes. They said to me, "Aren't you being unreasonable to ask for a 30% or 35% savings in Workers' Compensation?" I said, "Not really, because that is what we are raising in taxes". But I didn't want higher taxes. I don't remember anybody coming here and saying that

we are going to have 150 cuts to make up for the shortfall. No one has done that! I am expected to compromise on no taxes, but no one wants to create new jobs in this state. That is what I am here to do, set priorities. This is my priority. If you don't agree with it, then you don't have to vote that way. You can tell your constituents that you want to put money into welfare programs instead of education. Go ahead. That is up to you. If every Republican here and every Democrat votes against me, that's okay. I have stood here alone many times, and I will do it forever, because that is what I am elected to do. The people of Maine asked us to set out priorities. I wish that we could have set more priorities and not raise taxes, if we end up doing it, which we may in the end. But as a Senator representing an area of the state that wants government controls and spending to be down, I am setting priorities. If you don't like it, then you vote the other way and you vote instead to spend money on welfare programs. That is what it is today, ladies and gentlemen, it is a choice between one of the other. It is a simple vote. You can vote anyway that you like.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am really surprised here by the good Senator from Franklin, Senator Webster, because it was the good Senator from Franklin, Senator Webster, that stood up on this floor of the Senate a few weeks ago and asked this Senate to stick with the Committee process, some team work, let's support the Committees, let's go with the Reports out of the Committees, and let's try to work together. Now the good Senator from Franklin, Senator Webster, wants to sabotage that which he stated on the Record just a few weeks ago. That same Senator must have the wisdom of Solomon, because he would have us choose between health care and education. I guess some people in this Senate are proud to say that they support both, because both should not be a right of the privileged! Thank you Mr. President.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to urge you to oppose this amendment as probably, I feel, the strongest advocate of restoring more monies to General Purpose Aid above Flat Funding, I do so for a number of reasons. One, I look at this as being a "rob Peter to pay Paul", placing one program that is not popular with some members of this Legislature, even though it has proven its need and its value, it has been a sore point, a sticking point throughout all of the negotiations of the Appropriations Committee in putting a Budget together.

I feel that this just another example of all the "smoke and mirrors" is that we have been seeing over the last couple of years. Back when the concept of Flat Funding was first floated by this Governor, he said that it was his top priority to restore additional General Purpose Aids monies. The Education Committee in which I Chair, and strongly advocated additional monies be restored to General

Purpose Aid, and identified, and strongly recommended to the Appropriations Committee where additional cuts could be taken in the Department of Education, and those monies put back into General Purpose Aid.

I am amazed this morning, it was in the evening when these amendments first came across my desk, I was amazed at the strong advocacy of the good Senator from Franklin, Senator Webster, for restoring a substantial amount of money to General Purpose Aid over the biennium. We could have used his support in advocating maybe even a stronger case before Appropriations and the numerous times that I, and my Co-Chair, and other members of the Committee appeared and haunted in our following of the Budget process.

Something else that I really found ironic, because I saw the writing on the wall, General Purpose Aid, and the percentage of the Budget that it takes up, it is a big, slow, lumbering target, and it got hit. Out of the \$550 million worth of cuts over the biennium, we have over \$200 million coming from General Purpose Aid. What struck me as particularly interesting were remarks from the Governor on May 23rd after his revised Budget. In a correspondence to the Maine Municipal Association, he was referring to his comments in his press conference about "belt tightening at the local level" in response to a question about school spending. I quote from the letter, "Now is the time to also cut back on education spending. I would appreciate the opportunity to discuss with members of the Maine Municipal Association the Budget and get their reaction." I also have another piece of correspondence that went out to a Director of Art Programs in the Westbrook School System, and this is dated June 5th. The Governor said, "I share your concern regarding education. I have and will do everything possible to continue the progress we have made in education." I don't see that happening. We have had some opportunities, and we have been talking about raising \$32 million from the video gaming, but that is not going to be considered as part of the revenue for the Budget. Instead, we have got another amendment that is coming up that is going to end up restoring that money. I think that those would be more serious considerations, either one of those options rather than "robbing Peter to pay Paul".

I also question the good Senator from Franklin, Senator Webster's figures on \$30 million. I had heard that figure being rumored last night when these amendments came out, and I come up with about \$23 million looking at this amendment and another amendment that we will be considering. It is a nice gesture, but I don't think that it holds water.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise in opposition to my good colleague the Senator from Franklin, Senator Webster. About an hour and one-half ago, Senator Webster from Franklin addressed this Body on why he could not support the package on Taxation which had been recommended in unanimous fashion by members of the Committee on Taxation. I certainly sympathize and join with the Senator from Franklin in his commitment to quality education for the children of our state. As we all know, we are in

the Budget Document exacting a cut of about \$200 million in General Purpose Aid. I suspect, that if we had not had enough members of the Senate vote to resist the Senator from Franklin's effort to eliminate this Tax Package from this Bill, the cuts to General Purpose Aid would be more severe, and have a much greater impact on the children in Maine.

But my primary purpose in rising this morning, is to address the purpose of health care. Like all members of this Body, I am concerned about the issue of Workers' Compensation. The Senator from Franklin, Senator Webster, talked about the huge cost of Workers' Compensation in his District. I think that we all share those sentiments. I think that every person in this Body wants to do what we can to responsibly reduce the cost of Workers' Compensation while protecting the working men and women of our state. But you know, a lot of focus in the Workers' Compensation debate addresses the issue of wage loss. But a major component of Workers' Compensation costs is in the area of health care. We know that health care costs are rising more than twice the inflation rate in our society in general, and that cost is certainly reflected in health care and in Workers' Compensation.

It seems to me that the Maine Health Program has many desirable effects. It takes a meaningful step to providing a decent level of health care to the 130,000 Maine men, women, and children who are presently uninsured. But it also helps health care providers, such as hospitals and doctors with their bad debt margins. And as you know, due to Maine's system of health care finance, the bad debt is passed through to the payers in our health care system. The payers are Maine business. It seems to me that we have to be very careful before we decide to reduce or eliminate the Maine Health Program, because that would have the direct effect of raising health care premiums, and yes, raising Workers' Compensation premiums in our state. For these reasons, men and women of the Senate, I rise this morning and urge you to support the motion to Indefinitely Postpone.

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

**Senator CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We have heard a lot so far this early day. We have heard particularly from our good friend, the Senator from Franklin, Senator Webster, who is attempting to reflect the priorities of the people he serves in the western mountains, and in the Senate District. While that is laudable, allow me to submit for your serious consideration, my prospective of the genesis of this amendment which reflects only my opinion which I, too, am entitled.

There is no secret that the Maine Health Care Program has been on the hit list by the Minority Party in this Maine Legislature for quite a few months now, despite the fact that many of us voted for the taxes that supported it, even reaffirmed that in one of our earlier budgetary financial skirmishes on the Supplementary Budget for fiscal year 1991. It is also known that there are numbers of people here, among them prominently, the Minority Leader, who has expressed concern that a certain teacher organization endorses candidates for the Maine Legislature that have a "D" after their name more frequently than

those that have an "R". And that should this amendment fail today, it will be used as prime evidence that Republicans care more for education than do Democrats! So be it. It is an allegation that rings hollow with me, for fully one-third of the participants Maine Health Care Program are little people. And while I deal with the bigger people in Maine public schools, I have sat for years in the Representative Assembly of that organized Teachers Association. I have served proudly as an Officer, and it doesn't seem possible, but it is over sixteen years ago as its President, and know that teachers hearts beat more for people in need than it does for their own wallets and purses. All of us know that GPA and schools from prekindergarten through post secondary have been the victims of our financial Budget situation, the shortfall as it anticipated revenues, as have other segments of our Maine society. But to suggest that those who support the addition of this Senate Amendment "C" (397), while concurrently projecting that they care more about education than they do about people in need of the very basic maintenance, health care, I submit to you is specious. It is also, from my own prospective a bit illogical. It is just like people saying we need to get back to the basics, but for some of us the basics means health care, food, dental care. I have learned, even though I have taught at the secondary level for well over this quarter of a century, that you have to be sound in body with a full tummy before you learn.

So we are about to have a Roll Call. Isn't it coincidental that whenever the good Senator from Franklin, Senator Webster introduces anything, its always because, with merit, it represents the people that he serves. Of course we never do that, and it is always justified by a Roll Call. It is not good enough to say, "I voted for it or against it". We have evidence. We have first an unwillingness to support a unanimous Committee Report on a Tax package. I respect his position. I am not surprised. We sort of discussed it at that meeting of leadership where we both had some similar feelings. But, as is consistent, I submit that there are more political overtones to this venture this morning than anything else, and I may be challenged but, I, too, am entitled to my own conclusions and my own reasons for stating so on the Record, and my own opinion. Thank you for allowing me the opportunity to say what I was thinking.

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

**Senator WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to say very briefly that I appreciate the comments made by the good Senator from Cumberland, Senator Clark. I can assure the good Senator from Cumberland, Senator Clark, and anyone listening, once the vote is taken that it will not be a strict partisan vote, and I would hope that it would seem to me a little unusual that if every member of the Majority Party were to oppose this measure, that it might be a political gesture. Perhaps it could be considered political if every member of the Majority Party opposes, considering the fact that I can assure everyone here, as you will soon find, that not every member of my Party supports my position on this issue. So we will see who is being political and who isn't.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am only suggesting in the response, an obvious need for clarification of my earlier remarks, that it is only the Senator from Franklin, Senator Webster, who is being political. For I know, having heard, as I am sure that he is aware, that there are members who have an "R" after their name, who respect unanimous Committee Reports, have made a pledge, and will adhere to them. Not everybody is political. We all have our times and places. That allegation does not always exclude me. In fact, I am not even very consistent with reference to that. But I will tell you who is, the good Senator from Franklin, Senator Webster. Thank you Mr. President.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to continue on and say that I await anxiously the upcoming Roll Call, because I am absolutely positive that there are members of both political Parties sitting here today who believe that funding of education is more important than funding the Maine Health Care Program. I am sure that since this is becoming an issue, simply of doing what we believe is right, that there will be members of both Parties supporting this amendment.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-397) to Committee Amendment "A" (H-716).

A vote of Yes will be in favor of the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-397) to Committee Amendment "A" (H-716).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BROWN, BUSTIN, CARPENTER, CLARK, CLEVELAND, CONLEY, DUTREMBLE, EMERSON, ESTES, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY**

**NAYS:** Senators **CAHILL, WEBSTER**

**ABSENT:** Senators **COLLINS, ESTY**

31 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-397) to Committee Amendment "A" (H-716), **PREVAILED**.

On motion by Senator **FOSTER** of Hancock, Senate Amendment "B" (S-396) to Committee Amendment "A" (H-716) **READ**.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Would the good Senator from Hancock, Senator Foster, explain briefly her amendment?

**THE PRESIDENT:** The Senator from Penobscot, Senator Pearson has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment eliminates an appropriation to the higher education institutions established in another part of this Bill, as a repayment of a June 1991 deferral. In its place, this amendment clarifies that the July 1991 payment is for the June 1991 deferral. Those institutions will receive each monthly check on a three week lag in the future. This is somewhat of the same thing that we did with the school systems in the GPA. This will happen in the second year of the biennium.

This amendment also institutes an across the board reduction of approximately 2.6% in FY 1992-1993, except for the certain programs that I shall name. The exemption would include General Purpose Aid to local schools, education in the unorganized territory, the debt service to the Treasury, teacher retirement, aid to families with dependent children, aid to families with dependent children in foster care, General Assistance, the Maine Health Care Program, intermediate care payments to providers, and medical care payments to providers.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am concerned about this amendment, and I am concerned in particular about the issue of deferral as it relates to the University of Maine System, and Maine Maritime Academy, and the Maine Technical College System.

I really can't quite believe that a member of the Appropriations Committee would offer such a suggestion, particularly, in this period only a few short days after the Bonding House of Standard and Poor lectured not only that Committee, but State Government as to the unwise decision that it has made over the last few years to defer costs in just this manner. I think that they were very clear that it was not sound fiscal policy, and that they preferred that we approach the issue of balancing the Budget by other means. This would appear to do exactly what the Bonding Houses suggested that we not do.

Additionally, in a discussion that was now about seven hours ago with the Chancellor, I asked him, point blank in a phone conversation, whether he felt that this was a good approach. I need to tell you that the Chancellor, in my estimation, has been extremely sensitive to the fiscal crisis that we face, and that the University of Maine System, particularly, and I do not exclude the other two entities which are included in this amendment, but focus particularly on the University of Maine System, and have taken steps to cut costs throughout the system, and have asked for wage concessions and have received them. The list goes on. I asked him about the impact of this and he was very clear. This would mean that the University of Maine System would have immediately borrow \$11.2 or \$11.3 million to offset the deferral which is included in this amendment.

For that reason, I would urge the Indefinitely Postponement of Senate Amendment "B" (S-396) and would request a Division.

Senator **BOST** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-396) to Committee Amendment "A" (H-716).

The same Senator requested a Division.

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In the eleven years that I have served in this Legislature, I have probably been the crusader for the University of Maine System. This is not an easy thing for me to do, but I will tell you that this does not happen immediately. This does not take effect this year, it is the following year. The University has been very protected, not only in this Budget, but in the Supplemental Budget. We asked our schools to do this very same thing, and every school unit in the State of Maine is doing it. Hopefully, in another year out, we will be able to look at this again. It is not immediate. This money is necessary to have a balanced Budget. Ladies and gentlemen of this Senate, that is what I am working towards, and will till we get it right.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I, too, will be supporting this amendment, because it almost puts in a position of having a balanced Budget. I realize that some people have objections, and hopefully, a lot of this that is included in this amendment can be looked at and changed before the second year comes around. We can have the Appropriations Committee find ways to resolve some of the holes that were created. I will be supporting this amendment, and hope that all of you follow suit, and that you see it the same way that I do.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. This is rather a technical question specific to the language in the Bill, because I am rather confused. As I read the fiscal note, the fiscal note applies to FY 1993. As I read the language in Section WW I, WW II, WW III, it says that, "This provides for the deappropriation of funds in the amount of the June 1991 payment", which we have already deferred, that has already been taken from the post-secondary institutions, "which will be deferred until after July 1, 1991", which is tomorrow. Now, that June 1991 payment that has been deferred until after July 1st, tomorrow, must be made on or before July 5, 1991. My question is, this to me says that we are going to be making that repayment of the June deferral on Friday. How does that result in a savings of \$14 million in FY 1993?

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BOST** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-396) to Committee Amendment "A" (H-716).

A Division has been requested.

Will all those in favor of the motion by Senator **BOST** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-396) to Committee Amendment "A" (H-716), please rise in their places and remain standing until counted.

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

6 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion of Senator **BOST** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-396) to Committee Amendment "A" (H-716), **FAILED**.

On motion by Senator **FOSTER** of Hancock, Senate Amendment "B" (S-396) to Committee Amendment "A" (H-716) **ADOPTED**.

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Off Record Remarks

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Senate at Ease

Senate called to order by the President.

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On motion by Senator **PEARSON** of Penobscot, Senate Amendment "E" (S-405) to Committee Amendment "A" (H-716) **READ**.

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment makes a technical correction in the terminology and language related to the ASPIRE Program.

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "E" (S-405) to Committee Amendment "A" (H-716) **ADOPTED**.

On motion by Senator **MILLS** of Oxford, Senate Amendment "H" (S-408) to Committee Amendment "A" (H-716) **READ**.

Senator **WEBSTER** of Franklin moved to **INDEFINITELY POSTPONE** Senate Amendment "H" (S-408) to Committee Amendment "A" (H-716).

Senator **MILLS** of Oxford requested a Division.

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment is a difficult amendment for me to offer, as many of you can understand that these times with the Budget being where they are, and amending the Budget as we have. I think it is important for people to realize that many of us, as mentioned earlier by the Senator from Franklin, Senator Webster, we have to represent our areas, and this is one of those times that I have to do so.

The Supplemental Budget that was passed here a few months ago, the last minute, the office in Mexico ended up on the list of DHS to be closed, and the Farmington office which was supposed to be on the list was left open. In these tough, financial times when we have to save money, that the Mexico office was a regional office for the area, there is no office in Oxford County now because of that. The Mexico Office was the regional office for that area, and if we keep that office open we will be saving \$19,000. I hope that you will vote for this amendment to save the money and to also keep the original regional office open. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am awaiting a comment from a member of the Appropriations Committee as to the legitimacy of this amendment. I would like to pose a question through the Chair to Senator Pearson in regards to this amendment, since he was involved in the early negotiations on the part of the original Budget that eliminated the Mexico regional office, which is regretful to all of us. Unfortunately, I understand the South Paris DHS was eliminated at the same time, and I have no idea why. The nearest DHS would now be in Skowhegan from Farmington. I assume that the Appropriations Committee would have gone through this whole matter in the previous Budget and made these kinds of decisions. I have no other way of knowing. I assume that the Chairman of the Committee would know as to how these decisions are made.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The names of the different places that we closed were submitted by the Department of Human Services. That is how the decision was made. I happen to think on reflection,

that after looking at a number of clients that are served in the two different offices, that it might not have been a good suggestion, but I do intend to vote against this amendment of my very good friend and Senator from Oxford, Senator Mills, because I want to be consistent with what I did before, and I would suggest the same route to the Senator from Farmington.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Senate Amendment "H" (S-408) to Committee Amendment "A" (H-716).

A Division has been requested.

Will all those in favor of the motion by Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Senate Amendment "H" (S-408) to Committee Amendment "A" (H-716), please rise in their places and remain standing until counted.

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

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Senate Amendment "H" (S-408) to Committee Amendment "A" (H-716), **PREVAILED**.

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Senate at Ease

Senate called to order by the President.

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On motion by Senator **CONLEY** of Cumberland, Senate Amendment "D" (S-400) to Committee Amendment "A" (H-716) **READ**.

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

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am usually at my best early in the morning, but something seems to have happened, it doesn't seem like very early in the morning. I would like to make the motion to Indefinitely Postpone Senate Amendment "D" (S-400). It is a very weakly disguised amendment to L.D. 1376, which has already been vetoed, and the veto has been sustained. Let's not try it again. There are a few little parts of it that are different, but not enough to make a difference. Thank you.

Senator **CARPENTER** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-400) to Committee Amendment "A" (H-716).

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As the good Senator from York truly wanted to say, like Yogi Bearer has so appropriated coined, this is a principle which the majority of this Body has agreed to as a principle



that is important. It is a principle that separates Democrats from Republicans. If we are going to give tax benefits to businesses as we have in this unified Budget, then this is my strong belief, as I do believe it is the strong belief of members of my Party. Employees who have been laid off should be allowed to have these jobs and benefit from that type of a tax policy. We have, as the good Senator from York, Senator Carpenter has suggested, softened it down. I think we should give it one more whirl and see if we can somebody review the reasons of why they may have rejected it in the past. It made good sense when we offered it before. It makes better sense now.

Senator CARPENTER of York requested a Division.

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

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. This must be an extremely difficult situation. I do favor the concept. I do favor the Bill. I did favor it when it was presented in here. I do care about the working men and women of Old Town. But, I also have responsibility to a Committee, and I find myself having to vote against the amendment, although I don't like the situation.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I do understand the position of men and women who have participated on these Committees. I might remind the good Senator from Penobscot, Senator Pearson, that this is actually an amendment to the tax provisions to the tax portion of the Budget. And again, I do believe strongly that this is another issue that separates Democrats from Republicans. It separates those from who will stand up for the workers that are affected by this particular measure, particularly the tax incentives which we have given to companies in our package. I believe that it makes sense if we are going to give these, that we should also require that they take care of our employees who may have been laid off through no fault of their own.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I know that the hour is late, and I am somewhat confused because I thought that this was an amendment to the Budget. It is not. So consequently, since it is an amendment to the taxation portion, it frees me up, I believe, to vote for it.

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

Senator FOSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe that this is an amendment to the tax amendment, and the tax amendment is attached to the Budget Bill, and this is part of the Budget Bill. Am I right?

**THE PRESIDENT:** The Chair would answer in the affirmative.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would ask the Chair if this amendment is germane.

**THE PRESIDENT:** The Chair would rule that this amendment is germane.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator CARPENTER of York to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-400) to Committee Amendment "A" (H-716).

A vote of Yes will be in favor of the motion by Senator CARPENTER of York to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-400) to Committee Amendment "A" (H-716).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators BALDACCI, BRANNIGAN, BRAWN, CAHILL, CARPENTER, EMERSON, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER

**NAYS:** Senators BERUBE, BOST, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

**ABSENT:** Senators COLLINS, ESTY

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator CARPENTER of York to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-400) to Committee Amendment "A" (H-716), **FAILED**.

On motion by Senator CONLEY of Cumberland, Senate Amendment "D" (S-400) to Committee Amendment "A" (H-716) **ADOPTED**.

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Off Record Remarks

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On motion by Senator **BRANNIGAN** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-716) as Amended by House Amendments "A" (H-718); "H" (H-729) and Senate Amendments "B" (S-396); "D" (S-400) and "E" (S-405) thereto, in **NON-CONCURRENCE**.

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

After Recess

Senate called to order by the President.

#### ORDERS OF THE DAY

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

Bill "An Act to Fund Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency)  
H.P. 1375 L.D. 1960  
(S "A" S-387)

Tabled - June 29, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee in **NON-CONCURRENCE**

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

(In Senate, June 28, 1991, House Amendment "A" (H-705) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. Under suspension of the Rules, **READ A SECOND TIME**. On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-387) **READ** and **ADOPTED**.)

(In House, June 26, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-705)**, without reference to a Committee.)

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "B" (S-401) **READ** and **ADOPTED**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "B" (S-401).

On further motion by same Senator, Tabled until Later in Today's Session, pending the motion of the same Senator to **ADOPT** Senate Amendment "B" (S-401).

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Fund Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency)  
H.P. 1375 L.D. 1960  
(S "A" S-387)

Tabled - June 29, 1991, by Senator **BUSTIN** of Kennebec.

Pending - Motion by same Senator to **ADOPT** Senate Amendment "B" (S-401)

(In Senate, June 29, 1991, On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "B" (S-401) **READ** and **ADOPTED**. Subsequently, **RECONSIDERED ADOPTION** of Senate Amendment "B" (S-401).)

(In House, June 26, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-705)**, without reference to a Committee.)

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "B" (S-401) **ADOPTED**.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "A" (S-387).

On further motion by same Senator, Senate Amendment "A" (S-387) **INDEFINITELY POSTPONED**.

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

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

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

#### PAPERS FROM THE HOUSE

#### Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials

H.P. 1202 L.D. 1758

In House, June 29, 1991, the Committee of Conference Report **READ** and **ACCEPTED** and the Resolution **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-703)**.

