

# 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

Sincerely,

S/Edwin H. Pert  
Clerk of the House

In Senate Chamber  
Tuesday  
July 2, 1991

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

Senate called to Order by the President.

**ORDERS OF THE DAY**

**Unfinished Business**

Prayer by the Honorable Beverly Miner Bustin of Kennebec.

**SENATOR BEVERLY MINER BUSTIN:** I would like to share with you one of my favorite quotations, and all who may care to join me in the serenity prayer. "Happiness, sought by many and possessed by few, is entirely within ourselves." Dear Lord, grant us the serenity to accept the things that we cannot change, the courage to change the things we can, and the wisdom to know the difference. Amen.

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 (7/1/91) 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

Reading of the Journal of Saturday, June 29, 1991.

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-650)**.

Off Record Remarks

Minority - **Ought Not to Pass**.

Tabled - July 1, 1991, by Senator **ESTES** of York.

Pending - Motion of Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**

**COMMUNICATIONS**

The Following Communication:

(In Senate, July 1, 1991, Reports **READ**.)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

(In House, July 1, 1991, Reports **READ** and Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

July 1, 1991

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator **BRAWN**.

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

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Yesterday I asked for a Roll Call, and I would like to have a Roll Call on this and would like to speak briefly. I don't think we should do away with these assessment programs. I feel very strongly that they should be kept because it is our one barometer or yard stick of measuring progress. I don't believe that spending more money necessarily means a better education, and I hope that you will vote against the pending motion. Thank you.

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Resolve, to Establish an Alternative Waste Reduction and Energy-producing Demonstration Project (H.P. 1293) (L.D. 1868).

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.

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

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. A majority of the Joint Standing Committee on Education recommended to the Joint Standing Committee on Appropriations and Financial Affairs that the MEA, otherwise known as the Maine Educational Assessment test be suspended. I emphasize the word "suspended" for two years. The reason for the majority of the members on our Committee recommending such a move is what is before us today, and has been before us for the past few weeks, and that is Maine's Budget and fiscal problems. The suspension of the MEA for two years will save the State of Maine \$2.2 million. I for one reluctantly voted for that. I agree with the good Senator from Knox, Senator Brawn that this test has good things that it brings to the State of Maine and it is nationally recognized. It gives us one way of comparing schools. It is not the only way of judging whether school systems are doing well. There are still many other kinds of standardized tests that school systems use and will continue to use. We felt at this time that it was important if any money were to be found it should go to General Purpose Aid to Education. It should go to the basics of education, and that the MEA should be suspended for two years. That is why it was a very difficult situation for our Committee, but we made it, and we made it because of the time. I would urge you if you are interested in balancing the Budget, and I know you all are, that you also maybe reluctantly take the step of saving \$2.2 million for the State of Maine and putting it to better use, and I think there are many, many things that are more important in the field of education, or in other things that we have cut in this incredible time of Budget balancing, many more important things than testing and assessing how students do when there are many other ways of discovering how students do. When the economy picks up and we get out of the mess we are in we can reinstate the MEA. I urge you to support Committee Amendment "A" (H-650). Thank you.

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

Senator **BRAWN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Kennebec, Senator McCormick is correct when she says that the majority of the Committee voted that, but just for the Record it was 7 to 6. Seven people voted to suspend, as I just hear now the name of the Bill is "An Act to Repeal the Maine Assessment Program", and I don't recall the word suspension, but that is beside the point. I just thought it important for you to know that it was a very close vote. I also thought that it was important to consider that \$2 million out of a \$700 million Budget is really not very much, and I feel very strongly that the small amount of \$2 million out of a \$700 million Budget is essential, and finally, someone from the Appropriations Committee can verify this. It is my understanding when we the Education Committee went before the Appropriations Committee, that the money is in the Budget for these assessment tests, and I hope that would be substantiated this morning. I hope you will vote no on the pending question. 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. The good Senator is correct, the Bill does say repeal. I was speaking of the intention of the majority of the Education Committee who would very much like to reinstate the MEA when we have the money to do so. As to \$2 million being a drop in the bucket, as was eluded by the good Senator from Knox, Senator Brawn, let me just itemize a few things that we have cut that \$2 million could pay for. It could pay for teeth. This Body, just the other night, voted against \$300,000 for the Medical