In Senate, June 30, 1991, Committee of Conference Report **READ** and **REJECTED** in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

The Chair moved that the Senate **RECEDE** and **CONCUR**.

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

The same Senator requested a Roll Call. Subsequently, the same Senator requested and received leave of the Senate to withdraw her request for a Roll Call.

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Senate at Ease

Senate called to order by the President.

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**THE PRESIDENT:** The pending question before the Senate is the motion to **RECEDE** and **CONCUR**.

A Division has been requested.

Will all those in favor of the motion to **RECEDE** and **CONCUR**, please rise in their places and remain standing until counted.

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

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion to **RECEDE** and **CONCUR**, **FAILED**.

The Senate **INSISTED**.

The Secretary has so informed the Speaker of the House.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act Related to the Office of Substance Abuse"

S.P. 90 L.D. 175  
(H "A" H-688; S "C"  
S-389 to C "A" S-359)

In Senate, June 28, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359) AS AMENDED BY HOUSE AMENDMENT "A" (H-688) AND SENATE AMENDMENT "C" (S-389)** thereto, in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359) AS AMENDED BY SENATE AMENDMENT "C" (S-389)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BERUBE** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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**Non-concurrent Matter**

Bill "An Act to Allow Nonprofit Organizations to Use Proceeds from Beano or Bingo for Limited Purposes" (Emergency)

S.P. 765 L.D. 1956  
(H "A" H-710; H "B"  
H-713))

In Senate, June 28, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-710) AND "B" (H-713)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-710); "B" (H-713) AND "C" (H-730)** in **NON-CONCURRENCE**.

On motion by Senator **MILLS** of Oxford, the Senate **RECEDED** and **CONCURRED**.

---

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

**ENACTORS**

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

An Act to Increase the State Contribution to Health Insurance Benefits for Retired Teachers

S.P. 571 L.D. 1525  
(C "A" S-226)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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**Emergency**

An Act Assuring Clean Waters in Maine

H.P. 161 L.D. 246  
(S "A" S-390 to C  
"A" H-331)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**ENACTORS**

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

An Act Concerning the Low-income Home Energy Assistance Program

H.P. 1333 L.D. 1924  
(S "B" S-362 to C  
"A" H-652; H "A"  
H-707)

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

**THE PRESIDENT:** The pending question before the Senate is **ENACTMENT**.

A Division has been requested.

Will all those in favor of **ENACTMENT**, please rise in their places and remain standing until counted.

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

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**ORDERS OF THE DAY**

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

An Act to Amend the Campaign Finance Reporting Laws

H.P. 375 L.D. 529  
(C "A" H-233)

Tabled - May 20, 1991, Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In Senate, May 8, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233)**, in concurrence.)

(In House, May 16, 1991, **PASSED TO BE ENACTED**.)

On motion by Senator **MILLS** of Oxford, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-233).

On further motion by same Senator, Senate Amendment "B" (S-395) to Committee Amendment "A" (H-233) **READ** and **ADOPTED**.

Committee Amendment "A" (H-233) as Amended by Senate Amendment "B" (S-395) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 653 L.D. 927

Tabled - June 30, 1991, by Senator **BRANNIGAN** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-716) as Amended by House Amendments "A" (H-718) and "H" (H-729) and Senate Amendments "B" (S-396); "D" (S-400) and "E" (S-405) thereto, in **NON-CONCURRENCE**

(In Senate, June 30, 1991, Committee Amendment "A" (H-716) READ. House Amendment "A" (H-718) to Committee Amendment "A" (H-716) READ and ADOPTED, in concurrence. House Amendment "C" (H-721) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. House Amendment "F" (H-726) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. House Amendment "H" (H-729) to Committee Amendment "A" (H-716) READ and ADOPTED, in concurrence. House Amendment "I" (H-731) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. House Amendment "J" (H-733) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. Senate Amendment "C" (S-397) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED. Senate Amendment "B" (S-396) to Committee Amendment "A" (H-716) READ and ADOPTED. Senate Amendment "E" (S-405) to Committee Amendment "A" (H-716) READ and ADOPTED. Senate Amendment "H" (S-408) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED. Senate Amendment "D" (S-400) to Committee Amendment "A" (H-716) READ and ADOPTED.)

(In House, June 29, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716) AS AMENDED BY HOUSE AMENDMENTS "A" (H-718); "C" (H-721); "F" (H-726); "H" (H-729); "I" (H-731) AND "J" (H-733) thereto.)

On motion by Senator BOST of Penobscot, Senate Amendment "I" (S-409) to Committee Amendment "A" (H-716) READ and ADOPTED.

On motion by Senator BRANNIGAN of Cumberland, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-716) as Amended by House Amendments "A" (H-718) and "H" (H-729) and Senate Amendments "B" (S-396); "D" (S-400); "E" (S-405) and "I" (S-409) thereto, in NON-CONCURRENCE.

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Off Record Remarks

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Senator BALDACCI of Penobscot was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 653 L.D. 927

Tabled - June 30, 1991, by Senator BRANNIGAN of Cumberland.

Pending - ADOPTION of Committee Amendment "A" (H-716) as Amended by House Amendments "A" (H-718) and "H" (H-729) and Senate Amendments "B" (S-396); "D" (S-400); "E" (S-405) and "I" (S-409) thereto, in NON-CONCURRENCE

(In Senate, June 30, 1991, Committee Amendment "A" (H-716) READ. House Amendment "A" (H-718) to Committee Amendment "A" (H-716) READ and ADOPTED, in concurrence. House Amendment "C" (H-721) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. House Amendment "F" (H-726) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. House Amendment "H" (H-729) to Committee Amendment "A" (H-716) READ and ADOPTED, in concurrence. House Amendment "I" (H-731) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. House Amendment "J" (H-733) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. Senate Amendment "C" (S-397) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED. Senate Amendment "B" (S-396) to Committee Amendment "A" (H-716) READ and ADOPTED. Senate Amendment "E" (S-405) to Committee Amendment "A" (H-716) READ and ADOPTED. Senate Amendment "H" (S-408) to Committee Amendment "A" (H-716) READ and INDEFINITELY POSTPONED. Senate Amendment "D" (S-400) to Committee Amendment "A" (H-716) READ and ADOPTED. Senate Amendment "I" (S-409) to Committee Amendment "A" (H-716) READ and ADOPTED.)

(In House, June 29, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716) AS AMENDED BY HOUSE AMENDMENTS "A" (H-718); "C" (H-721); "F" (H-726); "H" (H-729); "I" (H-731) AND "J" (H-733) thereto.)

On motion by Senator MCCORMICK of Kennebec, Senate Amendment "J" (S-410) to Committee Amendment "A" (H-716) READ and ADOPTED.

Committee Amendment "A" (H-716) as Amended by House Amendments "A" (H-718); "H" (H-729) and Senate Amendments "B" (S-396); "D" (S-400); "E" (S-405); "I" (S-409) and "J" (S-410) thereto, ADOPTED in NON-CONCURRENCE.

Which was ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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Off Record Remarks

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 654 L.D. 928

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-715).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-715) **AS AMENDED BY HOUSE AMENDMENT "B"** (H-724) thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-715) **READ**.

House Amendment "B" (H-724) to Committee Amendment "A" (H-715) **READ**.

Senator **PEARSON** of Penobscot moved to **INDEFINITELY POSTPONE** House Amendment "B" (H-724) to Committee Amendment "A" (H-715) in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. House Amendment "B" (H-724) is the amendment on this Bill that makes it a one year Budget. We have two Bills, part one and part two. We have already made the other Bill a two year Budget, now we must make this one a two year Budget.

On further motion by same Senator, House Amendment "B" (H-724) to Committee Amendment "A" (H-715) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "C" (S-411) to Committee Amendment "A" (H-715) **READ**.

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. House Amendment "B" (H-724) that I just postponed, had attached to it a provision with something to do with the water at the Warren Correctional facility, so I must put that on in this amendment and I so move.

On further motion by same Senator, Senate Amendment "C" (S-411) to Committee Amendment "A" (H-715) **ADOPTED** in **NON-CONCURRENCE**.

Committee Amendment "A" (H-715) as Amended by Senate Amendment "C" (S-411) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Authorize a Regional Tax" H.P. 746 L.D. 1050

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-727).

Signed:

Senator:  
ESTY of Cumberland

Representatives:  
DIPIETRO of South Portland  
CASHMAN of Old Town  
TARDY of Palmyra  
NADEAU of Saco  
DORE of Auburn  
DUFFY of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senators:  
BOST of Penobscot  
COLLINS of Aroostook

Representatives:  
MAHANY of Easton  
HEPBURN of Skowhegan  
BUTLAND of Cumberland  
MURPHY of Berwick

Comes from the House with the Minority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

Senator **BOST** of Penobscot moved to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

Senator **BALDACCI** of Penobscot requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BOST** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

A Division has been requested.

Will all those in favor of the motion by Senator **BOST** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, please rise in their places and remain standing until counted.

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

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **BOST** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Off Record Remarks

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**SECOND READERS**

**House As Amended**

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 653 L.D. 927  
(H "A" H-718; H "A" H-729; S "B" S-396; S "D" S-400; S "E" S-405; S "I" S-409; S "J" S-410 to C "A" H-716)

Which was **READ A SECOND TIME**.

On motion by Senator **MCCORMICK** of Kennebec, the Senate **RECONSIDERED** its action whereby it **ADOPTED COMMITTEE AMENDMENT "A" (H-716) AS AMENDED**.

On further motion by same Senator, Senate Amendment "K" (S-412) to Committee Amendment "A" (H-716) **READ** and **ADOPTED**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "J" (S-410) to Committee Amendment "A" (H-716).

On further motion by same Senator, Senate Amendment "J" (S-410) to Committee Amendment "A" (H-716) **INDEFINITELY POSTPONED**.

Committee Amendment "A" (H-716) as Amended by House Amendments "A" (H-718); "H" (H-729) and Senate Amendments "B" (S-396); "D" (S-400); "E" (S-405); "I" (S-409) and "K" (S-412) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **PEARSON** of Penobscot, **RECESSED** until 2:31 in the afternoon.

After Recess

Senate called to order by the President.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 650 L.D. 924

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

Which was, under suspension of the Rules, **READ TWICE**, and **PASSED TO BE ENGROSSED**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

**ENACTORS**

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

An Act to Allow Nonprofit Organizations to Use Proceeds from Beano or Bingo for Limited Purposes  
S.P. 765 L.D. 1956  
(H "A" H-710; H "B" H-713; H "C" H-730)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, sent down forthwith to the Governor.

An Act Related to the Office of Substance Abuse  
S.P. 90 L.D. 175  
(S "C" S-389 to C "A" S-359)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT.**

**Emergency**

An Act Regarding Simulcasting of Harness Racing  
H.P. 1373 L.D. 1958  
(S "B" S-392 to H "C" H-706)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 1 Senator having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Authorize the Establishment of a Violations Bureau in the District Court  
S.P. 771 L.D. 1965

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Resolve**

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center  
H.P. 1164 L.D. 1705  
(H "A" H-624 to C "A" H-453; S "A" S-388)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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



Off Record Remarks

On motion by Senator MILLS of Oxford, RECESSED until 7:45 in the evening.

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

After Recess

Senate called to order by the President.

After Recess

Senate called to order by the President.

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

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

PAPERS FROM THE HOUSE

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Non-Concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 653 L.D. 927 (H "A" H-718; H "H" H-729; S "B" S-396; S "D" S-400; S "E" S-405; S "I" S-409; S "K" S-412 to C "A" H-716)

H.P. 653 L.D. 927 (H "A" H-718; H "C" H-721; H "F" H-726; H "H" H-729; H "I" H-731; H "J" H-733 to C "A" H-716)

In House, June 30, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716) AS AMENDED BY HOUSE AMENDMENTS "A" (H-718); "C" (H-721); "F" (H-726); "H" (H-729); "I" (H-731) AND "J" (H-733) thereto.

In Senate, June 30, 1991, RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716) AS AMENDED BY HOUSE AMENDMENTS "A" (H-718); "C" (H-721); "F" (H-726); "H" (H-729); "I" (H-731) AND "J" (H-733) thereto, in concurrence.

In Senate, June 30, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716) AS AMENDED BY HOUSE AMENDMENTS "A" (H-718) AND "H" (H-729) AND SENATE AMENDMENTS "B" (S-396); "D" (S-400); "E" (S-405); "I" (S-409) AND "K" (S-412) thereto, in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716) AS AMENDED BY HOUSE AMENDMENTS "A" (H-718); "C" (H-721); "D" (H-722); "F" (H-726); "H" (H-729); "I" (H-731) AND "J" (H-733) thereto, in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Senate RECEDED and CONCURRED.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

The Senate RECEDED and CONCURRED.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

PAPERS FROM THE HOUSE

Off Record Remarks

Non-Concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 654 L.D. 928 (S "C" S-411 to C "A" H-715)

In House, June 30, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-715) AS AMENDED BY HOUSE AMENDMENT "B" (H-724)** thereto.

In Senate, June 30, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-715) AS AMENDED BY SENATE AMENDMENT "C" (S-411)** thereto, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

**ENACTORS**

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

An Act to Study the Campaign Laws of the State  
H.P. 375 L.D. 529  
(S "B" S-395 to C  
"A" H-233)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Fund Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining

H.P. 1375 L.D. 1960  
(S "B" S-401)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

**ENACTORS**

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

**Bond Issue**

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$29,700,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges, Airports, State Ferry Vessels and Harbors

S.P. 700 L.D. 1870  
(S "B" S-384 to C  
"A" S-342)

This being a Bond Authorization Act and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the Membership present and voting was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Senate at Ease**

Senate called to order by the President.

**ORDERS OF THE DAY**

On motion by Senator **BRANNIGAN** of Cumberland, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following matter:

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland  
S.P. 446 L.D. 1190  
(S "A" S-358)

Tabled - June 12, 1991, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In House, June 19, 1991, **PASSED TO BE ENACTED**.)

(In Senate, June 12, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-358)**.)

On motion by Senator **CONLEY** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, Senate Amendment "B" (S-413) **READ** and **ADOPTED**.

Which was, **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

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

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

**COMMUNICATIONS**

The Following Communication:

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

June 30, 1991

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

Dear Madam Secretary:

Pleased be advised that pursuant to my authority under Senate Rule 36, I have appointed Senator Joseph C. Brannigan as Chair of the Joint Standing Committee on Appropriations and Financial Affairs.

Sincerely,

S/Charles P. Pray  
President of the Senate

Which was READ.

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

**Senator BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the confidence that the Senate President placed in appointing me as Chair of the Appropriations Committee.

I want to say that I have worked for the last three years with the Senator from Penobscot, Senator Pearson. He has been a person who has dedicated his life for many years to the Appropriations Committee, both in the House when I served there, and here. He has been a person of deep feeling for people and the State of Maine. We have been well served. His people that he has served have been well served. I certainly appreciate the fact that I have been able to serve with him, learn with him. I will not be able to have the reserve of knowledge and capability that he has had, but I have learned, and many other people on that Committee have learned from him. I think that the Senate and the State of Maine owe him a debt of gratitude for the work that he has done in that position and in this Senate. I hope that we can continue to work together. I hope that he will continue to give me advice on the issues dealing with

appropriations. Thank you Mr. President. (Amid applause, the Members rising.)

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

**Senator FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Penobscot, Senator Pearson, was your Chairman, was our Chairman. I have served eleven years in the Legislature, and seven on the Appropriations Committee. I have never known a fairer person to work with than the good Senator from Penobscot, Senator Pearson. The good Senator from Cumberland, Senator Brannigan, will have a tough road to follow that act. I know that he will be up to it. We are all with you Michael. You done good! Thank you.

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

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

Senate called to order by the President Pro Tem.

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

**Senator PRAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Communication that is before us at this time, is a decision that came very hard to myself, as well as to the Senator from Penobscot, Senator Pearson. I had all the confidence in the world of the Senator from Penobscot, Senator Pearson, and the job that he did as Chair of the Appropriations Committee. I also have equal confidence in the Senator from Cumberland, Senator Brannigan, in the task that he is about to undertake to see us through the remainder of this session and the session that is before us in the Second Regular Session, which will be coming up all too quickly for too many of us, and hopefully, not too many Special Sessions in between.

But, I want to spend a couple of minutes to talk about a very good friend of mine. A person that I have known since I ran for public office in the Senate, first of all back in 1974. A person who would have probably been in the Senate in 1974 if he hadn't spent so much time giving me advice and telling me what to do. In that year, the Senator from Penobscot, Senator Pearson, lost to one of my predecessors, one of my Presiding Officers, by first of all eighteen votes in the election, and after a Senatorial recount, by this Chamber, it was down to six votes. He lost to a person who I have a great deal of respect and admiration for, and also the Senator from Penobscot, Senator Pearson has a great deal of respect and admiration for, the former Senator from Penobscot, Senator Sewell.

But, nevertheless, to that tenure in the days that have passed since then, and our tenure here in the Legislature together, Mike has been a very good friend. We shared a rent down here one year, or at least we shared a rent with his two dogs for one winter, and that was quite an experience. But, over the years, and time went by, the respect that I had for Mike and his ability on the Appropriations Committee of putting some very difficult Budget situations together, of making the members of the Minority Party feel that they had access to the process and the system, and that each and every individual had an obligation, the responsibility, and a role to play in putting together a Budget that provided the necessary government for the entire population. He didn't play geographical games. He was in consideration of those things that he knew best, that area of Maine that he knew, rural and Central Maine. He also understood the problems of people in our urban areas in the far north of Arrostook and Washington Counties, as well as the remaining fourteen counties. He knew extensively of various items and details that we had to take into consideration. It always marveled me as to how one person could be so informed on so many different items that goes into that Budget, always sitting there on occasions going, "Oh my God, oh my God, let me think for a minute. I know it is right there." It would appear and he would explain the whole background of that issue that we had addressed.

Senator Pearson from Penobscot spent close to a quarter of a century as a school teacher at Brewer High School. And a very good school teacher. I talked to a lot of his students over the years. He stopped in once in a while and dropped in on a class and talked to them. I saw that skill brought down here as he taught people what was in the Appropriations Bill, what was in the Appropriations process. He attempted to make himself available to everybody. Sometimes, even when he didn't want to be, he was available to too many people.

That position, probably more than any other position in this Legislature, carries the greatest burden. Members of leadership, obviously, have their caucuses to take care of. Presiding officers have sessions to run and Calendars to prepare with the assistance of their staff and the staff of the Senate. But, the Appropriations Chairs have to watch for all 186 Legislators. They have to know what their interests are, and to make sure that budgetary process is a fair process. I have been down here for seventeen years. I have seen a number of individuals who I think are very well qualified to sit as Chair of that Committee, but I have never seen one that have matched the skills and the concerns that the Senator from Penobscot, Senator Pearson has had.

I find it difficult in some sense to accept his desire to be let free, in a sense, to be able to enjoy the process like so many of us have the opportunity to do. We kind of have the fun and games of it. We go to our Committee Hearings, we do a few things. The Appropriations Committee and those who serve on that Committee know what it is like. Senator Pearson was not only concerned about Legislators and the public access to that system, but he always was concerned about the staff. When we got to this time of the legislative session, and we started driving people to put in a little bit more time, to try a little harder to get it together, to

try to get a compromise, to do try to figure something out, Senator Pearson always said, "We have got to remember the staff. They have been there longer than we have. They have been putting the figures together." He would come in day after day, and quote which different staff members had how many minutes, if hours of sleep, and the fact that maybe they just went home, showered, changed their clothes and came back, because he is a caring, concerned person about people. If each and every one of us could instill in ourselves as we consider our legislative action, that value that he has to personal individuals rights and considerations to others, then this state would always be a far better place for each of us having that type of characteristic.

Mike is a very good friend to me. I am sorry to have accepted his resignation, but I also understand because he is a good friend of the pressures that have been put upon him. I know that in a few days, if we have anything that we can do to give Mike a present for the tenure that he has served on this Appropriations Committee, it is to provide him with a Budget that meets the needs of this state. Which means to all of us that we may have to in some degree separate ourselves from part of the partisanship. I don't want to comment to my degree or my feelings as to what has got us to this situation on that, because while the communication before us is the appointment of a new Chair, it is a legacy that the Senator from Penobscot, Senator Pearson has left to Senator Brannigan to fill, and to each and every one of us to rise to the occasion to meet. Thank you very much Mr. President.

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

**Senator PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I was thinking while those remarks were being made about a time that they had a farewell affair for Representative Jalbert of Lewiston. The people went on, and on about him and his abilities. He got to the very end and he said, it was sort of a going away party, he wasn't going to run again, he got to the very end and said, "Well, after hearing all of that"... But seriously, I do appreciate what you had to say, and also, with other Representatives, Don Strout and Senator Bost, that has been a source of great comfort to me and pride, and it has been a long, long time since anybody has said so many nice things about me. I do appreciate all of that.

There are a lot of memories. I remember Senator Gill from Cumberland in the back of the Committee room, in the front of the room, and then sitting at the Committee table, and then voting. All of the good times that we remembered, like so many other things in life, hopefully, the more difficult times will fade from my mind, and I will remember all the good people that I was able to serve with on the Committee. We had some awfully good people. All kinds of people in the past and all the ones that are there now. Thank you very, very much.

Which was **ORDERED PLACED ON FILE.**

On motion by Senator **PEARSON** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Generate Revenue by Raising Certain Taxes" (Emergency)

H.P. 1326 L.D. 1918

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

Signed:

Senators:

- BOST of Penobscot
- ESTY of Cumberland
- COLLINS of Aroostook

Representatives:

- BUTLAND of Cumberland
- CASHMAN of Old Town
- TARDY of Palmyra
- NADEAU of Saco
- MURPHY of Berwick
- DIPIETRO of South Portland
- HEPBURN of Skowhegan
- DUFFY of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-737).**

Signed:

Representatives:

- MAHANY of Easton
- DORE of Auburn

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

Which Reports were **READ.**

On motion by Senator **BOST** of Penobscot, the Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 652 L.D. 926

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-735).**

Signed:

Senators:

- THERIAULT of Aroostook
- MILLS of Oxford
- GOULD of Waldo

Representatives:

- MACOMBER of South Portland
- HALE of Sanford
- MARTIN of Van Buren
- RICKER of Lewiston
- BOUTILIER of Lewiston
- TAMMARO of Baileyville
- BAILEY of Farmington

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "C" (H-736).**

Signed:

Representatives:

- HUSSEY of Milo
- SMALL of Bath
- STROUT of Corinth

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-736)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-736).**

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-735)** Report was **ACCEPTED** in **NON-CONCURRENCE.**

The Bill **READ ONCE.**

Committee Amendment "B" (H-735) **READ** and **ADOPTED.**

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE.**

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

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

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

**Emergency**

An Act Making Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991

H.P. 1349 L.D. 1942  
(C "A" H-681)

In House, June 26, 1991, **PASSED TO BE ENACTED.**

In Senate, June 26, 1991, **RECOMMITTED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE.**

In House, June 28, 1991, that Body **INSISTED.**

In Senate, June 29, 1991, **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

Comes from the House, that Body **ADHERED.**

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, the Senate **RECEDED** and **CONCURRED** to **ENACTMENT** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**ENACTORS**

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

**Emergency**

An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 650 L.D. 924

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Off Record Remarks**

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

**After Recess**

Senate called to order by the President.

The following proceedings were conducted after 12:01 a.m., Monday, July 1, 1991.

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

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

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 654 L.D. 928  
(H "B" H-724 to C  
"A" H-715)

In Senate, June 30, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-715) AS AMENDED BY HOUSE AMENDMENT "B" (H-724)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-715) AS AMENDED BY HOUSE AMENDMENTS "A" (H-723) AND "B" (H-724)** thereto, in **NON-CONCURRENCE.**

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

**Senate at Ease**

Senate called to order by the President.

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

**ENACTORS**

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

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 653 L.D. 927  
(H "A" H-718; H "C"  
H-721; H "D" H-722;  
H "F" H-726; H "H"  
H-729; H "I" H-731;  
H "J" H-733 to C  
"A" H-716)

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

**THE PRESIDENT:** The pending question before the Senate is **ENACTMENT**.

A Division has been requested.

Will all those in favor of **ENACTMENT**, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 9 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Off Record Remarks

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Senate at Ease

Senate called to order by the President.

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The President requested that the Sergeant-at-Arms escort the Senator from York, Senator **DUTREMBLE** to the Rostrum where he assumed the duties as President Pro Tem.

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

Senate called to Order by the President Pro Tem.

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

**ENACTORS**

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

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 654 L.D. 928  
(H "A" H-723; H "B"  
H-724 to C "A"  
H-715)

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

**THE PRESIDENT:** The pending question before the Senate is **ENACTMENT**.

A Division has been requested.

Will all those in favor of **ENACTMENT**, please rise in their places and remain standing until counted.

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

20 Senators having voted in the affirmative and 10 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Senator **PRAY** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **PRAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We are here at the second hour of the new fiscal year, the eleventh hour of a crisis in State Government...a crisis caused by an inability of the two separate branches of Government to come to an agreement on a Budget. The Governor and the two political parties have been unable to agree. Our failure to enact a Budget which will take effect immediately, does not have to do with the difficulties of that political disagreement. As great as those discrepancies are, we did have a unanimous Report from the Committee's that dealt with putting a Budget together.

The crisis is caused by the linkage of our Budget to a workers' compensation reform package. Governor McKernan took this position several months ago, in what was, I am sure, the sincere belief that the linkage would aid the process of successful reforms as he saw them. Unfortunately, that linkage has been perceived as political extortion, and now I believe, is actually impairing our ability to agree on reform on Workers' Compensation as well as on the adequate funding of state operations.

Given these facts, I want to make a personal request to the Chief Executive of our State. A request to Governor McKernan to work with us to put

together a Budget to put it in place today. In return, we in this week of our celebration of freedom from tyranny, our Fourth of July Holiday, we will work in good faith to pass a balanced Workers' Compensation package: balanced in the interest of business; balanced in the interest of our working men and women; balanced in the interest of our Maine economy; and balanced in the interest of the quality of life and respect and dignity of each and every one of our citizens.

This crisis has been described in the press as a game of chicken. Well, that may be as how it is viewed by some. But unfortunately, it is not just the participants in the contest on both sides of the political aisle who are put at risk in this situation. If this is a game to anyone here, we are all losing. The system is losing. This morning there is a chance for all involved to be winners, Governor McKernan, the Legislature, but most of all the citizens of our state. Governor, have the strength, have the courage to make the people of Maine win with you this evening. Have the wisdom to lead us back from the brink. Here in the early morning of a new fiscal year, you, and we together can have our finest hour. Sign this Act that we recently passed to end this crisis and every member of the Senate will stand with you. Show your statesmanship, as we will with the remaining issues of reform in the Workers' Compensation Package. Thank you very much Mr. President.

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Senator WEBSTER of Franklin requested unanimous consent to address the Senate on the Record.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to thank the good Senator from Penobscot, Senator Pray for his words, and share his concern with the need for this state and this Legislature to work together, with both political Parties, along with the Governor, to reach an agreement immediately, as soon as possible, today, hours ago. We have a serious problem. We all recognize that it is not easy to make the kinds of decisions that have to be made.

Many of you know some of us have always had strong feelings, we all have strong feelings here. That is one of the reasons that we were elected to the Legislature. Some of us have some very strong feelings and concerns about how this process got to where it is. But ladies and gentlemen we are here, and we need to work together, and we are committed to work together with all parties involved to reach a compromise as soon as possible to address this problem.

The economy of this state and many New England States is in terrible shape. We have experienced a time in history that probably will never be seen by Maine people again. The decisions that have to be made are difficult. The taxes that have to be raised are unheard of. The cuts that have been made have never been done, and may never be done again to the extent that has been necessary. As we work together in these next few hours and days, we are all hopeful, and we stand committed as the Minority Party to working toward improving this state for the citizens

that we represent to creating jobs and opportunities for the people of this state, and to passing a Budget that is the best that we can get, the best that we can do for the people of this state while creating a Budget that is affordable as can be. Thank you.

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Off Record Remarks

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On motion by Senator ESTY of Cumberland, **RECESSED** until 11:00 in the morning.

After Recess

Senate called to order by the President.

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

**ENACTORS**

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

**Emergency**

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 652 L.D. 926  
(C "B" H-735)

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Senate at Ease

Senate called to order by the President.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I stand in what is rather an awkward position, because one of my dearest colleagues is standing behind me, and I have occasion to stand and oppose a Highway Budget. In the eleven years that I have served in this Legislature, I have never opposed a Highway Budget. In fact, I have gone against people in my Party from time to time supporting the Highway Budget, and even proposing and co-sponsoring gas tax issues in the past.



But, I am going to ask you to rise in opposition to the Highway Budget at this time. We are in a very confusing time as far as state employees are concerned, an unprecedented time for most of us that have served in this Legislature. To pass this Budget right now would create even more confusion regarding who are essential and who are not essential employees, and I hope that it does not happen. I feel very confident that as we resolve this problem, that this Highway Budget which I do support will pass, but at this time I ask you to vote no.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Mills.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to comment that I can understand for some reasons why people want to try to keep themselves in a position for better leverage as far as what may happen or may not happen within the next few hours. But, I think that it is important at some point we have to realize that the State Budget can be left as making us hostages to that I suppose, we are being held hostage on the Workers' Compensation package, and now, at the last minute we are going to be held hostage on the Highway Budget that has been unanimously approved by the Committee of Transportation. I think that at some point we have to realize that we have to start moving off the dime and start passing some of these things. I think it is a shame to make people who are involved in that process, and who have been involved in that process, I have not heard anyone saying that suddenly they are going to make the Highway Budget hostage also to these other types of deals and leverage that is going on, I think it is unfair at this hour in the last few moments to try and make that another hostage Bill for the Legislature. I think that we have to decide that those things should not be done at all, but especially not in the last moment to suddenly say that you are going to hold another Bill. Other people who depend upon their jobs, getting their money, moving along the projects in this state, all the work that has gone into getting and developing a Budget, I would hope that the members of this Senate would vote for this unanimous Report and that we can get off the dime and start moving forward with State Government. I hope that you will support this and I request a Roll Call.

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

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is really tragic that we are at a point like this. A member of this Legislature said recently that the people of Maine think that this is a big circus we are involved in. Not only is it a big circus, we are the clowns. I think it is time for us to stop playing games, and do what we need to do, so that we can try to at least restore a little bit of creditability with the people that sent us here. Do you want to go down in history as the Legislature that got the name of "circus and clowns"? I urge you to vote for this and send it on its way.

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not going down in this Legislature as looking like a clown in a circus! But I am going to take a firm stand at this point because I have sat here for six months. You talk about the people of Maine! I am more concerned about the people of Maine than I can express to you. But, I am also not going to be here and pass Budgets that rely on slot machines and video games! I am not going to be made the person that is responsible for the shut down of State Government! The Highway Budget is all part of the big picture. This could be Tabled later in today's session. But oh no! You have got to have a Roll Call! Those Roll Calls are wonderful. You are against us. You are for us. Ladies and Gentlemen of this Senate, you can fool some of the people some of the time, and you can fool a few of us all of the time, but you are not fooling me on this one today!

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Mills.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to comment that I can understand why all of us are frustrated in this room, and throughout this third floor. I opposed video gaming in the State of Maine. Whether that goes into the final Budget or not, fine. Some of us might have to decide whether to vote on it or not. I do know that there were monies set aside in the unanimous Report for that, and whether or not we agree with it or not, I thought that the process had worked up to that point. But, as far as this Budget goes, I think that we have to decide what are we going to do. I don't know what else there are for Bills here. I think that there are a few others that we can hold hostage, also. Maybe some election Bills, whatever else there might be. The point is, we have to get going here. I think that for those who feel that they have to have some leverage as far as dealing with what is going on, I think that they have more than got that at this particular point. I would hope that we could move forward with the Highway Budget. It is a very important thing for the State of Maine, and I hope that we can pass it today. Thank you Mr. President.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. If this Highway Budget is so important, I think that we should Table it and get the sides together to get this resolved! We have been here for days and everyone here is exhausted. The state employees are unemployed today, and we are going to pass Budgets and legislation that stinks! We have got to get people together who can bargain, and negotiate, and who can come up with things.

I have sat here and I have heard about the man on the second floor, putting all the blame on him! Well, let me tell you, there is enough blame to go around in this whole legislative Body. Part of it is leadership, leadership on both sides of the aisle. Part of it is the second floor. Part of it is down the other end of the hall. I would say that probably

it would be a darn good idea if we could recess and let the people who can negotiate, negotiate so that the rank and file and vote on whatever should come up!

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Well, I am a little confused. It doesn't look to me that this Highway Budget stinks. It looks like it is a unanimous Report. Which to me means, although I am new, that Republicans and Democrats agreed on it. As to the comments from the good Senator from Hancock, Senator Foster, if I have been awake for the last 45 hours, and I think I have been, we have passed a Budget in this Body that has no video gaming in it, because of an amendment offered by the good Senator, herself, and which had bipartisan support. We also came to an incredibly lengthy compromise on the retirement issue, which also balances our Budget. This Body has passed a balanced Budget, a balanced two year Budget that was hard for each side to agree to. I know, it was hard for me to agree to. It was hard for the Senator from Sagadahoc, Senator Cahill to agree to when we were negotiating on the retirement issue, but we did. We passed it. I think we need to move on. The issue is Workers' Compensation. I think that it should be separated from the Budget issues that are before us. This state has been shut down. We are a national embarrassment! We are one of three states that are shut down. And it is not for lack of this Body working very hard, very, very hard to come to hard decisions about cuts, cuts in benefits, and ways of funding State Government. Thank you.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just as a point of clarification. The source of funding for the Highway Fund is not slot machines or any of these gaming devices that were mentioned in passing. I just want to make sure that everybody understands that this is not part of our Budget. The source of funds for our Budget is essentially fuel tax, registration fees for vehicles, and drivers licenses, and also, federal money. I just want to make sure that the people in this room understand that. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess I have a lot of sympathy or understanding for people, especially freshman Legislators who come into this Legislature, this year of all years. I know it is confusing. I know it is frustrating, and the next 24 hours is going to try all of our patience and endurance. So I have a lot of sympathy when the good Senator from Kennebec, Senator McCormick says that she is confused. I am confused, too.

But, I would like to respond to a couple of the other questions. There are two issues here on the Highway Budget. I probably didn't make myself particularly clear on the first one. What we would

do is have two sets of rules, because if we pass this Highway Budget today, it would fund some of the state employees that work for the Department of Transportation. They would theoretically be able to come to work. Some of us feel very strongly that we have to shut down State Government at this time, and we have the constitutional backing by the Governor's people that says that he cannot pay people when there is not an appropriated Budget. To avoid the confusion, that is the first reason why I am asking you to vote against this Budget.

The second reason is, because as the good Senator from Aroostook, Senator Theriault explained to you, the Highway Budget does contain taxes. The Republican members, the Minority members of this Legislature are not holding up Budgets. I would tell everyone that the Appropriations Budget was also a unanimous Committee Report. We are not holding up this process today because of Budgets. We are holding up this process today because of taxes. There are members of my caucus who are vehemently opposed to raising taxes at the level that has been proposed by the Taxation Committee, and the Highway Committee, and supported by the Appropriations Committee. We are opposed to raising that many taxes. Frankly, there are items in that Tax package that I am opposed to. I am opposed to the meals and lodging bar tax. I think that has been negotiated to a more reasonable level, thanks to the good work of the members of the Taxation Committee. I am very opposed philosophically, and I am personally opposed to a tax that would add the 5% percent surcharge to people's income taxes. Very, very opposed to that tax. But, there are some members in this Senate that are more opposed than even I. They feel that in order to justify supporting a Tax package that raises nearly \$300 million in taxes, that we have to have something else to jump start the State of Maine in the economic recovery of the State of Maine. They feel that that particular issue is Workers' Compensation. Whether you agree with that or disagree with that, thirteen members of this Senate feel very, very strongly that what we are doing is the right thing for the majority of the people of the State of Maine. And, if we were allowed time to go outside of this Legislature, to go outside of the greater Capitol area, we would probably also hear that the people, a majority of the people of the State of Maine support what we are doing. A majority of the State of Maine feel that we are standing up as a Legislature, as difficult as it is for the people that are standing in back today. As difficult as it is for our loved ones that are state employees, and are faced with that. As difficult as that is, we are doing the right thing! We are doing the right thing for a majority of the people! We are protecting jobs. We are trying to jump start our economy.

And frankly, ladies and gentlemen, I don't think we are an embarrassment because we had to close down State Government at midnight last night. I am proud to say that we see inequities in a system that has burdened industry in this state, and has burdened the job market in this state for years, and years, and years. We have seen a way, an opportunity to correct that, and we are taking every single chance we can to make a difference in this system. Thank you.

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

Senator **BUSTIN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. First an inquiry through the Chair. In order to avoid the problem of treating two different employees two different ways because a Highway Budget was passed, and a general Appropriations Budget was not, is it entirely appropriate for the Governor to also ask for shut down days for those state employees?

**THE PRESIDENT**: The Senator from Kennebec, Senator Bustin, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes that same Senator.

Senator **BUSTIN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have avoided speaking on this issue for lots and lots of good reasons. I didn't think that my voice needed to be added to the confusion. I thought that there were many different groups trying to work on a compromise. I used to sit on Banking and Insurance. I have handled the Workers' Compensation issues for about seven years of my tenure here in the State Legislature. Some of it as Chair of the Business Legislation Committee, and part of it as a member of the Banking and Insurance Committee, so I am not unaware of that issue. But, it seems to me that there are a number of things said here today, and one of them is unanimous Reports. There is a tradition in this Legislature, whether it is a good or a bad one, but I acknowledge it, and I have adhered to it the eleven years that I have been here, is that you do not amend the Budget when it comes up unanimous from the Appropriations Committee! I think that everyone here is perfectly aware of that. The Budget that came up was an unanimous Budget.

Lets have it very, very clear in this Chamber. At the last minute, the Governor of this state decided that one part of that package, the raising of revenues through video slot machines was not appropriate at the very last minute. We still had an unanimous Budget, because guess what, the Governor does not have a vote on this floor or the floor at the other end. He does not have a vote! Somebody here is not adhering to that long principle that I have lived by in this Legislature, that you stick to your unanimous Report. We have sent a Budget down to the Governor. It is not a unanimous Budget, it is not even a two-thirds for an emergency. I will tell you what it takes for that two-thirds in case people haven't been able to count, and that is if the Republican members voted to bring that up to the two-thirds, you would have an Emergency Budget. If the Republican members in this Body do not like the Budget that is down there, put another Budget before me, because I pledge to you that I will vote for it. You will have your two-thirds! Whatever Budget you want to put here, put it up here!

All of a sudden I come in here this morning never hearing another word about it. Sitting in this chair, I find out that all of sudden I have another Budget that I am dealing with that is connected to this other Budget. That doesn't make one bit of sense to me. Now I know that I am known as a straightforward no nonsense gal. And believe me, I am. I just want you to give it to me in a straightforward no nonsense way. Are we being held hostage again? Can you answer that question? What is this? What are we doing, pitting state employee

work force against the private employer/employee work force? Is that what we are doing here? That is unconscionable! Are we in the Persian Gulf here? Are we putting kurds against other people of their own race? Is that what we are doing here? That is absolutely, totally unconscionable to me!

I give you my pledge, and I hope that the Governor is listening, I give you my pledge that I will work on Workers' Compensation whether I get paid in a Special Session, or whether I don't. Whether I vote for extension of this session until the issue is dealt with, or whether it isn't. I will be here working on it. I will vote for any reasonable package. Now, I understand when I say reasonable what that puts the other side into, "But we don't even have your pledge then, Beverly". I think that I have earned the reputation here that when I give my pledge, that is my bond. I give you my bond that I will work until we come to resolution on the Workers' Compensation issue.

I have some ideas, I haven't been asked for them, and I haven't given them except in small ways, but I am willing to. It is a real problem. I don't think that there is one person in this room or in this state that doesn't think that Workers' Compensation is not a real problem. It is, indeed, a real problem! Is how you deal with real problems to throw other problems in the face of it? Or do you try to come to a solution to manage the problem? Because when you don't try to come to a solution, when you are not part of the solution, you are indeed part of the problem. And when we are not passing this Budget, either the Highway Budget or the General Appropriations Budget, then we are indeed part of the problem. I absent myself and those who voted for this Budget last night from that problem, because we gave our vote, we are waiting for yours! Where is it!

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

Senator **CAHILL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to bring up one thing. I think that we have neglected to recall in the hours late last night, the Budget that was sent to the Governor last night did not have an emergency preamble, therefore, the Governor is not authorized to spend a nickel of that Budget until ninety days after this Legislature adjourns. I think that you should keep aware of that.

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

Senator **BRANNIGAN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. The reason that we sent that kind of Budget is because not everyone, not two-thirds of this group would vote for either Budget that we had before us. So that should be clear. It should also be clear that we have, if my memory serves me right, sent a Workers' Compensation Reform Package to the Governor for his approval. The Senator from Cumberland, Senator Esty, and the Senator from Kennebec, Senator Kany, and other Senators on their Committees, and Representatives worked hard to make that the best package that we could. It was the best package that we could pass then.

I think what the Senator from Kennebec, Senator Bustin is saying, is that she is willing to go even further, and so are many of us. All of us, I believe. We have been signaling through our Chairs that were just mentioned for several days. The signals are being heard. We are not getting the response that makes it possible for us to go further and to put a different, and some people expect a better package for Workers' Compensation.

We have all the ingredients for Budgets of any kind. Goods Budgets. Two years. One year. Funded this way. Funded that way. We have those ingredients. They are here. We are ready to do it. There is no problem. We also have the will to do, I believe, to do the Workers' Compensation package that is a good package. We have one that is good. We are ready to do one that will make changes that should be acceptable to all people. That is there. What is the hold up? If the Senator wishes to speak a fourth time, that could be a question in which she does not need to have unanimous consent.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We are talking about a very difficult situation here today. It is a difficult situation for each and every member of this Body. We are tired. We have been up for days and days. We have different views espoused by different members in this Chamber. We have heard about tradition. The way things are done year, after year, after year. I am not part of that tradition. I am a freshman here. I think that perhaps this whole situation is based on changing the way things have been done in the State Legislature over the past twenty years. The people of this state are tired of it! When I go home to my District; Scarborough, Saco, Old Orchard Beach, Dayton, those people want State Government brought under control. We are facing a challenge right now. A challenge, whether it is with the Transportation Budget, which as it currently stands contains inequities for the state employees, and that, coupled with the challenge of the Biennial Budget. It is time to do it different. It is happening now. I am proud to be a part of it.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from York, Senator Summers, has indicated that things need to change. You are right. They certainly do need to change! But you know one thing that shouldn't change? What shouldn't change is your commitment. What shouldn't change is your agreements. Because you know, when you don't stick to your agreements when you spend hours and hours in six months reaching those agreements, spending God only knows how much time in the Appropriations Committee, let alone the other Committees, but the Appropriations Committee, in particular, time spent hammering out this Budget, time spent reaching agreement with all thirteen members. The amount of human expenditure of energy is absolutely incredible! They come to those agreements in this world, in this society, in this Legislature.

The one good thing that we have is our word. If that is what you are suggesting that we change, I suggest that you are wrong. There is one thing that they should never change in this entire society, this entire world, and that is our word. Because as I said before, our word is our bond! Your word is your bond! Those thirteen members of the Appropriations Committee gave their bond! Those thirteen members of the Highway Committee gave their bond! That should not change. That is what we are talking about here.

Sure. I am one of the ones in the forefront of saying at the end of every session, we have to change the process. No problem! You're right. We have to change the process. I don't know what that change is, but I am willing to work on it. I am glad that others are looking at the process, and perhaps think that it needs to be changed. I have no problem with that. But let's not change the one thing that we own, and it the most dearest thing that we could ever have, and that is our word.

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have been sitting here while this debate has been going on, and trying in my mind to put together the pieces of what has gone on in the last few days. I have heard talk about confusion and lack of understanding, and all that good stuff. But I will tell you, I am not confused. Not even in the slightest. Because what is going on is clear as a bell. For one reason or another it has not gotten out into the media so that the people of Maine truly understand what is going on here. I will tell you that I, as a Democrat, and as a person who feels very strongly about not only business and making Workers' Compensation affordable to them, but feels very strongly about fair, affordable protection of our workers. I will not belly up and play dead. That is what we are being asked to do as Democrats. We are being asked to sell out on the protection of workers in this state. To sell out to the liking of the Governor or we don't get a Budget. It is very simple. He will take his marbles and go home! Well, I think it is time for us to understand what is really going on here! We have a Budget. We have agreed to it. We have met every single standard of cutting costs that we said that we were going to meet. We have unanimous Reports. We have all worked together. We have done our job. But when push comes to shove, if the Governor does not get a Workers' Compensation Bill, which is not connected to a Budget, he can connect it as he wishes, and the Minority Party can connect it as they wish. It is not connected. We have a Budget. We have not just quite satisfied what the Governor demands, what he wants in a Workers' Compensation package. I don't believe that now is the time for those of us who believe in the protection of workers, believe in the protection of industry and business, and making it affordable for them to do business in Maine, I don't think it is time for us to sell our souls because we have not satisfied the man on the second floor. This is our Legislature, and we represent our workers. And frankly, not all my workers or my constituents are industry. Some of them are, and I have great concern for them. But, I have people in my District that have been handicapped for life because of unsafe working conditions. I

will not for anyone sell my soul on this issue because the Governor doesn't happen to like a Workers' Compensation package. I will not sell out on the people I represent. But don't be confused. This is not a Budget issue. This is not us agreeing to work together. This is a separate issue, and the Governor is not going to back down. He figures that we will. We will do the right thing because that is what Democratic Legislators do, and frankly, what I have seen Republican Legislators do. Now is not the time to belly up. I plead with us to work together. We can come together with a Budget that has met all the standards that the Governor asked for. Don't tie this up with the Workers' Compensation package. That is not the issue, that is not what we are here for today. We have a Labor Committee that has worked overtime. They have done a wonderful job. They put together a package that I think exceeded all expectations that people had for them. Lets give them a chance to get that part of it done. But for today, so that Maine can get back on track, lets pass a Budget that can get this state rolling again, and let's not be confused about what is happening. There is no confusion. What is going on is crystal clear. I hope that somehow the message gets down to the people down home that this Legislature is doing its job. But it has had a few obstacles thrown in its path. We have a Budget. Lets move on it!

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To continue on that line, it is irony. Its been mentioned that we are probably not the only state shut down today. But, I can bet that we are the only state that is shut down on an issue other than their Budget. We have watched as other states who had ending dates to their Legislature. April 1st in Nevada, still going in June to settle their Budget issues. Other states in turmoil and nearly crippled because they couldn't bring their Budget together. But under the leadership of Senator Pearson from Penobscot, and with Senator Foster from Hancock, and all the other people on the Appropriations Committee, and cooperation of all the other Committees, we were able to meet our deadline and to meet our quotas of cuts. We just made it! We put it together when other states have not been able to do that. We have watched Massachusetts, we have watched others in their hassles and their haggles. We also had a few hassles and haggles in the preliminaries that helped us to get to the final bout. But we did it! So bad, that once we did it, that it was torpedoed by this linkage to another very vital issue. It is really ironic and too bad. Thank you.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We can talk and carry on debate about whether Republicans are right, or Democrats are right here. But I think that most of you know that you came here to do the people's work. You were elected by the people, not necessarily to represent a Party posture, but to represent all of the people in your District. Those of you who know me and how I work, you know I have an "R" after my name, but you know that nobody knows where I belong.

Including me sometimes. We can vote this up or down, but this is part of the whole package that we are here to deal with in these last few days that we have been here. I think it is too bad that everything is rolled into the end and we have to deal with so much that is so important, and effects so many people in so few hours and days. I think that it is just a travesty that we do things this way. That is part of the process. To say that we haven't worked since January since we have been here would be wrong, too, because we have worked out a lot of issues since then. But I would hope that leadership, both in this Body, and the other Body, and on the second floor, might sit down, we might be able to recess, we might be able to Table this item and have them sit down. Because after all, they are the decision makers, they are the ones with the authority. We rank and file can vote up and down. But, they have to come together with a package that is acceptable to them first before we can accept it, because they in turn through their leadership, in their caucuses, will spread the word through and try to sell the package, whatever it is to their caucuses. We all know the process here. Whether you are a freshman Legislator or whether you are an old timer, you know the process. I would love to lock the people that are making decisions, that have the authority to make those decisions in a room, and I would like to have the key in my hands and lock them in until they came out with a decision that most of us could accept, and then come together as rank and file and vote on it.

I think that it is a horrible, horrible situation to everyone in the state. We are not doing the state any service. We have got to resolve this. We can sit here all day long, and we can sit in here until another early morning session and still not get anything resolved. I have been here, like you, hoping that every single day, of every single hour of those days, that we were going to come to some resolution. We haven't! We have been here until two o'clock, four o'clock, whatever time it is in the morning. People are exhausted! This is not the right time to make heavy decisions that are going to impact many, many people in the State of Maine. I urge, I plead with leadership to try to put this aside right now, recess and try to resolve this issue so that we can feel good about what we have as a whole package.

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The reason I rise to speak on this issue which is the Highway Budget, is the fact that I don't want to see happen to the Highway Budget that which happened to the General Fund Budget. We had a unanimous Ought To Pass out of Committee Report. I don't know how many days ago at noon we learned that a revenue source that would balance the Budget would not be available because the Governor did not approve of the video machines, leaving a hole in the General Fund Budget. I ran the halls for one solid afternoon trying to get leadership and people that are in charge to call the Appropriations in and try to find the money to fill the gap and was not successful. Therefore, I had to come up with an amendment. I went to the Chairs. I went to leadership. That Committee was never called in to balance that Budget when that hole was

created. I resent that. That was a unanimous Report. We as members, thirteen members of the Committee knew at noon we had a gap and it could have been filled. It could have been taken care of. I do not want the same thing to happen to this Transportation Budget today that happened that day. Now I cannot call meetings. I am not in a leadership role. But there are those that are. Anyone that is in charge of this Transportation Budget today should Table this Budget until later in today's session so that that which happened to the General Fund Budget will not happen to that of Transportation, because there are problems in that Budget that must be resolved!

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Mills.

**Senator MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to comment on a few things that have gone in discussion, and I think are important, even though they don't technically relate to the Transportation Budget, which I think is important for everybody here to realize. First of all, it is not just a Highway Budget. It is a Transportation Policy and Budget for the entire State of Maine. I think that is important to realize first of all.

It was just mentioned that while we have been getting onto these other subjects, that the reason why we happened to have had such a problem, and one of the reasons why we might be where we are today, is the fact that suddenly, after we had a unanimous Report from Appropriations, the Governor decided that he couldn't go along with a particular section of the Budget, and that people were around scrambling to fill that hole. Well that may be, and I don't doubt that. I think we have all gone through that. But the fact of the matter is, that no matter what was done to fill that hole, it didn't matter. That Bill was still going to be held hostage. That Bill wasn't going to pass. We all know that! I hate to have people saying that if we had filled that hole, which by the way, the Senate did anyway, that we would right now have a Budget on the Governor's desk for him to sign. Unless somebody here is telling me that, because if they are telling me that, then I want to know that, because I think that they are going to get the opportunity to do just that again very soon. I don't think that is what is going to happen. I think that they are going to vote against that Budget, even if we fill that hole. I think we all know that.

The point of the matter is, that whether or not I agree with it, or other members here agreed with it, that Budget was linked to Workers' Compensation. Whether I agree with that or not, fine. I never heard anyone mention anything about the Transportation Budget being linked to Workers' Compensation. That is where we are at this moment. We are voting on the Transportation Budget. You can try to link it I suppose, by now saying that state employees and the two Budgets are the same. But, never has that been brought up until today that I have ever heard it being linked, and I would hope that people would be at the point now where they realize that we have got to move on, and if we want to link something you have already done, then lets move on and get this passed and get a Transportation

Budget through this Legislature. I don't agree that the majority of the people in the State of Maine are pleased with the situation here, and think it is a good thing to be holding up the Transportation Budget and those types of things because of linkage to Workers' Compensation. I don't think that most people would think that. I really hope that we would pass this Budget. Thank you Mr. President.

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The President requested that the Sergeant-at-Arms escort the Senator from Cumberland, Senator **CLARK** to the Rostrum where she assumed the duties as President Pro Tem.

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

Senate called to Order by the President Pro Tem.

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Senator **GILL** of Cumberland moved to Table until Later in Today's Session, pending **ENACTMENT**.

Senator **PRAY** of Penobscot requested a Division.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by Senator **GILL** of Cumberland to Table until Later in Today's Session, pending **ENACTMENT**.

A Division has been requested.

Will all those in favor of the motion by Senator **GILL** of Cumberland to Table until Later in Today's Session, pending **ENACTMENT**, please rise in their places and remain standing until counted.

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

11 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **GILL** of Cumberland to Table until Later in Today's Session, pending **ENACTMENT**, **FAILED**.

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

**Senator PEARSON:** Thank you Madam President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to any coastal Legislator who might care to answer. Are the ferry services of the state in operation today, and will they be in operation tomorrow?

**THE PRESIDENT PRO TEM:** The Senator from Penobscot, Senator Pearson has posed a question through the Chair to any coastal Senator who may care to respond. The Chair recognizes the Senator from Knox, Senator Brawn.

**Senator BRAUN:** Thank you Madam President. Ladies and Gentlemen of the Senate. It is my understanding that they are running. I will be very glad to call. I, like all of you, was here late last

night, and have just gotten here. But I will be glad to call. It is my understanding that they are. Thank you.

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

Senator **PRAY:** Thank you very much Madam President. Ladies and Gentlemen of the Senate. In response to the good Senator from Penobscot, Senator Pearson, according to the list of emergencies state services required by a State Government close down issued by the Governor's Office, under the Department of Transportation, limited state ferry service to islands are operative today. In addition to that, under the Department of Transportation, minimal staffing required to operate movable bridges is also classified as essential services.

Madam President, in reference to several of the other comments and remarks that had been made this morning, as to comments such as that by the Senator from Cumberland, Senator Gill, that she wishes she had a key so that she could lock up leadership, and let them make a decision and try and work this out, in my tenure as the Presiding Officer of this Chamber, I have attempted to the greatest feat possible to allow the Committee process to work, and to allow the decisions to be made by the members of this Chamber, and not by a selected few members elected, or chosen at the beginning of a session to preside and to facilitate the flow of legislation. And obviously, the part of the necessity to facilitate is also when individuals come to a point that they are unable to agree to try and work out those differences.

But, the difference today, is the fact that we do have a unanimous Budget, that has not been subject to the comments and the questions. The Transportation Committee met without ever my inclusion. They have put together a Budget that they feel meets the needs and the responsibilities of this state. I did participate to some degree in observation of what went on in the Appropriations Committee, and I know that throughout that deliberation, and the caucuses that the two political Parties had, that it was always raised that that issue was not going to be passed until there was a Workers' Compensation Package that met the Governor's definition as a solution as he viewed as the problem in Workers' Compensation.

I commented last night at the close of session, under unanimous consent, to the fact that I think that the Governor, from his prospective, thinks that was a wise move. Obviously, each and every one of us have been chosen by our constituents to have our own particular prospective as to rather that was a wise move. But, we are not here to represent the Governor. We are here to represent our constituents and our citizenry. And I think that the comments made earlier, that we need to move on, that we need to let some of the hostages go, we need to show some good faith, and here is an opportunity with the Highway Budget. One less item to be held up. One less item to show that we have an inability to come together and draw a consensus and to pass something, and to accomplish something. One less item. I think that is a sign of good faith to each side of the political aisle, that everything isn't going to be

grabbed and be part of this disease that is infesting this legislative process.

We know rather or not this is an appropriate funding for state programs. Is it appropriately funded? We know the answer to that. We know the final conclusion is that we will pass a Highway Budget. Today, now is the time that we do that, because it shows the people of this state that the Legislature as an Institution, a separate branch of government, can act on its own. It needs not put everything in that constant, conflicting disagreement between two branches of government or two political philosophical positions.

Now, obviously, each and every one of you have some strong feelings and loyalties to the second floor. I stand here a little amazed at it, because when I first ran for the position of Presiding Officer, I was subject to not having that loyalty with the former Administration. The former Governor of this State chose my opponent, from among other things, his friendship with that individual, and his loyalty towards each other, having both served in this Chamber, and having served in the legislative process. And again, most importantly, having been friends for some time. That is human nature to some degree.

I voted to override probably more of Joe Brennan's Vetoes than I ever voted to sustain. I could probably count on one hand the number of times that I voted to sustain former Governor Brennan's vetoes. Because I have a basic philosophy on vetoes. Prior to them even being vetoed, know what you vote on. Do you support it, or do you oppose it. If a Governor chooses to use his option to veto that legislation, and comes back up to you, you have got to make sure that you made the right decision the first time. And in the philosophy, I think I have voted to override all but one of the Governor's vetoes. I voted with him on one, I believe, because I had voted against Enactment of that Bill. And on the former Governor, I had voted to override the majority of the vetoes that he had issued. I think that only on one occasion did I change my vote, because in reading the veto message, he raised some points that I hadn't considered before. That is a personal philosophy that I have, and I try to carry it forward with each type of legislation that comes along.

I want to compliment the good Senator from Franklin, Senator Webster, on the number of times of speaking up for his constituents. I have said that on numerous occasions when I speak to groups around this state, that each and every person in this Chamber believes that they are doing the very best that they can for their constituents. We differ on philosophy. We are liberal, we are conservative, on issue to issue, and we express that on the vast majority of occasions. The worst thing about a democracy is when we allow it to break down into a pure, partisan, political bickering of ignoring our own constituents, and doing what we think is important for the Party, or important for one individual, in some way to protect them.

Now I don't say that in a way to create any kind of animosity. Last night after I made my comments, I went downstairs and saw the Governor. I handed him a copy of my remarks, he said he would call me about 10:30 this morning. I have not heard that call yet. We have passed some legislation and we have sent them down to the Governor forthwith. We have had to call in advance to get them to unlock the door so that we can go in and present the Bill. This is a democracy. This is America. We shouldn't be hiding behind locked doors. We should be standing out front trying to resolve the problems that face this state. We need to remove each and every impediment between here and the resolution to that problem.

I think that it is important, as I said earlier, that we take that first step to show that not every issue that comes in is going to have a partisan line drawn on it. Everything is going to be held hostage. Here is the opportunity. Thank you Madam President.

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

**Senator CAHILL:** Thank you Madam President. Ladies and Gentlemen of the Senate. I appreciate the words of the good Senator from Penobscot, Senator Pray. I think I need to, with your indulgence, say just a few more things because I think that this is a healthy debate. It has probably gone on a little too long that we didn't have any debate. Last night we were all tired, and agreed informally that we would allow the Budget to go with just a Division and very little debate knowing that we had very little sleep, and maybe it would improve our perspectives if we were allowed to get some rest.

I really respect the integrity of every member of this Legislature. I even respect the motivation of each member of this Legislature. I don't always agree with that motivation, but I do respect it, because I think we are all elected to uphold the Constitution of this state, and to represent the people that have returned some of us to this branch many, many times. I think that what we are going through now, even though it is difficult, is part of the process. The good Senator from Cumberland, Senator Titcomb said, it is our Legislature, it is not the Governor's Legislature. It is our Legislature. It is ours and the peoples.

And it may be surprising to some Majority members of this Senate, but it was not the Governor who originally came up with the concept of tying Workers' Compensation to the Budget or with taxes, which is really what we are doing, because we passed the Budget, we are tying it with taxes. It was the thirteen Minority members of this caucus that did that. And although I will never, ever try to speak for all thirteen members of the Republican caucus, I can tell you that on this particular issue, we are united as we have never been united before. We are not trying to obstruct this legislative process. We are not trying to do that. We are not trying to slow down the Budget process. But as the Minority members of the Legislature, we have to make our voice heard. Sometimes, quite frankly, I think the Majority, and I am not disrespectful in saying this, I think the Majority Party doesn't listen to the Minority of us who say that we have to do something about a system

that is bankrupting, it is an albatross around the business climate in the state. Everyone of us benefits by a business climate.

I think that we can solve this Workers' Compensation issue, and I haven't been involved in the nitty-gritty of the Workers' Compensation, and frankly, I don't understand the system as well as some of the Senators in this Chamber. I think that we can come to a resolution. We can get substantial savings without taking drastic benefits away from the working people, because we don't want to do that.

While I am on my feet, and I promise that I won't get up again, on this subject, maybe, I would like to say, because I have heard it referenced a couple times, I would like to talk about Committee process and the tradition surrounding the Committee process. While I believe that the Committee process is something that we must adhere to, I don't think it is the end, because if we say that thirteen members of a Committee's word is absolute gospel, then we are denying the rest of the membership a right to their opinion. I don't sometimes agree with the Committee outcome. I sometimes don't agree with members of my own Party. I believe as an elected official, I have a right if it is unanimous Ought To Pass Report to stand up and say, "I don't agree with that Report. It is not good for my District. It is not philosophically something that I agree with." So as long as I am a member of this Senate, and this isn't a threat, this is just the way that it is going to be, I am going to stick to the right which I believe that the people have given me by electing and reelecting me six times, by standing up and saying I don't agree with the thirteen members of our Committee, or I do agree with the thirteen members of our Committee. I think that is very important to remember that we are here to serve the people of our Districts. If that means voting against thirteen members of a Committee, which incidently, the subject that we are voting on now was a unanimous Report as was the other Budget that was sent down to the Governor's desk, I say good for the people who are willing to stand up and make a difference.

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

**Senator BOST:** Thank you Madam President. Ladies and Gentlemen of the Senate. I really did not intend to speak, truly did not intend to speak on this, but the good Senator from Sagadahoc, Senator Cahill has brought me to my feet.

I cannot believe what I am hearing from the Assistant Minority Leader of this Senate. But I am glad to finally know who is responsible for this mess! She has helped us all this morning identify that. She has spoken on behalf of the thirteen members of her Caucus, who she has just told us made the collective decision to block passage of this Budget. How ironic that in the same breath, she would take to task the Committee process, Committees which are made up of thirteen members, just the same number as the members of her caucus! Her statement was, "Thirteen members of this Legislature shouldn't dictate an issue", although, she was referring to the issue in the context of the Committee. But somehow it is all right for thirteen members of the Minority Party to dictate the outcome of this Budget! It is absolutely unconscionable!



Quite frankly, I thought when I left here at 4 o'clock this morning, I waited around for the Governor to respond with his veto message or whatever he was going to do after we recessed last night. He chose instead of speaking out in the hall that he would bring the reporters into his office, so I didn't have a chance to hear what he had to say before I went to bed. But I said to myself, "There is no way in his heart of hearts that he is going to do the irresponsible thing". He will think about it before he does it, and he will say "No, I have chosen not to shut down State Government. I have chosen to go back to the Table. I have chosen to bargain in good faith. I have chosen to set my partisan political agenda aside. I have chosen to do what I was elected to do." I pick up the Kennebec Journal this morning, and it has all fallen apart.

Now I have had the privilege of serving with Senator Esty on the Taxation Committee. But quite frankly, I wish that he had been around more on my Committee. Where was he? In his Committee doing the people's business, day, after day, after day, delving into the problems of Workers' Compensation. Quite frankly, that area of law doesn't interest me a great deal. But I know that someone has to do it, and Senator Esty has been charged with the responsibility of doing that along with the good Senator from Kennebec, Senator Kany. I didn't see Don around a great deal, and I know that he regretted it. Once in a while I would touch base, and I would say, "Don, how is it going?" He would respond, "I think we are getting closer, we are working together. We are talking." I just couldn't believe my ears in a Democratic caucus yesterday, and I won't go into all the details, but to hear of some of the slipshod, down and dirty political maneuvering that has gone on on the second floor on this issue. Breach of faith! Breach of trust! Tearing people apart! Wounding people!

We are all fond of saying that we work together, we are one family, we supposedly have one collective agenda, and that is doing the people's work. I thought so up until now. I can't believe what I am seeing. We have an unanimous Budget. Everyone has said that. My Committee, even though it was one element of the Budget package, was a unanimous agreement. Each Chair of all the Joint Standing Committees have told me since January that the Budget is driving the process. Not the other way around. It is not business as usual. Bills are dying left and right, and if they have even the most minute fiscal impact, clearing the slate for the inevitable, final task of voting on the Budget. Everyone of us has done our job. Everyone of us except the Governor of this State of Maine! I hope you are listening, Governor, because once again you have let us down.

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

**Senator KANY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I certainly intend to get up on the Highway Budget, that is for sure. I feel the need still to ask for special permission to address Workers' Compensation before us is the Highway Budget. I really, too, was startled that it was thirteen members of the Minority Caucus who have us in this position today. I do recall the Senator from Franklin, Senator Webster, early on making such

a suggestion, and it may have been as early as February or so. I do wonder if it was Senator Webster's idea that we actually tie the Budget to Workers' Compensation? I would like to know if that is the case. No, I guess it wasn't. Regardless, I am sorry that we are in this position. I hope that we will adopt a Budget. We certainly should on July 1st. But I feel the need to review the process on why we are where we are on Workers' Compensation. We are not talking about a thirteen member Committee arriving at this position and sending the Workers' Compensation package to the Governor. We are talking about twenty-three members of the Legislature. Two Committees have been involved, the Labor Committee and the Banking and Insurance Committee in an unprecedented way, fashioning together in a comprehensive package the Workers' Compensation Insurance System, because that is what it is. As you know, we have held joint Hearings. We held about a week of joint Hearings on over 70 Bills, including the Governor's package, which was a very small part of very few proposals compared to the many proposals which were brought to the two Committees. We share three Committees, that is why twenty-three. We share three individuals, that is why there are twenty-three instead of twenty-six members of the two Committees. Besides that, we traded three experienced members of each Committee so that we had sub-committees on Workers' Compensation Reform, which we called sub-committee "A", and sub-committee "B". We worked day in and day out until we had a complete understanding of the system itself, so that we could identify those fundamental laws, look at the problems, and come up with solutions. In fact, on sub-committee "B", which was primarily the Banking and Insurance Committee, we came up with a consensus, a unanimous Report on a straw vote. That included other members of this Chamber, including our good Senator from Aroostook, Senator Theriault, and our good Senator from Knox, Senator Brawn. I see the Co-Chair of the Banking and Insurance Committee here in the room now, also.

We developed a package of which we were extremely proud. It was very comprehensive. The Governor, indeed, praised that as recently as two weeks ago, we received some substantial praise on that development. At the same time, sub-committee "A", which was primarily the Labor Committee, and had the more contentious issues within it, was really narrowing the issues in which there was disagreement. That Committee was lead by the extremely reasonable Senator Esty of Cumberland. Very moderate on these issues and very reasonable. It was because of his reasonableness that they had narrowed the issues in which there was some disagreement to so few. Very few issues were left in disagreement at that point at the time that the other Committee had reached consensus on this extremely complicated and complex system, which is completely out of control, no question about it.

At that point, one member of sub-committee "A", who was actually a Banking and Insurance Committee member ordinarily, and who is from the other Body, decided to peel off to write his own package, with the help of the Governor's Office, and the Commissioner of the Department overseeing the Bureau of Insurance, and the Superintendent of Insurance. And that Committee member "peeling off" really disrupted our process in which we were nearing

complete consensus on these very difficult, complex issues. That was the process, and it was only then when that member from the other Body "peeled off" with his own package, that we divided, and we came up with a Minority and a Majority package. Now the Majority package contained just about all the elements that were primarily a unanimity of opinion from the Banking and Insurance portion, but there were changes, including a funding, as you know, of what we called the State Competitor Fund, but we renamed it. And in that Majority package, which is now on the Governor's desk, which has actually been Enacted, were many, many changes that would mean immediate cuts in the cost of premiums to the employers of this state. Immediate costs savings. And two nationally acclaimed, respected actuaries, in writing, have so indicated that that Majority package has substantial, immediate cuts in costs. In addition to that, there are substantial long run savings, and in addition to that, individual employers by doing certain things, primarily improving the safety in their work place, coming up with programs that would be approved by the Superintendent of Insurance, and could actually, immediately have 15% savings on the premium by a credit. All of this was done, keeping those employees in mind, that there is a responsibility and a trust placed upon us in the Maine Legislature to assure that injured workers are taken care of, as well as that trust that we really has been place upon us to make certain that our employers have reasonable rates and reasonable public policy on this topic.

I am extremely proud of the twenty-three people working together as one, and managing to come up with what we have in improvements in the system, because we know that the only ones to benefit if we fail to enact major improvements, once again, are the insurers and those who receive those huge service fees, and some attorneys and some medical providers. That is all. The employers of the state do not benefit, the employees do not benefit. We are still very, very open regardless of having enacted our Majority package that we preferred once we moved away from consensus documents. We are open to change. I am open to change. I believe that there are many changes that can be made in the package that would not hurt workers, and could still provide further savings. We are ready at this moment to meet on that topic. I just want you to know that this is the case, because we always need to keep in mind why we have a Workers' Compensation System, and no one is seriously suggesting we completely do away with it, because the employers need that system desperately to limit their liability. The employees need that system desperately, too, because it is a no fault system, and it isn't always the employers fault when an accident occurs. Sometimes accidents just happen. Sometimes that worker might have been a little bit negligent by not taking the precautions that should have been taken. That benefits that worker to have a no fault system in place. That worker also needs to have medical bills paid promptly and to receive some compensation for loss pay. But, that worker also needs to be able to return to work quicker, and not be discriminated against, and that employer needs to see a quicker change in his premiums when he makes improvements in the work place.

Every single Legislator in both Bodies understands that we have a trust placed upon us, and that we need to improve that system. We are here. We are ready. We are listening. We always have been ready to listen. And I hope that we Enact this Highway Budget.

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

Senator **VOSE:** Thank you Madam President. Ladies and Gentlemen of the Senate. I am a little confused. Are we still on Supplement 27? This is the Highway Budget? I have looked through the Bill and the amendment and I can't find anything about Workers' Compensation. I just want to make sure how I am voting on this.

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

Senator **CARPENTER:** Thank you Madam President. Ladies and Gentlemen of the Senate. The Highway Budget that we are debating today seems to have mushroomed into a debate over the Highway Budget, the Appropriations Budget, and the Workers' Compensation Reform package. I want to debate, or discuss, which of these three is the most important right now, immediately, for the State of Maine. Today, for the workers of the state, that work for the state, quite possibly it is the Appropriations Budget. But, I think that we all agree that that is a temporary problem. Tomorrow, maybe the next day, hopefully, there will be an Appropriations Budget passed, and the workers will be back to work. They will have jobs. If we don't solve the Workers' Compensation Reform package, there are many more workers in this state that will become unemployed. Industry, business, many have already left the state, reduced their work force, others are thinking of doing the same. I have been receiving calls all morning, surprisingly enough, from my constituents saying, "Hold fast. Hold tight. We need the Workers' Compensation Reform package." To a lot of people, most in my District, immediately the most important Bill that we have discussed is the Workers' Compensation Reform. It means jobs to the workers. It means businesses moving to or staying in the State of Maine. The other two packages are obviously very temporary. If we allow the Appropriations Budget to pass, the Highway Budget to pass, we will never see another chance to get Workers' Compensation Reform. We are negotiating. We have been for many days. I am certainly not going to debate the hard work of the Labor Committee, or the Banking and Insurance Committee. Without a doubt, they worked hard. We worked hard. We worked long. We did get a Minority and a Majority package. At this point in time, between the negotiations of the two Parties that have been going on for days, we have not reached a complete agreement. Hopefully, and I sincerely hope, if we could get a break, we could go right back into negotiations. I seriously and honestly think that we can resolve this. I just want it understood that right now, in the long run, the most important Bill of the three is Workers' Compensation Reform. The other two are very temporary if we can solve this. You say we are holding you hostage, well so be it! Thank you.

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

Senator **ESTY:** Thank you Madam President. Ladies and Gentlemen of the Senate. I have truly enjoyed this debate, and have learned a great deal thus far regarding the Highway Budget. I would like to thank all the members of this Body who have truly illuminated me regarding the details that have caused me to support that Budget.

However, we have drifted into a number of other areas. I would like to speak very briefly about one of those areas, that area being Workers' Compensation. I would like everyone to know right from the beginning that it is not my intention to blame anyone for what has happened. It has been very difficult for me to sit for the last couple of hours and listen to the ranting, and the raving, and the frustration of the members of this Body regarding this process and this issue. There is not a person in this room that has stronger feelings and greater disappointment about where we are today, right now, then myself.

The good Senator from Cumberland, Senator Gill, had talked about compromise, working together. Locking people in rooms. I agree with all of that. She is absolutely right. If this Body felt that way, we would get this done. We could solve this Workers' Compensation problem that would be fair and reasonable. When we talk about being fair and reasonable, and recognizing that there are different philosophies, it means that we don't get everything that we want. Nobody does! If we expect that to occur, we are going to be here for a very, very long time!

The good Senator from York, Senator Carpenter, spoke very well about the working people in the businesses of this state of which I have the same concern that he does. Both for the workers that I know that he cares about, and for the businesses that we need to survive in this state. How can we compromise? How can we negotiate in good faith? When we talk about holding fast! Holding tight! Get what we want! When we stop that kind of rhetoric, and we start thinking about all of us being a little bit unhappy with what happens, and being fair, and thirteen Minority members of this Body saying, let's get the best package that we can, in good faith, together, without trying to get the best deal, here or there, and without talking about it with everybody else, but working together, we can do that. We can do that. When you negotiate, you try to go half way. What has happened, we go half way, then we start there again. And then we go half way, and we start there again and again. How many times do we go half way until we get until what we want?

I have encouraged talking, and negotiations, and discussions, and I am not blaming anybody. Let's not do that! Because we get into situations where we have everything fly around! All the accusations, all the things that we have been hearing about each other. Let's go back to what the Senator from Cumberland, Senator Gill said. Let's talk in good faith. Let's find some things that we can live with or can't live with. But let's get it done. This is an absurd process to say we have to hold this. We have got to link it all together or we won't get what

we want. None of us have got anything that we want in this session. None of us have! We have all got a few things that we thought were important to our constituencies. We have also lost some things, because we have all been very realistic. Let's be realistic.

I don't care if we untie Workers' Compensation and pass everything else and then negotiate in good faith. I don't care if we hold all this hostage. I would just like to think that all of us would expect that we can't get everything that we want in this Democratic process. I know I'm not. I would like to think that nobody else could realistically expect that. I don't want to talk about all the details. I don't want to start getting everybody in hard and fast positions. We don't need that now. Let's try to be very reasonable. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Knox, Senator Brawn.

Senator **BRAWN:** Thank you Madam President. Ever since I walked in here this morning, in fact, when I was in here yesterday, the first things that I saw on people were pins that said, "Hostage - Day 1". I haven't had the opportunity to see what that says today. But as I sat here, I am very much reminded that on the coldest day this winter, I believe it was February 1st, that the Mayor of this great City of Augusta, and myself, and a few handfuls of people stood outside on the Capitol to support our troops who were being held hostage. Now here we sit on July 1st, the same story as two years ago. We should have had this debate before, I think, we should have. This debate has been very healthy this morning. But, when I sit here this morning and listen to this, I think I am provoked when it talks about being hostage. I am prepared to stay here forever if that is what it takes to get cost savings, and I am not putting a figure on what that cost savings is. I am willing and have said all along that I am willing to negotiate in fairness, when we are really serious to do that, and have the same group do that every time, and not play games. We all want the right things for the citizens of the State of Maine.

The good Senator from Cumberland, Senator Titcomb, is exactly right. We are really crystal clear on where we stand. But, I wanted to stand and say that the Budget is linked to Workers' Compensation. That is not my idea. It was never my idea. But I support the idea. I am willing to stay here as long as it takes to work in good faith. That is why finally I would like to say that I would like you to Table this, and get people talking and working as the good Senator from Cumberland, Senator Gill has said. Can't we end by working together? Thank you.

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

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. Again, the question has been raised as to why we don't Table this so that we can talk about this and work it out. This is where we need to talk about it. Is there something wrong with this Highway Budget? Is there something wrong with this that we should not be enacting it? That is the question. Not rather does it have a tax in it and we have taken a blood pledge that we will not

vote for any additional revenues until some other unrelated issue is resolved. That is the question. The question before us is the Enactment of a Highway Allocation Act.

I am one of few members in this political Party who served in this Chamber in the Minority. For eight years I served in the Minority in this Chamber! Never once did we block the passage of a Budget or an Allegation Act based on some unrelated philosophical difference, because the most important thing to us was the people of this state. We had an obligation and responsibility to them first. Never once in the Minority did we attempt to hold something hostage that we believed in that we knew that eventually we would vote for. We had our differences, and probably because I served in that Minority for that time period and went through some of the things that I went through serving on Committees that I would raise questions, so that we could show the political philosophical differences. I would pose my question and sit down. And time and time again never have a response. Just vote. Lets not put anything on the Record about how we feel and what the philosophical differences are. I have never been afraid of stating why I vote for what I vote for. There is no need to Table this. We know what the highway allocation is. The members who have been appointed to serve on the Transportation Committee have put together a Budget. I will say that a Budget that I do not agree with one hundred percent. Nevertheless, I believe in the Committee process. I want to share a few definitions with you. Democracy - Government exercised either directly by the people or through their elected representatives. A political or social unit based on democratic rule. The populace, esp. as the primary source of political power. Ruled by the majority. The principles of social equality and respect for the individual within the community. Let me share another definition with you. The definition of the word obstruct - to impede, retard, or interfere with. The last definition that I will share with you is hostage. Hostage - one held as a pledge that certain terms will be fulfilled by an opposing party. We have all stated that Workers' Compensation is a concern of ours as well as yours. Members of my political Party represent businesses as members of your Party do. Many of us are business people. We understand the implications of the ever increasing rates of Workers' Compensation on these businesses. We are equally concerned about protecting workers in that process. A process in which an individual gives up that right to sue for damages that are done. A process that was established prior to the turn of the century in Germany and carried to America early in this century. That is an important issue, and we need to deal with that as we need to deal with every other individual issue. In an open public debate. In a political forum such that we have established in this state, Committee Hearings and Public Hearings, an opportunity for the public to come in with conflicting and diverse opinions and give them to us so we can come out with a piece of legislation as to how we would treat one another and how we will have our system of government and society evolve around that democracy. We call those laws, and in a democracy we allow the majority to rule. In part what is in question here today is not only our own positions on issues, but the questioning of the public who chose each and every one of us to serve.

I served in the Minority and spent a fair amount of time trying to convince the public as to why our party should be the Majority. I am sure that when this debate is over and this Legislative Session terminates, as well as the 115th Legislature, that the good Senator from Franklin, Senator Webster and myself, along with other members of leadership and members of this caucus will take our message across this state. That is what is great about America. This is what is great about this political process. We have an opportunity to go out to the public, but when election day comes the public says who is it that they want to represent them in the Legislature and to vote on the important issues. It is not an easy process, and sometimes you are expected to be here and gather information and make an intelligent decision. Decide what it is that is best for the people. On other occasions they want you to vote on an emotional basis based on their opinion whether the facts support that or not. We weigh those out each and every day on a variety of issues. It has been said by the Senator from Sagadahoc, Senator Cahill that this is in sense a cleaning process. I have allowed the membership to put out on the table some of frustrations that had taken place. I appreciate that, because each and every one of us have probably been to some degree pushed beyond our normal endurance to try to resolve this fiscal crisis and to try to address the problems that address this state. If one becomes a student of Mason's Rules of Order, or any of the parliamentary procedures, the first rule that you basically learn is the purpose of rules and the purpose of the process. It is to reach a conclusion and to move on. To obstruct does not allow one to move on. To impede or to hold hostage any item does not allow the process to move on and reach a conclusion. We have gone past the statutory adjournment date. We have gone past the end of the last fiscal year. We have gone beyond that. The obstructionists have allowed that to occur. We are now playing with human lives. We are playing with the physical and physiological welfare of our citizens. State workers to name one, but not just state workers, it isn't just state workers that we are trying to resolve this Budget impasse for. They are an important variable to that. It is not just either of the political Parties, or those of us in this Chamber, or those who serve on the second floor. We started off this session, as I have with every session of taking an oath, an oath for the betterment of this state, for the health and welfare of its citizens. It is an oath that I know that each and every one of us takes with sincere earnest, but we are also human beings, and somewhere through that process we allow the human frailties to come in to the point that we make mistakes. I stated earlier that here is an opportunity to step away from the so called hostage situation. Here is an opportunity to take that first step to resolving all of the issues that are before us, and I think that it is important. Lets address the issue of the Highway Allocations Appropriations Act for the biennium. Lets resolve this small part of it, and who knows, slowly as the wall crumbled in Germany, maybe the wall that obstructs us from resolving this crisis will crumble and fall and we can resolve the Allocations Act for General Fund Appropriations. Maybe we can enact something that is meaningful in Workers' Compensation reform that addresses your concerns, but also protects the concerns that some of us have as well. The good Senator from Cumberland,

Senator Esty in his comment talked about trying to do that and I think we need now to separate those issues. We need to separate those issues and bring them each individually under the microscope and before this Body for public discussion. Those issues will rise and fall individually on their merit as all pieces of legislation that flows before us should. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Tomorrow, next week, or whenever it is that we leave this place having done the people's business, and next year when people look back to this session of the Maine Legislature, it is going to be memorable and historical. This entire legislative session has been dealing with crisis. Crisis after crisis, and we elected members of this Legislature need to solve these various crises. Today we are dealing with the Highway Budget. Some would say that there is no link no reason to oppose this Budget. It is a good Budget, most of us in this Body agree that this Budget is acceptable, but it does for those of you who haven't taken the time to read it does have a major tax increase on gasoline. For me to vote on this tax increase, speaking to you as the Senator from Franklin County, I do see a link between raising taxes the kind of taxes the this Budget and previous Budgets are going to need in creating jobs. I am not an expert on Workers' Compensation, but I do know that the national average for Workers' Compensation costs per capita in this country is \$100 and Maine's cost is \$260 per capita. The nearest state to us is only \$170 per capita. By far we are the most expensive, so we are first when it comes to what it costs our businesses to pay for Workers' Compensation insurance premiums. I am concerned that if this Legislature doesn't deal with this important issue now that the entire character of Maine will change. It is already beginning. A year and a half ago Madison Paper Company moved 200 jobs to North Carolina. Madison Paper Company is in Madison and in my District, and that is 200 people in my area of Maine that is not working because of that expansion that was done elsewhere. When you look at the cost of Workers' Compensation Insurance premiums in Maine you know why they left. I told you the other day about several factors in my District that literally cut employees workers wages because they couldn't afford to pay the premium. This is a crisis ladies and gentlemen of the Senate. It is not new. The Governor has been talking about this for days, weeks, and even months that we had to change the law. I agreed with the good Senator from Penobscot, Senator Pray, that no one is going to be happy with what ends up happening. I can assure you that my people in rural Maine do not support \$300 million in new taxes. I can assure you that the people of Maine, outside of small pockets are appalled, absolutely appalled that we are raising \$300 million in new taxes. We are funding the government that has been created during 10 years of good times without trimming back when everyone else is trimming back. I want to commend the members of the Appropriations and Financial Affairs Committee for doing the kind of tough decisions that have to be made. Ladies and Gentlemen of the Senate, the people of Maine don't want \$300 million worth of taxes. I don't want to

vote for \$300 million in taxes, and the Legislature I can assure you does not want to do that, but we live in a process where we try to reach an agreement. I think it has been said by me and others in this Body and throughout this Legislature that we would be willing to come to some type of agreement on taxes but we have to do something to create jobs. I am not concerned about keeping a system on the books that benefit a few to damage and hurt the majority. The majority of Maine workers are losing their jobs. They are losing their jobs and they are not getting the wages they deserve, and the way to do that is to change Workers' Compensation Insurance. I regret that I am going to be voting against this Budget because of the fact that there is no agreement reached on Workers' Compensation. I am willing to work on this issue, but frankly, I don't know a lot about it. There is only a handful of members of this Senate who I respect and I believe that they are sincere about reaching an agreement, and I hope that we do. Once we do we can end and go home, and the people of Maine will go back to work, or have more wages, or perhaps even we will expand a few jobs and create some new ones. I remember a meeting and I talked about it the other day, whenever it was, in the middle of the night. I remember a meeting with leadership and the Governor a couple months ago, and I remember we went around the table and talked about taxes. I explained at that time that I was concerned about taxes because I didn't feel that people could afford them, and I felt there was a need to do something to improve the economy. Every state in New England that raised taxes two years ago are in worse financial shape this year than in the year before. Why? They didn't do anything to improve the economy. You can't suck \$300 million out of the taxpayers of this state without putting something back. I believe that. I am not an economist and I don't claim to be, but I have a little common sense. Common sense tells me that if you take money out of working people and you don't give them something back, then it is lopsided and it isn't going to work. I don't want to be here a year from now if I am still serving this Legislature having to raise millions and millions more in new taxes to keep the existing government structure that we have built, and I don't think that we are going to have to do that. I think that if we improve the economy of this state by changing our excessive and expensive Workers' Compensation Law that you will create jobs. You will have people working, and people paying taxes, and having businesses expand, and having jobs being created. This is how I see the link. I just don't see how you can take \$300 million dollars out of the economy and not put something back. Putting back more spending is not going to create jobs and keep this economy moving. It is a simple tie. That is how I see it. I have heard talk about how we are unreasonable because we are asking for substantial savings. I think it is unreasonable to expect me the Senator from rural Maine to support a \$300 million tax increase. I would prefer to support a far less increase. I discussed this with the Governor and members of leadership and members of this Body about how the Governor's suggestion about the last crisis because of the initial problem we had in January was to raise taxes. He suggested that we raise taxes \$300 million. We did not agree in our Budget to raise \$140 million, which would have been a compromise. No one agreed to that. The Budget that is sitting on his desk that is still there. A Budget

that will pass this Legislature, whenever it passes, is not going to be a compromise Tax Budget of less millions of what was proposed, so it is not going to be \$100, \$120 or \$130 million, it is going to be near \$300 million when you add these taxes of \$23 million with the other \$270 million you are talking about the same as was proposed. We are also talking about fees of \$6 or \$7 million in the Budget. We are going to have a lot of new taxes on the people of Maine, and we haven't come to a compromise that would be acceptable to me in the amount of taxes that we raise. Why is it unreasonable for us to ask for meaningful reform in the Workers' Compensation? Ladies and gentlemen of the Senate, I said late last night after the good Senator from Penobscot, Senator Pray addressed us, that we needed to work together and I believe we do. I do see a link, and I am concerned about jobs. This is a historical time in Maine history. I think it is very, very important that we do something to create the kind of state we want. When I drove down to the Senate today, I drove behind a vehicle that said "vacation land". You know, I don't want Maine to just be "vacation land", I want Maine to be a place where workers can have jobs, good paying jobs, and keep their jobs, and have more jobs, and more economic development. Ladies and gentlemen of the Senate, the way to do that, I believe, is to have a business climate that creates jobs. A business climate that makes profit for employees and employers. This is the way to do this. This is the best approach. I think this has been a good opportunity for membership and to speak and talk about their concerns about this whole process. I know none of us liked the way this process has worked, but I hope from this point forward we can work together to reach an agreement that creates jobs for Maine's people. It will make us more than "vacation land", because if we don't change Workers' Compensation, I am convinced that there will be a 1,000 jobs lost in this state in the next year to two years. We can't afford that, and if we do that, we will have the need next year to raise taxes and make a much smaller, poorer tax base than we already have. You must remember we have the average person in Maine, the average single individual taxpayer who files an income tax is around \$18,000 a year. The average husband and wife joint filing taxpayer makes \$32,000, so when you pass a \$300 million tax bill, you are taking money from working people who are really having a hard time getting by. We will look at that and agree, at some point, to raise those taxes, but before we do that, we have to look to keeping that \$18,000 a year tax payer who is working in a factory, keeping them working, and the way to do that is to keep their employers cost down so the workers can receive more wages. The way to do that is through workers' compensation reform. Thank you.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As I was driving up here this morning, I called in to find out what was happening, and they told me that the discussion on this was taking place. I was on the road at 11:10. I overslept this morning and it is now 1:30. I was trying to think of something clever to say to this Body when I got here, and the most clever thing I thought of was that I was going to make up some

buttons. Those buttons would say I survived the 1991 Session of the 115th Legislature. I would give all these buttons to each and every one of us so we could put them up on our bulletin boards and remember what we went through this year. They would serve as a reminder as how not to do things in the future. I started thinking that this would be a great fund raising idea. We would have a great demand for these from every citizen in the State of Maine. I think the people of the State of Maine would be more than willing to go out and purchase these by the dozens, because of what has been going on up here. The good Senator from Franklin, Senator Webster said that he could not support taxes, and he has a very difficult time supporting taxes, and that he shouldn't support taxes. I don't have any problem with that because that is his physiological belief, and if anybody else believes that then that is all right to. This is not why we are having a problem today because people aren't voting the Budget because of Workers' Compensation. If we were dealing with the issue before us, I think we wouldn't be here right now. If we dealt with the issues before us at the time that they were before us, and not try to tag anything along with it we would be gone by now, I think everyone can agree to that. I must also mention why we didn't compromise on the taxes. Why didn't we go down to \$140 million. Remember that it was the Governor that set the ceiling at \$300 million and said that we should raise taxes to make up the \$300 million of the \$1.2 billion Budget. I happen to agree with that, but it was he who suggested that amount. And actually, two to three months ago if somebody had asked me if I thought we would resolve a \$1.2 billion problem, my answer would have to be I just don't know how we are going to do it. I really didn't. We did do it. We should be standing here proud today that we resolved the most severe financial problem we have ever faced and we did it. We did it in Appropriations, Taxation and as a Legislature. We can't leave this place now because it is being held hostage. Every time I use the word hostage I always wondered if the my Republican colleagues believe it to be a hostage situation or whether they think it to be something else. Obviously, today we have had you admit to it. Yes, it is a hostage situation. In 1987 when the insurance companies held this state hostage, we all said that we will learn a lesson from this and never let it happen again. I learned that lesson, but I guess others of us learned a different lesson. We weren't supposed to go out and start doing it ourselves. We weren't supposed to say, "Gee, that worked pretty good for the insurance companies, lets see if we can do it, too". Isn't it at the national level that we have a President that says, "Not one dime for this type of situation"? Haven't we had situations time, and time again around the world where people say, "Don't negotiate with people who do that". I think they are called terrorists. I'm am not calling anyone here a terrorist, but do you understand what is happening we are talking about a hostage situation. Who is being held hostage? Maine working men and women and state workers who we entrust to do the work of all the operations of the state. The Maine elderly, the poor people, the sick people, the program people who use our parks, and the state police, those are the people who are being held hostage, not us. Don't think that when you see a button that says held "Hostage - Day 1", that it is I. I am here trying to represent my District. There

is no question in my mind that the Senators and the Representatives who worked on that issue did a job that they were supposed to do and spent the time that they were supposed to spend. Do we want to resolve the situation that is before us? I think so much that everybody can taste it. That is not what is before us now. What is before us now is this hostage situation. Last night while the Body was debating this issue on passing the Budget, I went down to the Governor. I said diffuse the situation. Please diffuse the situation. Only you can do this. You only can do that by not tying one to the other. Pass the Budget and let the Presiding Officers and you work out a situation, and we can come back and promise to do something on Workers' Compensation, and let the Committees work on it, and lets move on and get it done in the next week. What has happened is, people don't trust each other anymore up here. People don't trust each other anymore. I believe in God, country and family like everyone else. In order, those are the things that belong at the top. Politics is on the list some place. Obviously, if it wasn't I wouldn't be here and neither would all of you. Don't ever let love of politics become more important than love of your state. I think that in all the years I have served here in the past we have been able to resolve every major situation that is before us because I think we put that before everything else. I am not sure anymore. I look around at the same people I worked with in the past. People we have been able to work with, and negotiate, and come up with some good solutions. And yet, we find ourselves in a situation where we have chains on doors, and people who aren't allowed to go into work. They have done nothing wrong except probably depend on us. Thank you.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Franklin, Senator Webster has spoke with his typical eloquence about new revenue, about what is acceptable and what is not acceptable for either he or the people back in Franklin County that he represents. He certainly, I'm sure, feels justified in his position and I am sure he is very committed to that. The Senator from Knox, Senator Brawn said a bit earlier that somehow this debate that we are having today should have taken place weeks ago. It did take place weeks ago and maybe even back to January. I don't know where people have been, I can tell you that the good Senator from Franklin, Senator Webster never darkened the door of the Taxation Committee to offer a compromise to tell me, Senator Esty or Senator Collins which taxes he didn't want. We passed in the hall once in a while and he would say, "No new taxes", and we would laugh and go about our way. Nothing serious. Ladies and Gentlemen, this is very serious. We are at an impasse, and what the good Senator from Franklin did not tell you, or should I say remind you is, that we are working from the Governor's Budget, and the Governor's Tax package, and from the Governor's tax increase on gasoline, which I might add was considerably more than what came out of the Transportation Committee. You know, one of the first things I did when I came into the Chamber today was go up to Senator Esty and Senator Kany. I had heard what we were debating and I said, "Don, Judy who is negotiating, when are they

negotiating and where are they negotiating? I want to know." They said, "The Speaker and the President have met, but it hasn't gone any further at this point. I know that people are working on it." I am not so certain that people are working on it. It takes two Parties to negotiate. We are here and the other Body is here. We all arrived with most of us on time.

When you go down to the second floor to the Governor's office, there is a security guard outside making certain that you don't get to close to the door. He will allow you to get to the door, but once you get there it is locked tight. I came back up to the third floor and made a call, certainly someone is in the office. I got a recording. I dialed X3531. I had to dial it again. I thought I had dialed the wrong number. The recording said, "Due to the shut down of Maine State Government there is no one available to take your call. Please call again." Who is minding the store? Who? It is really a rhetorical question at this point. I think you know the answer. I understand the Governor is in Caribou today. I am sure for good reason. We are here, but we are talking to ourselves. The very element that is the sticking point, the very thing that needs to happen here is movement on the second floor. This obviously is not going to take place if the very person who moves that agenda is absent without leave. We have strayed considerably from the substance of the Highway Budget, and I would bring you back full circle and repeat a question which was asked by the good Senator from Penobscot, Senator Pray. Would someone in this Chamber who is opposed to this Budget tell me and the rest of the members of the Maine Senate what is wrong with the Highway Bill? Thank you.

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Senate at Ease

Senate called to order by the President Pro Tem.

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The President Pro Tem requested that the Assistant Sergeant-at-Arms escort the Senator from Penobscot, Senator **PRAY** to the rostrum where he resumed his duties as President.

The Assistant Sergeant-at-Arms escorted the Senator from Cumberland, Senator **CLARK** to her seat on the floor.

Senate called to order by the President.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think I have just heard the most disturbing thing I have heard all day, and I have heard a lot. I heard the Senator from Penobscot County say the Governor is in Caribou. That is what I heard. A couple of years

ago on a Sunday afternoon when the Appropriations Committee was meeting, beating its brains out trying to build a final Budget, we couldn't meet because the Governor was in Fort Fairfield. Now the Governor is in Caribou. He should be on the job here in Augusta. I am sorry there is no excusing that. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. There seems to be some misinformation circulating. The Governor is on the second floor. I talked to him less than two minutes ago, and he awaits us with the action we are doing here. And while I am on my feet so I don't have to get up again, hopefully, I would like to correct another piece of misinformation regarding the Gas Tax package. The five cents for five months that was originally posed in the Governor's Gas Tax package raises \$3 million less than the current package we are proposing here today. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I apologize. I sincerely do, because it restores my confidence in the gentlemen. Now is not the time to leave Augusta and I feel very much better. I am sorry I was operating on wrong information. 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. I have listened to the word hostage today. I have also heard hostage for two weeks. I have heard the word hostage in regards to the Transportation Budget. Why has it been held hostage for two weeks in the other Body? Has anyone thought about that? The Transportation Budget should have been passed two weeks ago. Evidently there was a problem because of an independent agency. The Bill has been down there. I don't know the in's and out's of hostages. Don't call me the hostage of the Transportation Bill. It has been hostage for a long time. I would ask the Senate Chairman to tell me why we haven't had that. Tell me the amendment that we have been waiting for, the language or the problem that we have had with this Transportation Budget for two weeks? I think it should be in the Record. Thank you.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I, too, rise with the good Senator from Penobscot, Senator Pearson to offer my apology. I attempted to verify the information that I shared previously with regard to where the Governor was, and it was erroneous, all three sources shared information with me that apparently was not based in fact. I do truly apologize. I did, however, make that phone call, and I would urge each one of you to make that phone call to X3531. Thank you.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have been asked a question which I will attempt to answer. In the Highway Budget, there is an appropriation of \$60,000 for purposes of maintaining the road system in Baxter State Park. This is matter of a statute by itself, which taxes the Department of Transportation to fund this, so it was part of our Budget. At about the same time that this was going through the process, there was a newspaper article in reference to \$60,000 for the maintenance of those roads. I did not know that that was part of the Budget, because you know how these Budgets are, you have titles all encompassing headings at times, that you really don't know every single item of that. Anyway, it alerted me to the fact that there was \$60,000 in there that maybe in these tough times we should look at that and ask if that is necessary, because we might be able to use that money elsewhere if we need to. In the process of all of this, it surfaced that there had been a number of Legislators, a number in excess of twenty, I don't remember the exact number that had signed a petition to reopen a gate that had been closed to access the Park. This was causing a lot of concern for the people that live on the western side of the Park, because no longer would they be able to access the Park from their side of the Park, they would have to go all the way around Millinocket in order for them to access the Park. This was concern to me and to others that the use of public funds of this nature should also allow the maintenance of all gates, of which there are three. We have a difficult time in trying to sort this out. How are we going to do it fairly? There had been several attempts to address that issue. Finally, we were able to come up with a solution, and I need to commend my Co-Chair from the House, Representative Macomber, for being a true statesman in this matter, and to come up with a solution that was acceptable to most of the members of the Committee. The solution that was reached was, that there will be up to \$60,000 allocated for the use of the Park Officials. But the way it was set up was, that the Department of Transportation would be authorized to spend \$20,000 per gate that was open, up to a maximum of \$60,000. This is the amendment that is on the Bill that was first of all put on by the Committee, and that is attached to the Bill that is before us. To me, that was an equitable way of addressing the problem and this is why it is in there. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We have heard a lot today about the linkage of Workers' Compensation in our Budgets, both the General Fund Budget and the Highway Budget. I have to say to you that I think that this linkage, aside from being horrible in that it is shutting down State Government, it is also insidious. It has an insidious message. A subliminal message contained in such a linkage, and that is, and we have heard it, I have heard it from my seatmate, I have heard it from across the aisle, and that is, if we don't link Workers' Compensation we will never get a settlement. And contained there is the insidious message that the Democrats of this



Senate do not want Workers' Compensation Reform. That is false! Not only is it false, we have put on the Governor's desk a Workers' Compensation Bill that reforms the system to the tune of 30% to 35% cost savings. We have achieved that. I think that it is too bad that this linkage is currently obscuring our incredible accomplishment of balancing this Budget. An accomplishment that last December and January, I personally wondered if we could do. And from traveling around the country, I know that this state has the worse Budget deficit as a percent of our Budget of any state in the Union. We, you and I, have balanced this Budget. And now we don't even get to crow about it because we are in a mess. It is being held hostage, it is being linked to Workers' Compensation.

The good Senator from Franklin, Senator Webster, has urged us to take a long view of this process, to look at how we will be remembered by history. Ten years from now, how will the Legislature be written about? Well, the long view tends to obscure the little arguments, the little conflicts that we have had. And I can tell you what I think the long view will be, I can tell you what I think historians will write about the essential kernel of the conflict that we are having here. That conflict is an age old conflict, and it is one that wars have been fought over, and that conflict is the conflict between the have's and the have not's. That is the essential kernel of the Workers' Compensation piece. There are people who want to reappropriate income. There are people who want to redistribute wealth. There are people who want to take away from working people. That is a struggle. It is as old as the hills, the struggle between the have's and the have not's. It is happening right here today.

Also, the seriousness of our situation here, transcends political Parties, I believe. Our constitutional obligation as Senators transcends the Parties who are in. We have been elected by the people of this state to run a government. This government was put in place by us as a society. When we got so complex that we had to organize ourselves, and in so doing, in agreeing, when back then in the Declaration of Independence, and the thirteen states agreed to the Constitution of the United States, we individuals agreed to give up certain things, and allow the common wheel to be the central core. The common wheel as decided by people like you and me. Decided like elected representatives. And so there are people out there who currently are prohibited by law from doing things that because of our actions and because of the Governor's actions, the state shut down prevents them from having those services. People cannot pick up a gun and defend themselves. People cannot tar a road. People cannot intervene when they see a child being abused. There are ways that we have organized ourselves that are absolutely essential, that if we do not continue, if these services do not continue, there will be absolute personal tragedy. I urge you to think about your constitutional obligation. Think about your philosophy of government. Think about why you are here. Fall back on your belief system. Let us pass the Budget, and then deal on a level playing field on the issues that we disagree with each other on

pertaining to Workers' Compensation. They must be separated. Thank you Mr. President.

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Off Record Remarks

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

**Senator CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As a new member of this Body, I have had a lot of education during these last six or seven months. I have had to learn the process, and I have come to respect each and every member of this Body, Republicans and Democrats. I have come to respect the Institution. Because I am a new member, I have paid attention to process, and I have paid attention to the Institution, so that I might learn from those who have crafted this since 1820.

It seems to me that this issue has come to the heart of what the process is. It is very curious to me what has developed. Very curious, indeed. We have a process in which we deal with issues individually, on a bipartisan means on Committees, an open process where they are debated. That has occurred on unprecedented issues. It has occurred with the Budget for \$1.2 million. That deficit has been shorted. A Budget has been adopted unanimously with Republicans and Democrats. It has been presented to this floor. And to the best of my knowledge, absent any other issue, we are prepared to give that a two-thirds vote and send it to the Governor. And to the best of my knowledge, absent any other issue, the Governor is prepared to sign that. That is the process.

On taxes, there are those who say that they are uncomfortable about taxes, that they are too much. That is a legitimate point. That has been debated. There is a Taxation Budget that has come forward, it has unanimous support of the Republicans and Democrats. To the best of my knowledge, it fits the requirements of the Governor. To the best of my knowledge, absent any other issue, the Governor would sign it! If I am mistaken, I would be glad to be corrected on any of these. It went through an open process. The good Senator from Franklin, Senator Webster, who has many opinions about taxes, was never denied an opportunity to express those opinions. The Republicans in that Body were never denied an opportunity to cast a vote however they wished on that issue. They did cast their votes. They went unanimously to raise the taxes! That was the process, and it is here, and we are prepared to vote on it. I think that we will get two-thirds! I think that the Governor will sign it. That is the process. It has been for 160 years.

Workers' Compensation, a very serious issue. It went to a Committee and got a Report. It went back to the floor, most it was unanimously agreed to, some certain portions were not. That is legitimate. We have an opportunity to debate it. We had an opportunity to vote on it. Some of us didn't support

it, including myself, a Democrat. It raised a few eyebrows. I got a few nasty calls at home. How could I do this as a Democrat? Because I believe that this issue needs to be spoken to, that it is serious. Not that the Committee hadn't done good work. I applaud them! They work hard! They came forward with a package that I think was an improvement over what we had. I think that we can do better. That is why I didn't support it! I encourage them to support it. I would encourage the Governor to veto it as a Democrat. I think he should! I think that he should send it back to us. I think that he should send us back into session and continue to put us at our tasks until we find an acceptable solution to Workers' Compensation. That is appropriate. It is a serious problem.

But what we have done by ignoring the process here, is that we have now taken one issue, an important issue, and what we have done is tied it into the requirement of having to pass a Budget. It is not in the Constitution. It is not in the rules. It is not the way the process works. But that is what the Governor has done. It is very curious that we do this, tying it together, because the argument always has been, that each issue should rise and fall on its own merits. That it should be deliberated by all those here. That we should cast our vote, and we have given the Governor the power to veto, and then required that a two-thirds override the veto. Enormous power. Yet, that isn't efficient. What we must do is create and manufacture a crisis. The Taxation issue has been resolved, not to everybody's satisfaction, but to meet the high test of two-thirds. A Budget has been resolved and has met the test. Is it only the Governor feels that this issue for him is of such magnitude that he, not the Legislature, he, must create a crisis to deal with it, because it isn't sufficient to veto it? It is not as though there were no other alternatives. It is not as though we could not be asked to continue to address that. But, it is necessary to shut State Government down to deal with this one item.

What I find curious is, that the criticism of Federal Government has always been that there are not line item vetoes. For example, a Christmas Tree of Bills are created and presented to the President, and he must vote for all of it or veto all of it. We have objected that at the local and state level, saying that we must vote on each issue, and allow the Governor to vote on each. Yet, now we seem to want to reverse the process. If it is appropriate for the Governor to take this one item, Workers' Compensation, which you know I feel seriously about, which you know I stood up as a Democrat and did not support, and am willing to work through the summer and the fall, whatever it takes to work on it, if it is appropriate to do it with Workers' Compensation, why is it not appropriate that the Governor, or any member who feels strongly about any other issue, should raise it to the same level, attach it to the Budget, and refuse to do our duty and responsibility because we deal with one issue only? Is a Workers' Compensation a problem? Is it serious? You bet! Am I a willing to stand up and vote my conscience. Yes I am! Am I willing to manufacture a crisis for this state on this issue when there are other reasonable and responsible alternatives available to this Governor, available to this Body, to deal responsibly with that issue in a timely way, to meet its needs,

without putting the state in a crisis? We must be very clear that it wasn't from a lack of responsibility, or lack of action, or lack of unanimity between Democrats and Republicans to achieve it. It is because this Governor chose to attach a separate item, not attached to the Budget, to create a crisis, and to set a precedent that this is a legitimate means of governance, not only for Workers' Compensation, but for any other issue one might feel about, such as hand guns, weapons, human rights. Any issue, and governed by the majority of one, rather than the will of the majority, which is the constitutional means by which a society was based.

I hope that the people of this state will think carefully about the judgment of this Governor in addressing this issue in this means. I still stand prepared to deal with it. I still support the concept that this is a serious issue and that we must go further than what we did. I will not support this Governor in creating a crisis that is unnecessary for 1.2 million people when alternatives are available.

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Off Record Remarks

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am one of the members of this Body that has become, in the words of other members of this Body, someone with some longevity, and somewhat of a veteran here. Next session will be my tenth year. I am looking forward to an enjoyable eleventh year of doing other things. But, ladies and gentlemen of the Senate, in my ten years of service here in the Legislature, I have never seen such a cruel, unmitigated hoax on the people of this state by any Governor, and I have served under two. One, Joseph Brennan, and now this current Governor. Ladies and Gentlemen, in my estimation, ever since this present Governor took office, the second floor has been devoid of leadership. We have had a Governor who has been unable to lead the State of Maine. What a cruel hoax to use the state employees as hostage in this crisis. The good Senator from Knox, Senator Brawn, has talked about what the hostage crisis means, and talked about the Persian Gulf, and there is a lot in common between the man of the second floor and what happens in Iraq every day, it is called tyranny! A one person over the people and their elected officials. This is a cruel hoax, Governor McKernan! A cruel hoax on the people of this state! I am reminded of the Governor's own words when we had a supplemental crisis. We have had crises ever since this Governor has been elected. But he stood on the news talking about we, the members of the Senate and the other Body, not supporting his Supplemental Budget and holding the people hostage. Holding the sick, and the injured, holding those with mental health problems hostage. Well, who is doing it today? This is not a sign of leadership.

I have never served on the Body of the Committee of Appropriations, but I do know this as a rank and file member. That Committee and that Budget process is a sacred process in the sense that you don't tear it apart! There are people in this Senate that I truly call statesmen and stateswomen. One to my left, the good Senator from Cumberland, Senator Gill, and the good Senator from Hancock, Senator Foster, and the good Senator from Penobscot, Senator Pearson and others. I guess that it is going to take statesmen like people to come to the top and say enough is enough! We do take an oath. We may be Democrats and we may be Republicans, but we do take an oath to the Constitution to do what is right, irregardless of Party, and that has happened in this Senate Chamber with the good people that I have served with, and who I am going to remember in my later years, and that I am going to tell my kids about. I am proud to have served with all of you in here. But, I am not proud today of the efforts or the lack of it from the second floor, and the games that are being played. Enough is enough! The people of this state are too important for this cruel game to go on! We have a Budget - let's vote for it! We have a Workers' Compensation problem - let's settle it! Separate, as it has been historically on every other issue. Let's let the people go! Let the hostage crisis, let's talk about Exodus, let the people go! Governor McKernan, let's get on with it! Let's be a leader! You are the Chief Executive, let the people go!

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

**Senator TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I must say that after fifteen years of coaching track, that I have never had an athlete as quick out of the blocks as some of these Senators are to their feet. I would commend each of them, and I must commend you, Mr. President, on your judgment in the last race, because I was, in fact, on my feet first.

Just a couple of comments that I would like to make. I commend the Committee process, and I will tell you I have stood in Committees that work on issues that I really don't have a lot of background on, and I have commended the individuals for their research and their integrity, and their bringing to the Committee the information and the people that will be important for them to make good decisions. I have commended and spoken quite openly about my admiration for the knowledge and understanding of issues that I have seen in the Committee process.

I have been quite surprised today to see those people that would attempt to derail the Committee decision on Workers' Compensation, stand in this Body and say, "I have to admit that I don't know very much about Workers' Compensation". I ask myself, if there are people here who do not know very much about Workers' Compensation by their own admission, who have not been involved in the Hearing process, or the Committee process, or the very difficult decisions that were made by the Committee after all of the information was brought to them, why are these, the very people trying to stop the agreement that the Labor Committee and the Insurance Committee came to? What is that driving these people? I find myself thinking of the surgery patient who is on the table

in the operating room and has had extensive surgery, has been sewn up, and just as they are getting ready to wheel the patient out of the room, someone arrives and says, "I don't know an awful lot about surgery, and I haven't really been involved in the evaluation of this patient's plight, but I am going to open this patient back up again with my shovel, and I am going to do the repair that for one reason or another I feel may need to be done, but I can't really tell you what it is, because I don't know that much about surgery".

I would again commend the Committee's for the work that they have done with great knowledge and understanding of the problems that we have on Workers' Compensation. I think that they have cut where cutting needed to be done. I think that they have done it sensitively and carefully, and I think that they have closed the patient up. Now, that doesn't mean that the patient may not need some new surgery, but in the name of all that is wise, let's make sure that those that are doing the operating have been medical school, because we may end up killing the patient.

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

**Senator SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess people are at their wits point, and that is probably an understatement. But nevertheless, there have been some statements made that I feel I need to respond to.

We have heard about a cruel hoax on the people of this state. I suggest to you that the cruelest hoax that we could play on the people of Maine would be to do business as usual, to go ahead and cave in, to raise the taxes, pass another meaningless Workers' Compensation Bill, not that people haven't worked hard on it, but we are at a point now that we have to address this issue. This is not something, as much as we would like to sit down and talk it over a little more, and work it out a little more, it is not there. It is a crisis, and we have to deal with it now. You have heard a lot about the volcano in the Philippines. The volcano erupting. This is a lot like that, the pressure has built up and it has finally exploded. And like the volcano, once it explodes and the lava covers the land, the landscape has changed. The landscape is changing now, like it or not. We can play a hoax on people, and we can go ahead and pass another Budget. Business as usual. No problem. But the only people that we are fooling are ourselves. We are not serving the people of Maine's best interest.

You talk about the oath of office that we took when we came to this Chamber. We talk about our motivations, remain true to the motivations. I believe that I am remaining true. And whether it were Joe Brennan in the Governor's Office, or John McKernan, my convictions would be the same, and my path would be the same. I believe I was elected by the people of my District who are tired of the same old thing. I won't fall into that line. I will do what I feel I was elected to do, and that is represent the people of my District, and I will do it to the best of my ability.

I just got off the phone before I came back into the Chamber, with the head of one of the largest trucking companies in this state. It is located near many of our Districts in the southern part of the state. He told me in no uncertain terms unless we reach significant savings in Workers' Compensation, St. Johnsbury will leave the state. That is not just my District, because they go way up to the other end of the state. We are at a crisis, and in this case it takes some very, very drastic action. The members of this Body need to come to the realization that we are at a crisis, and we have to change the way things are done. You hear about the process, the process, the process. The process is out of order. The whole thing is out of order. It is time to view it in a different light. I don't question the motivations or the commitment of the people of this Body, because I believe that everyone is here out of sincerity. But in all sincerity to you, it is time to look at it from a different angle.

I will leave you with one thing. I can remember being in school and reading a quote, and it said as the wise Captain said when his ship was going down, "Attitudes will change, or people will". We had better change our attitude, because the people of this state are not going to stand for it any longer. Thank you Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Brawn.

Senator **BRAMM:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The brief remarks that I have made, I believe most of the Senators have left the room, but I really do hope that they are listening, because I couldn't help think of several comments. The first thing that I wanted to say is, that I didn't have the opportunity to drive in this morning, how I would have loved to be on one of my ferry boats going to Vinalhaven or North Haven. How I long to be outdoors. I am also an outdoors person. The good Senator from Cumberland, Senator Titcomb, who has also left, told about racing up. The only athletic thing I did was coach a baseball team, and I loved it, it was terrific. I didn't have the opportunity to drive up here this morning and think about what clever things that I could say. I didn't know until I got down here, and here it is three and one-half hours ago, what was going to happen, and what I would find. In fact, I know that the Pages will substantiate that. I always come in here first and get my Calendar and see what is on the agenda. They told me that there wasn't anything yet. So I didn't have any opportunity to be thinking up things of what I was going to make up or say. What I always say to you comes from my heart, and it is sincere.

I am very pleased to see that Senator McCormick is in here now, because you know, something that she said really struck home to me. When Senator McCormick from Kennebec talks about the "have's and the have not's", I have to stand up. I am a "have not". I have always been a "have not". I stood in line when I was fifteen years old to get a workers permit so that I could go and cut sardines, so that I could earn the money to buy my school clothes, so that I could look decent like some of the other kids. So I consider myself a "have not". That is one reason why I worked so hard on the Sardine Bill

this year, because I care about that industry, and I care about fishing. I am sorry to get off the track here.

But I have worked long and hard on this Workers' Compensation issue, and have been working with my colleagues, and will continue to work with my colleagues, and I will never vote for anything unless injured workers are going to get what they deserve. My mother, as I told you the other day, is an injured worker. You can rest assured that this is one Senator, regardless of what Party, who will never vote for a package unless it is balanced.

The good Senator from Penobscot, Senator Bost, replied several things, but the one thing that he said was that we had been debating this issue since January. I am well aware of that. We have been debating this issue for a long time. As I had said to you earlier, the first time that I ran for office Workers' Compensation was an issue. I ran saying that, "I believe if that I go there I can make a difference." I will tell you the truth. For a while I didn't think that I could. But you know, today standing here, is the first time that I feel that I can, and I am going to reiterate that I will stay as long as it takes to get a balanced, not Republican, not Democrat, but a balanced Workers' Compensation package.

I could go on and on, and I won't. But there are two other spots that really stood out to me. You know one reason that I am going to deny, it is a game. I have finally learned a game. You are on offense, you are on defense, the whole bit. You deny, you allow, whatever. But, the one reason that I am going to hang in there, and I am going to work with, the good Senator from Penobscot, Senator Bost, I liked it when he said that he went to Senator Esty from Cumberland, and he went to Senator Kany from Kennebec, and asked where these negotiations were going to happen. Because you know what? Nobody knows. The one room that I was in with people, I won't mention any names, but I was told that I could not be in the room. Frankly, that annoyed me a lot, because I felt that I had a right to be. But that is okay. I gave up. I went out of the room. I will gladly do that if some agreement can be reached. That is a perfect example. We have got to all talk. We can't be just "D's" talking with "D's", and "R's" talking with "R's". It has got to be us working together.

I have never been in a Majority. I have only been in the Minority, so I wouldn't have any idea of what it is like to be able to pass things through! I have to work twice as hard just to have people listen to me, first of all, because I am in the Minority. I am reminded of that daily.

I will end with this thought. I have an opportunity to have a room, and it is only a room up near the Pancake House. That is all it is. Just a bed, and a table, and a bureau, and access to a bathroom. That is all that I have. But the person that I live with there is a state employee of the other Party, and we have very good debates, and I enjoy it very much. She went on vacation Friday. She has Saturday and Sunday off, and now today. We had planned to go to the islands and do something. She is waiting for me to adjourn. My husband is

working. His vacation is next week. This morning I came down and said, "Here are the keys to my car. Why don't you drop me off at the State House and take the car, and take a picnic and do something." You know what she said to me? "I wouldn't dare to take that legislative car with those plates. I am afraid that I would be shot." We have got to stop putting the blame on the second floor, or on this floor. That is all I have heard back and forth, blame, blame, blame. It is all of our faults. All of us! Let's stop blaming and work together. 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. I was asked why I was not going to vote for this Bill today. It sounds as though it was a unanimous Ought To Pass Committee Report. It was, but it was amended. The amendment was only by a Majority. So it isn't a unanimous Ought To Pass Committee Report anymore. I have sat here this morning, and I was told to speak only on the issue, and I shall. But, I would like the Record to reflect that this Bill, a unanimous Report, was offered amendment several times in the other Body and this amendment failed, and finally was passed and sent to us.

Let me make it clear that I respect the good Senator from Aroostook, Senator Theriault, who serves as Chair of the Transportation Committee, and I thank him for his remarks. And as the good Senator indicated, the Transportation Budget has been in the other Body, because a member of another Body wanted to force the Baxter State Authority to change a decision relative to the West Gate of the Baxter State Park. The Park Authority has refused, because in their opinion the best interest of the Park required that the West Gate be closed. If I understand the substance of their opinion, they felt that the West Gate was being used as a thoroughfare by individuals who travel to destinations outside the Park. This was an inappropriate use of the gate. Also, the Park Authority felt that the revenues generated by the tolls collected at the West Gate were not sufficient to justify keeping the gate open.

But to me, the reasoning of the Park Authority is not the critical factor. The critical factor is that Governor Baxter set up the Park Authority as an independent Body specifically to avoid political gainmanship in that Park! His gift to the people of Maine, Baxter State Park, was intended to be held and managed in trust for the people of Maine. Not for anything else.

Well, this Bill was held hostage for several weeks. It is amended. Now, the Baxter State Park Authority, where are they put? I hope that they won't give in, because the principle of remaining true to the trust placed in the Park Authority by former Governor Baxter is too important. Mr. President, I believe some previous speaker asked the question from the floor, why is this Bill being held hostage? Here is the answer! Now it is on the Record. We will not tolerate the infringement of the Legislature on the Baxter State Park Authority and the wishes of Governor Baxter at this time.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Mills.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We have been here I don't know how many hours, asking over and over again, why this Budget is not being passed. And now we are being told that it is because of this particular amendment that has been added on in the House. I hope that we can get beyond that as being the reason for why this Budget is not being passed at this point. I would hope that we would take a look at the Budget and say, "Is this a good Budget?"

Should we be passing this Budget? Should we be getting off the dime and move State Government forward?" This had never been linked before. I hope that it won't be linked now. I hope that we will move forward now and pass this Budget, and not try to bring in the fact that suddenly at 2:30, that people have decided that it is because of this amendment that has been added on in the House. I hope that we will go along, and I would like to add once again, that it is unanimous of all Senators in this Body that we pass this Budget, and I hope that we do so as far as the Transportation Committee is concerned. Thank you.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We are finally back where we should be. We have been around the roses many times here, and you have noticed that I have stayed out of this debate because that was not the issue before us. I also realize that a lot of us have to vent out frustrations, and it is better that we do it this way than other methods that I have seen used lately.

The reason that was given, at least to my understanding why that West Gate was closed, was in part what has been mentioned. But in addition to that, it was due to lack of usage. Well, if we would operate our government entities by the amount of usage that it has in certain cases, a lot of things that we now fund would certainly not be used. We talk about this, and Human Services offices that we might have in rural Maine. What do we do? Do we abolish the office because it is not used as extensively as the one in Augusta, or the one in Bangor? To me, the lack of usage was not a reason sufficient enough for me to disregard that \$60,000 that was allocated to that gate.

It is true that Governor Baxter gave us that piece of land. But we have a responsibility, a monetary responsibility, and that is, taking care of the highway system, and that is public funds. Public funds that are handled by this Legislature, and we have an obligation to make sure that we represent our constituents fairly, no matter if they live on the west, east, north or south side of the Park. It is our obligation as Legislators to represent our constituents and their wishes. I told you earlier that there were some twenty Legislators that petitioned to get that particular gate in question open. It was on deaf ears, apparently, because nothing has happened so far. I need to commend one particular individual for his concern, for his

constituents, and that is our good President, the Senator from Penobscot, Senator Pray. He was concerned, and he wanted to make sure that his constituents, no matter where they live, have equal access to the Park. I agreed with him wholeheartedly on that. I wish that all of us would work so hard to represent our constituents. That is the story as I know it, and the facts that I know it.

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

**Senator CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. My, how things change. First, we withhold our support of this Bill as amended, and supported by all three Senators from this Chamber, because there is a linkage with Workers' Compensation acknowledged. Now, it is because of the West Gate, and that is acknowledged. And yet, not once, as this prior Bill preceded from its original reference to Committee, its report out, its recommitment, and back to the floor, has any concern been expressed. It isn't coincidental, I submit, respectfully, that those who would withhold their support from the Highway Budget for our state would seek to withhold their support for a reason which they hold valid, for whatever purpose. We have learned to live, and work, and play together during our association in this First Regular Session. Many of us have learned to step aside from issues on which we differ. That may be focused on the issue, but we move away from it as we leave the Chamber. I hope we can continue to do so today.

When you dial X3531, you do get the following message, "That due to the close down of Maine State Government, there is no one available to take your call. Please try your call again." So you dial again, and you get the same message. So you try again, and you get the same message. I guess that it is true that there are those who have access to a number which will be answered by a person instead of a machine. But the people of this state do not. Also, they are forbidden to even volunteer today on this close down, not a shut down, but a close down, from serving the people that they have served so well. We all know that, we have talked enough about it.

The Senator from York, Senator Carpenter, has suggested much earlier in this debate that it is time to do things differently. I think that we have. We have done things differently this year more than we have ever done them before. Legislative process, I submit, has been permanently changed. We have involved Committees of jurisdiction and substance in the Appropriations process far beyond anything any of us have ever experienced ever before, including those who came and occupied these seats before us. I submit that it will be done in a similar fashion in subsequent sessions. There are qualities and characteristics that I associate proudly with Legislators, both sides of the aisle. Just Legislators who are public servants, very much like public employees. Let me share a few of those characteristics with you; industrious, honest, integrity and pride, commitment, compassion, dedication, trust, and honor. I believe that we as Legislators are united in our mutual goal to serve the people that we were elected to serve. I submit to you that linking the issue of Workers'

Compensation, as has been stated so eloquently here today, and so many days previous, to passage of our Budgets, in this case the Highway Budget, has placed a barrier in the legislative process over which we all will stumble. The people who we were elected to serve are ill served by the erection of that barrier. There are those among the lobby maybe even more particularly the organized business lobby that is as organized as the organized public employee lobby. Who would gloat? There are members and colleagues across the aisles who have stated that they are united as they have never been united before, and while I respect the positioning I would add to my list of qualities and characteristics associated with legislative service the words loyal or loyalty. Should loyalty to an issue, or to a position of a Chief Executive, or to a position of a caucus exceed the loyalty to the people you are elected to serve? Yes, indeed, things are being done differently. I submit to you that loyalty to the people you are elected to serve is last on your priorities. All of us on both sides of the aisle recognize that Workers' Compensation is an essential element in Maine's economic vitality. There are those, all of us in the Majority Party who have pledged to support not just the Democratic version of the Workers' Compensation Bill, but a compromise version once the process has unfolded. Just as we did in 1984 and 1987, and every little amendment that occurred in between. All with the sincere purpose of attempting to resolve the stalemate and the burden on Maine's business community, for we to recognize that there is a mutual benefit to all of us to have citizens with jobs and businesses that provide those jobs. We find ourselves here today in a stalemate polarized and unmoved. There is a guard at the Governor's door. The state workers are locked out. Yes, indeed, things need to be done differently. I remember a quote from a newspaper article preceding the general election day in 1990 that incorporated a conclusion by our Chief Executive, "That if, indeed, there was a \$100 million problem in State Government, then his credibility would be zero". Self proclaimed prophecies have a way of coming true, but our Chief Executive still has credibility with Legislators, and we look to our Chief Executive to release the united Republican caucus, and his Commissioner and superintendents involved in Workers' Compensation, and with the organized business lobby, and the organized employee lobby, to effect a compromise that protects the rights of injured workers, that promotes safe working sights, and that reduces costs to the Maine business community. This is not an easy task to suggest in this Chamber and anywhere else that there have not been dedicated efforts to achieve that allottable goal is insulting to the process, and to suggest that there are not those who continue to be willing to affect a compromise is an insult. Before us is an innocuous Highway Budget. We now learn in this zenith hour that there are particulars in this Budget that do not please all of us, since when have we not swallowed on Budgets before. Since when have any of you not had some little rock in the Budget that you didn't like, but stumbled over it and supported it. Since when have we ever passed the perfect anything in this human process. United you may be. Loyal you may be. But, loyalty to the oath of office is your first duty. Whatever reason you find valid to withhold your support to the ultimate passage of this Highway Budget, be my guest and hang your hat on it. I submit to you that when the

tyranny of the Minority prevails, it is the people of the state that lose, and it really is as simple as that. Thank you.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I thought I was the only one left who had not spoken, and for a moment, I was tempted an hour ago to move the question, but I was dissuaded, and after conferring with my seat mates here, they said maybe I should also say a few words, so at their imprimatur I am just going to say simply that I think I am viewed as objective, I think, on most issues some of them are not. My seat mate agrees with me on that score. The issue of the gate of Baxter State Park, I confess I have never visited the area, but I think that if this is an issue, I think it was very ably and forthrightly addressed by my seat mate, the Senator from Aroostook, Senator Theriault. That clears it up completely in my mind. I have absolutely no reservations with that problem at all. Since this is the motion to enact a Highway Bill, I have been here for three hours. I don't like the gas tax increase, but we need it. We need it because there are projects in here, and one of those is a \$6.3 million project for a Scarborough interchange. I suppose that is needed in that part of the state, for those of you who are interested. I am going to vote for this Highway Bill and get it out of the way. Lets keep our energies for the two issues remaining, and if we need new faces to join in the negotiating team, lets find them, and lets do this in a nonpartisan way, because the people of this state represent all political Parties, and I think we owe it to them right now. Thank you.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. You know the thing that is nice about the Transportation Budget is, that you know what you are going to get ahead of time. This area is our Transportation Investment Program. You can look through there and you can look your own county over and say, "By gosh, I got something in this Budget for me". I made a discovery while I was looking through it this morning. I found out that the good Senator from Hancock, Senator Foster has thirty-two projects in her county. In all of Aroostook for three Senators there are only thirty-eight projects. I just happen to have that list. I would like to go through some of the stuff in your District. Lets begin with the little ones. Ellsworth - light resurfacing of 3.3 miles of Route 1 East of Orland town line, budget \$660,000. Hancock - replacement of \$705,000 in funds from the Route 1 project from 1990 and 1991. Surry Hill- light to medium resurfacing of 4.9 miles of Route 172 south of the Ellsworth city, line budget \$945,000. Here is another little one. T28/T22- reconstruction of a 2.1 mile of Route 9 budget, \$2.8 million. This is a sampling of what is in this book. There are thirty-two such projects for the Ellsworth area, and it is the same for the rest of the state. I wish you would take a look at this little booklet. Do you want to put this in a hazard? Don't you think we should pass this? 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. Is that a threat? Is that a threat to me? Don't threaten me! Because every one of those projects have been approved and need to be done! Because I disagree with something, don't threaten this Senator that I might not get any roads in Hancock County! Don't ever do that to me! I am disagreeing with this Budget, and I have had problems since this morning finding out what was going on. I have finally decided what is going on. That Bill could have been passed two weeks ago. It has been hostage for two weeks to get an amendment on that I do not agree with. When Governor Baxter gave that land to this state it was for the public use of people, and he didn't want the Legislature involved in changing those things. You can threaten to not do anything in my county, and I will be here screaming for them. They want me to stand up for things like this. You read into the Record everything everyone has in this state, Senator Theriault, but don't ever threaten me on what you are going to do to Hancock County! Thank you.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a sign of the times. Tempers are short and I can understand that. There was certainly no threat intended. I just wanted to show that there is something in here for everyone. That is all. I think you should take a look at it and I have a lot of admiration and respect for the good Senator from Hancock, Senator Foster. I always thought of her as straightforward. You could always depend on what she says as being the truth. I have always admired her and I will continue to admire her. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator **HOLLOWAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Perhaps I am the last one up this morning, but I have a real problem with people talking about X3531 not answering. You may all look at your microphones this morning, and you may notice that you don't have any blue slips there any more. You know why? Things aren't working on the recorder. I have had people call me at 289-1505 in the Minority Office, and people are saying they aren't we getting through on the 1-800 number. "Hang tough on this, no one is answering and we aren't getting recorded". When we talk about people of Maine being shut out from having their voices heard there is another example. Thank you.

**THE PRESIDENT:** On the record the Chair would advise the members of the Senate that the 1-800 numbers are working, but most of the calls are not in reference to any Senators. We do not pass out any random messages unless it is left to a particular individual. The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise before we vote to apologize to members of this Body and anyone

who took strong acceptance to the statements I made about the Chief Executive being an inappropriate character. I apologize for those statements, but I do remember that we did get rid of King George the IV, and I really do love democracy. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As the Chair has duly noted, the emotions of the moment have resulted in one destroyed microphone on my desk, and hopefully, we can proceed to reach consensus on a Budget so that further microphones remain in place until the next legislative session commences.

On behalf of my good friend, the Senator from Cumberland, Senator Conley and I, being an endangered species, that is, Legislators who have not spoken on the Highway Budget, let me go forth for the first time in my career and speak on what reports to be a Highway Budget, but in fact, obviously, is simply a vehicle for a protracted, but I think an important discussion in terms of the legislative process. It is really the legislative process that we are talking about today. I have been impressed by the remarks of many, many Senators here today. I think that many have touched upon the process. None has spoken as eloquently as my friend from across the Androscoggin River, the good Senator from Androscoggin, Senator Cleveland, who made a cogent, a poignant, and a forceful statement on the wisdom of allowing the process which has served this state for 170 years to go forth.

There are some in our Chamber, there are some in our State House, who argue there is a similar link between the generic issue of Workers' Compensation and the efficacy of passing forth a unified, balanced Budget. I think, having listened to the debate for this past fortnight, I don't think that case has been made persuasively. In fact, I don't think that the opponents have made a case at all. They should, in fact, in calmer moments, reflect upon the comments of my good colleague from Androscoggin, Senator Cleveland. If, in fact, one has difficulty, the Workers' Compensation package which sits on the desk of our Governor, there is recourse. The Governor has stated all too many times that he intends to reject the Budget, and send that Bill back with an accompanying veto message to this Body for appropriate action. I think that all of us in the Chamber can count, and we are all aware that there are not two-thirds of the members of our Body who would vote to override a veto message of our Governor. That would, obviously, evoke further discussion on Workers' Compensation. That, in fact, is what is referred to as the process.

It is very important that we, speaking as the Representatives of Maine people, be they business people, employees, retirees, disabled workers, it is important that we all have access to the process. The process as we know it is to work with members of the Committees on Labor and Banking and Insurance in putting together a balanced package which does reflect the concerns of our business community for as it has been stated by all of us. We understand that Workers' Compensation is too expensive in our state. We understand that it is an impediment to the orderly

and normal growth of our economy. In fact, it will in many cases stunt the development of jobs. That is concern to all of us. Many, but not all, have spoke eloquently to the need to balance those concerns with the need to protect injured workers. In his remarks a few hours ago, the Senator from Franklin, Senator Webster, stated, and I am paraphrasing here, the Supreme Court now allows me to paraphrase comments of public officials without fear of liable, the Senator from Franklin, Senator Webster, commented that he wasn't concerned about the needs of a few in order that we bring down the costs of Workers' Compensation so that all people can enjoy their job. I don't believe that is what the Senator meant to say. I believe that Senator Webster truly does have a concern for injured workers, and I think our goal is, in fact, to produce a balanced package. I have taken considerable time, not only to review the work product of the Committee's on Banking and Insurance and Labor, but to also meet with member of those Committees during the Legislative Session. In fact, to continue the dialogues, such as they are, which have gone on since that Budget Bill was sent to the Governor's desk for his review, I am concerned, as all of you are, as to the current stalemate in terms of the Workers' Compensation issue. My understanding is, that there has been very little significant development of Workers' Compensation since approximately 1:30 a.m. on Sunday, June 30th. For at that time, the Governor did meet with the Presiding Officer of this Chamber, as well as the Presiding Officer of the other Body, and indicated that he did not find the composition of the negotiating members of the Maine Legislature satisfactory to him, and he wanted to see another constellation of Legislators before him in order as a predicate for further discussion on Workers' Compensation. I find that notion novel and intriguing, and fundamentally inimical to comity and respect between two coequal branches of Government. I would not report to advise the Governor on the composition of his negotiating teams. I do not expect the Governor to tell me who should be on the negotiating team representing the Maine Legislature. I found it also somewhat disingenuous that the Governor suggesting that members that voted against the Workers' Compensation package represent the Majority position of the Legislature in defending the wisdom of the Budget Bill. That is truly a strange way to go about negotiation.

The Governor does have within his disposal adequate tools to shape and craft public policy to his liking. The Governor does have authority and responsibility to appoint the men and women who serve on the Workers' Compensation Commission. Those members come before the Joint Standing Committee on Judiciary, and we review them for their qualifications, their experience in Workers' Compensation, their judicial means, and their ability in acting fairly and effectively enforce the protections and the provisions of our Workers' Compensation Statute. The Governor already has authority. In fact, he believes that the system is too liberal. The system is, in fact, according to his prospective, too expensive to administer. The Governor does have mechanisms at his disposal to shape the composition of the Commissioners who, in fact, administer our Workers' Compensation statute.



Beyond that, the Governor does have, as alluded to by my friend from Androscoggin, Senator Cleveland, he does have the mechanism of veto message. As I suspect when a Governor does return the Budget Bill to this Body, we will then have an opportunity and a responsibility to try to address the issues which divide us. That is the appropriate forum to resolve the Workers' Compensation matter. Like many on both sides of the aisle, I find it incredible that we have effectively witnessed the closure of Maine State Government. We are today witnessing the responsibility of our state to those in need. To those who require state services, as well as those people in amongst our state who need services, and expect their government to be open and responsive to their needs. There is no constitutional responsibility to link any particular L.D. with the responsibility of the Governor to advance, and the responsibility of the Legislature to support and improve a balanced Budget for our Biennium.

Many have speculated outside the formal sessions of the House and Senate, as to the political effect of the closure of Maine State Government. I suggest that it might not be terribly germane to this particular Highway Bill, but I would share with you one example. As I drove to the State Capitol today, having very much appreciated the first chance to sleep in my bed, or sleep at all since Friday evening, I passed a farm in a rural village of Maine. The owner of the farm is apparently a life long, ardent, and active member of the Minority Party. The owner has a large billboard which is a remnant of the last Gubernatorial campaign and admonishing the motorists who pass that farm to cast their ballot for Governor McKernan. I noticed that the billboard was there on Friday, but it was not there this morning. I am not sure what to make of that.

I think all of us intuitively know that it is a basic breach of the responsibility of State Government, and those who lead the government, to shut it down, to advance any particular political goal. We have in place the mechanisms to address the concerns of the business community and the Governor's office. During a long discussion over the past weekend, we have witnessed some unfortunate outbursts of emotion. But I think the friendship and respect which has carried us and served us so well, will bind us together, and will allow us to forge a responsible package.

Our friend from the County of York, Senator Summers, has often galed us with musical lyrics, in order to assist us in our deliberative processes. Let me offer yet another lyric at this time. It is from a very popular tune in the 1960's by a Los Angeles based musical group called the "Birds". It goes as follows, "To everything there is a season. Time to love, time to hate. Time for war, time for peace. I swear it's not too late." I think all of us have an obligation and an opportunity to do what we know is intuitively is right. I suggest that we pass this Highway Budget. I suggest we pass a balanced Budget and allow State Government to go on. And I suggest that all of us meet in an extended Legislative Session to deal with the issue of Workers' Compensation and produce legislation which we in our heart know is fair and balanced, and which

meets the concerns of our Governor. Thank you Mr. President.

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

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate. I was just doing a head count, and there were ten members of this Body that had not arisen and been recognized to speak. Now there are nine. And despite the fact that we have been on for about four hours, I liken my not being recognized on many numerous attempts. I got so tired that I had to sit down and nap a little, to the fact that I have had about six hours of sleep since Saturday morning. When I arose this morning to my alarm clock at 10:00, I wondered what today was going to bring. It really surprised me to come here and to see that on the first supplement that we were to consider, we would indulge ourselves in four hours of debate. The debate has been really quite interesting, as I sat here in between the times not being recognized because so many of us were interested in rising, I kept looking out the window to see what was happening with the weather, because the debate was very much like the weather here in Maine, it kept changing, and changing, and changing with every person who got up. I really began to feel sorry for the Transportation Committee, and the Senate members of that Committee, about this Bill!

The good Senator from Cumberland, Senator Gill and I, have very often times had discussions about logic, and reason, and being rational. She has told me many times to take it and throw it right out the window, at least while I am up here. It just seems logical that this Bill be passed, because this Bill provides the appropriations for the Department of Transportation to operate. Originally, one of the reasons that I was going to rise was because a comment had been made about if this Bill were to be passed and signed into law, the DOT would be working and the rest of the state wouldn't. That is not right. It is not true. The Governor has issued a close down, and a close down is to all nonessential employees such as Human Services, Education, Labor, Transportation, nonessential services. Another thing that kind of inspired me in trying to get up this morning here, but back at the hotel was a note that was left by an essential worker of DOT, on my desk, who happens to be a good friend of mine, a long time friend of mine. In the note she said, "I hope that you hang in there". I am hanging in there, and so are we four hours later. "I am sick about working for no pay", she says, "and I hope that you watch out for our retirement system, too. Please don't give in. I am not getting paid for the time that I have already worked. But, I would still feel worse if the Democrats caved in to the Governor's tactics." Well, I don't think that the Democrats are caving in.

I do think that we are making a mistake. I think we are making a big mistake by being here, and by being here and debating everything under the sun! Almost everything you would ever want to know on this particular Bill. We have done Workers' Compensation. Yes, it is a big outstanding issue. That is probably the biggest one that has to be resolved next to the General Fund Budget before we can get out of here and the state can go on operating. We have talked about who is visiting

Caribou. I think there was a time that we were debating surgery! Answering machines and the messages on those answering machines. I dialed X3531, and the message that I got with elevator music in the background was, "Sorry, we are out to lunch". We talked about volcanos. We have talked about "have not" people.

Let's get this Budget down to the Governor's desk. It can sit there for ten days. He has got the Budget that we passed yesterday. That can sit there for nine days. He has got the Workers' Compensation Bill on his desk. He has got eight days to sign it. In the meantime, let's get done the rest of the business that we have to do! The purpose that we are here now, is to bring closure. We are "Hostage - Day 5". I feel like I am in an ancient drama of hostage taking myself. Day 5 beyond adjournment! We are here on our expense in terms of our salary. We draw nothing! Our last check was last week. I will stay. I think we are in the way! It has been said that people are ready to talk! Then let us get out of the way, and let them talk, and let us bring a closure to Workers' Compensation. We don't need to play games with this Budget! If you want to play games, I will play games with the supplement that is coming up a little later on! One that I happen to oppose that came out of the Education Committee! But if we want to start taking hostages and start playing games, then I will take the Maine Education Assessment Test, and I will play games with them. And I am not kidding!

It is time to stop it. It is time to put this Bill on the Governor's desk, with the Budget Bill that we passed last night, with the Workers' Compensation package, for us to finish the Highway Table, the Appropriations Table, and whatever few pieces of legislation that are left, then go home and let the people that have to do the work on Workers' Compensation do it! Then the Governor can veto those Bills this afternoon, or tomorrow, or next week. Let the closure of State Government, and the impact that it is having on state employees, and the citizens of the state that depend upon the states programs and services, let that pressure lie on those who have to negotiate the Workers' Compensation so that we can bring everything together.

We have far bigger fish to fry, and we have too many cooks up here meddling with the stew! The far bigger fish that we have got to fry is the state of our state's economy, and how we are going to get out of it! Yes! Workers' Compensation is related! Yes! Taxes are related! But so is health care costs, and so is environmental permitting. And so is restimulating the economy.

And people, last night, you should have had a rude awakening call, because we have had something haunting us, hanging over our shoulder for about two years. Nobody has wanted to talk about it when I talked about it before. I talked about it numerous times, and nobody wanted to talk about it, and we are going to go out of this Legislature doing nothing about it. That is the defense realignment impacts on the economy of the State of Maine. Over a billion dollars a year that comes into this economy. I have seen what the closure impacts are in my District because of Pease Air Force Base, and the layoffs at the Portsmouth Naval Shipyard. We have played like

the "hear no evils, see no evils, speak no evils", over the last nine months, hoping that nothing would happen to Bath/Brunswick, and nothing would happen to Aroostook County in terms of any major closings there. We get the bad news last night that Loring Air Force would be closed. I am telling you people, smell the coffee. Let's get off this Budget. Let's pass it right now. If we don't get the two-thirds this Budget needs, let's send it to the other Body in Non-Concurrence, let them strip the Emergency, and we will do the same thing that we did with the General Fund Budget and let it sit there. And then get the rest of our business done, and let the people that need to negotiate, what little bit needs to be negotiated on Workers' Compensation, get it done so that we can bring it all together! Thank you Mr. President.

**THE PRESIDENT:** The pending question before the Senate is **ENACTMENT**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

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

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

**ABSENT:** Senators BALDACCI, GOULD

This being an Emergency Measure and having received the affirmative vote of 21 Members of the Senate with 12 Senators having voted in the negative, and 2 Senators being absent, and 21 being less than two-thirds of the entire elected Membership of the Senate, this Bill **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.

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

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on EDUCATION on Bill "An Act to Repeal the Maine Educational Assessment Program" (Emergency) H.P. 1081 L.D. 1575

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-650).

Signed:

Senator:  
MCCORMICK of Kennebec

Representatives:  
CROWLEY of Stockton Springs  
OLIVER of Portland  
O'DEA of Orono  
PFEIFFER of Brunswick  
CAHILL of Mattawamkeag  
HANDY of Lewiston

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senators:  
ESTES of York  
BRAWN of Knox

Representatives:  
NORTON of Winthrop  
BARTH of Bethel  
O'GARA of Westbrook  
AULT of Wayne

Comes from the House with the Reports READ and the Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

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

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on EDUCATION on Resolve, to Instruct the Department of Education to Eliminate the School System "Report Card" Program (Emergency)

H.P. 1100 L.D. 1599

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-649).

Signed:

Senators:  
ESTES of York  
MCCORMICK of Kennebec

Representatives:  
OLIVER of Portland  
O'DEA of Orono  
PFEIFFER of Brunswick  
CROWLEY of Stockton Springs  
CAHILL of Mattawamkeag  
HANDY of Lewiston

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senator:  
BRAWN of Knox

Representatives:  
NORTON of Winthrop  
BARTH of Bethel  
O'GARA of Westbrook  
AULT of Wayne

Comes from the House with the Reports Read and Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

Senator ESTES of York moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

On further motion by same Senator, Table until Later in Today's Session, pending the motion by the same Senator to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, to Establish an Alternative Waste Reduction and Energy-producing Demonstration Project H.P. 1293 L.D. 1868

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

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Which was **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

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

**ENACTORS**

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

**Resolve**

Resolve, Concerning Reauthorization of the \$16,000,000 Bond Issue for Construction of Correctional Facilities

H.P. 1201 L.D. 1757  
(C "A" H-589)

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

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

A Division has been requested.

Will all those in favor of **FINAL PASSAGE**, please rise in their places and remain standing until counted.

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

30 Senators having voted in the affirmative and 3 Senators having voted in the negative, this Resolve was **FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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Off Record Remarks

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

After Recess

Senate called to order by the President.

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

**ORDERS**

**Joint Order**

On motion by Senator **DUTREMBLE** of York, the following Joint Order:

S.P. 773

**ORDERED**, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 115th Legislature shall be extended in accordance with the provisions of said section, to the call of the President of the Senate and the Speaker of the House.

Which was **READ**.

Pursuant to 3 M.R.S.A. Section 2, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 23 Senators having voted in the affirmative and No Senators having voted in the negative, and 23 being two-thirds of the members present and voting, the Joint Order was **PASSED**.

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

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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **EDUCATION** on Bill "An Act to Repeal the Maine Educational Assessment Program" (Emergency)

H.P. 1081 L.D. 1575

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-650)**.

Minority - **Ought Not to Pass**.

Tabled - July 1, 1991, by Senator **ESTES** of York.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, July 1, 1991, Reports **READ**.)

(In House, July 1, 1991, Reports **READ** and Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

Senator **MCCORMICK** of Kennebec moved to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

Senator **WEBSTER** of Franklin moved to Table until Later in Today's Session, pending the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**. (Roll Call Ordered.)

Senator **BOST** of Penobscot requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **WEBSTER** of Franklin to Table until Later in Today's Session, pending the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**. (Roll Call Ordered.)

A Division has been requested.

Will all those in favor of the motion by Senator **WEBSTER** of Franklin to Table until Later in Today's Session, pending the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE** (Roll Call Ordered.), please rise in their places and remain standing until counted.

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

7 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **WEBSTER** of Franklin to Table until Later in Today's Session, **FAILED**.

On motion by Senator **ESTES** of York, Tabled until Later in Today's Session, pending the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**. (Roll Call Ordered.)

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

**HOUSE REPORTS** - from the Committee on Education on Resolve, to Instruct the Department of Education to Eliminate the School System "Report Card" Program (Emergency)

H.P. 1100 L.D. 1599

Majority - Ought to Pass As Amended by Committee Amendment "A" (H-649).

Minority - Ought Not to Pass.

Tabled - July 1, 1991, by Senator **ESTES** of York.

Pending - Motion by same Senator that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**

(In Senate, July 1, 1991, Reports **READ**.)

(In House, July 1, 1991, Reports **READ** and Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

On motion by Senator **ESTES** of York, Tabled until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

On motion by Senator **ESTES** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

**ENACTORS**

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

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland  
S.P. 446 L.D. 1190  
(S "A" S-358; S "B" S-413)

Senate at Ease

Senate called to order by the President.

On motion by Senator **CONLEY** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "A" (S-358).

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The two fiscal notes, in reference to this item are in conflict, and that is the reason for reconsidering this Bill.

On further motion by same Senator, Senate Amendment "A" (S-358) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

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

Senator **MCCORMICK** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just thought that it would appropriate if we all recognize the dedication of our Legislative Staff, who I just found out this afternoon are working for no pay. I would just like to say thank you very much to the Majority Office Staff, and to the Pages, and to the Secretary, and the Assistant Secretary, to the Minority Office Staff, and down in the bowels of the building, that they are all listening to us on their little boxes, and the Revisers Office Staff, and the Fiscal and Program Review Staff, and the Legislative Analyst Staff. If I have inadvertently left anyone out, I am very sorry. But I think that all of us thank you very much for your dedication. Thank you. (Amid applause.)

Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

**Emergency**

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 652 L.D. 926  
(C "B" H-735)

In House, July 1, 1991, **PASSED TO BE ENACTED**.

In Senate, July 1, 1991, **FAILED OF ENACTMENT**.

Comes from the House, that Body **ADHERED**.

Senator **THERIAULT** of Aroostook moved that the Senate **RECEDE** and **CONCUR**.

The Chair ordered a Division.

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

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I thought that this Bill needed some more debate, since we hadn't had very much on it this morning. I realize that perhaps I am not going to change anybody's mind by speaking, but I am going to try one more time to do so.

I think that a lot of things were said this morning about a lot of different things that for the most part, in my opinion, shouldn't have been connected to this Bill. I would hope that tonight that we would be able to Enact this Bill. When we talk about jump starting the Maine economy, the jobs in the State of Maine, and those types of things, passing a Transportation Budget is not a Highway Budget for the State of Maine. We are talking ferries, airports, roads throughout the entire State of Maine, with matching Federal monies, all those types of things, I think that it is very important for us to take a second look at this tonight, and I would hope that we would not link this to something that was never linked before, until suddenly today. I would hope that we would go with the support of the majority of the Senators in this Body from both Parties and vote to pass this Budget, and move on, and move forward at this point. I hope that we will be able to do so. 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. When you vote for this Highway Bill, you are voting for jobs. When you vote against the Highway Bill, you are voting against jobs. Thank you Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **THERIAULT** of Aroostook to **RECEDE** and **CONCUR**.

A vote of Yes will be in favor of the motion by Senator **THERIAULT** of Aroostook to **RECEDE** and **CONCUR**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, GOULD, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

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

**ABSENT:** Senator BALDACCI, CLEVELAND

This being an Emergency Measure and having received the affirmative vote of 21 members of the Senate with 12 Senators having voted in the negative and 2 Senators being absent and 21 Senators being less than two-thirds of the entire elected Membership of the Senate, the motion to **RECEDE** and **CONCUR**, **FAILED**.

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

Senator **KANY:** Thank you Mr. President. Is the motion to recede in order?

**THE PRESIDENT:** The Chair would advise the Senator that the motion to Recede would only lead to the motion to Concur since the House had Adhered. Since there has been no intervening action, the Chair would move the motion not properly before the Body.

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Off Record Remarks

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

Senator **WEBSTER:** Thank you Mr. President. I have a parliamentary inquiry. Didn't you announce the vote, and thus we would be sending a letter to the other Body announcing composition on this matter? This is not longer before the Body, is that correct?

**THE PRESIDENT:** The Chair would answer in the negative. The motion to Recede and Concur having failed, the item still awaits a motion.

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

Senator **THERIAULT:** Thank you Mr. President. A parliamentary inquiry. The way I understand the posture right now, unless there is some reconsideration the Bill is dead. Am I correct?

**THE PRESIDENT:** The Chair would answer in the affirmative.

Senator **THERIAULT:** I think it would be of everybody's interest in the long run if someone on the prevailing side would make a motion to Reconsider and we should Table this until later. This would save us the pain of going through the Legislative Council and starting all over again.

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

Senator **FOSTER:** Thank you Mr. President. I think we all need a lesson in parliamentary procedure. Since I haven't any, I would move that we Table this until later in today's session.

**THE PRESIDENT:** The Chair would advise the Senator that we would need a pending motion in which to Table. The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President. I guess I am still not clear exactly what parliamentary procedure is now available to the Senate and what exactly is the Presiding Officer waiting for.

**THE PRESIDENT:** The Chair would answer the questions in reverse order. The Chair is waiting for a motion. The motion to Adhere or the motion to Insist, which in essence would kill the Bill in either situation. The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. A point of parliamentary inquiry. Did I hear the President mention a little while ago that there could be another motion entertained other than those already said? For instance, could a motion be made to recommit the Bill to Committee and then someone ask if it could be Tabled until later until, you could then determine whether or not it is viable motion or not? In the meantime there might be a meeting of the minds. Thank you.

**THE PRESIDENT:** The Chair would advise the Senator that since the other Body has Adhered the only motion available on a nonconcurrent matter is to Recede and Concur, which has failed, or the motion to Adhere, which would kill the Bill. The President recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Having served in the Legislature for eleven years, I have never seen this. It is obvious to me that the motion was made to Recede and Concur, which failed, which means the Bill is dead, and I am prepared to sit here as long as you feel necessary since the Bill is already dead, and no other action is necessary by this Body, in my opinion. Thank you.

**THE PRESIDENT:** The Chair would advise the Senator that he is inaccurate in his assessment. The Chair recognizes the Senator from Sagadahoc Senator Cahill.

Senator **CAHILL**: Thank you Mr. President. A parliamentary inquiry please. I am confused as well. It seems to me that when there are two votes on an issue, and it fails two times on Enactment, the Bill is dead. Am I correct?

**THE PRESIDENT**: The Chair would inform the Senator that she is not correct.

Senator **CAHILL**: Could you help me out please because I am not sure which game we are playing?

**THE PRESIDENT**: If the Senator would pose her inquiry the Chair would respond to it.

Senator **CAHILL**: What do you want us to do?

**THE PRESIDENT**: The Chair awaits a motion. The Chair recognizes the Senator from Oxford, Senator Mills.

Senator **MILLS**: Thank you Mr. President. At this point could someone on the prevailing side move to Reconsider this Bill?

**THE PRESIDENT**: The Chair would answer in the affirmative.

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

Senator **BOST**: Thank you Mr. President. I would like to pose a question to a member of the Minority leadership. Is it not the intention of those this morning who opposed passage of this Bill to hold it, or add it to the list of those initiatives being held until the Workers' Compensation package had been resolved? If a member of this Body who voted on the prevailing side does not make the motion to Reconsider, then the Bill is dead, and the objective which I thought the Minority had this morning is different now than it was then. Can I get some clarification on that?

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

Senator **GILL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. This morning was a long time ago and a lot of time has passed between that. I recall there were motions made this morning that were not accepted by the Majority Party.

Senator **WEBSTER** of Franklin moved that the Senate **ADHERE**. Subsequently, the same Senator requested and received leave of the Senate to withdraw his motion to **ADHERE**.

Senator **CAHILL** of Sagadahoc moved that the Senate **ADHERE**. Subsequently, the same Senator requested and received leave of the Senate to withdraw her motion to **ADHERE**.

Senator **GILL** of Cumberland moved that the Senate **ADHERE**. Subsequently, the same Senator requested and received leave of the Senate to withdraw her motion to **ADHERE**.

Senator **BRAMN** of Knox moved that the Senate **ADHERE**. Subsequently, the same Senator requested and received leave of the Senate to withdraw her motion to **ADHERE**.

Senator **SUMMERS** of Cumberland moved that the Senate **ADHERE**. Subsequently, the same Senator requested and received leave of the Senate to withdraw his motion to **ADHERE**.

Senator **CAHILL** of Sagadahoc moved that the Senate **ADJOURN** until Tuesday, July 2, 1991, at 9:00 in the morning.

Senator **DUTREMBLE** of York requested a Division.

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **CAHILL** of Sagadahoc to **ADJOURN**.

A Division has been requested.

Will all those in favor of the motion by Senator **CAHILL** of Sagadahoc to **ADJOURN**, please rise in their places and remain standing until counted.

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

11 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **CAHILL** of Sagadahoc to **ADJOURN**, **FAILED**.

**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 request that the Senate Adhere, and further request that the Senate vote against that motion.

Senator **DUTREMBLE** of York moved that the Senate **ADHERE**.

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

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **DUTREMBLE** of York to **ADHERE**.

A vote of Yes will be in favor of the motion by Senator **DUTREMBLE** of York to **ADHERE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEAS: Senators **BRAMN**, **CAHILL**, **CARPENTER**, **COLLINS**, **EMERSON**, **FOSTER**, **GILL**, **HOLLOWAY**, **LUDWIG**, **RICH**, **SUMMERS**, **WEBSTER**



**NAYS:** Senators BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, GOULD, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

**ABSENT:** Senators BALDACCI, CLEVELAND

12 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator DUTREMBLE of York to **ADHERE**, **FAILED**.

Senator DUTREMBLE of York moved that the Senate **RECEDE** and **CONCUR**.

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

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess that I don't understand what rules we are now operating under here in the Senate. How many times do we vote no on something? Do we continue to go through the procedure, have another vote? The way that I understand the rules of the Senate, two negative votes is a defeat of a matter. I am sure that we can be here all night doing this. But first a question, under what rules are we operating?

**THE PRESIDENT:** The Chair would advise the Senator that we are working under Masons Rule of Order, and that the Chair would also advise the Senator if he has question as to whether there has been an inappropriate Ruling, he has two options available to him. He could challenge any of those Rules, or he could attempt to point out to the Presiding Officer where there is an error in that.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator DUTREMBLE of York to **RECEDE** and **CONCUR**.

A vote of Yes will be in favor of the motion by Senator DUTREMBLE of York to **RECEDE** and **CONCUR**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

**YEAS:** Senators BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CONLEY, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

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

**ABSENT:** Senator BALDACCI, CLEVELAND

Senator DUTREMBLE of York requested and received leave of the Senate to change his vote from **YEA** to **NAY**.

This being an Emergency Measure and having received the affirmative vote of 19 members of the Senate with 14 Senators having voted in the negative, and 2 Senators being absent, and 19 Senators being less than two-thirds of the entire elected Membership of the Senate, the motion of Senator DUTREMBLE of York to **RECEDE** and **CONCUR**, **FAILED**.

Senator DUTREMBLE of York moved that the Senate **RECONSIDER** its action whereby it **FAILED** to **RECEDE** and **CONCUR**.

On motion by Senator CLARK of Cumberland, Tabled Later in Today's Session, pending the motion by Senator DUTREMBLE of York to **RECONSIDER** whereby the Senate **FAILED** to **RECEDE** and **CONCUR**.

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On motion by Senator CONLEY of Cumberland, **ADJOURNED** until Tuesday, July 2, 1991, at 11:00 in the morning.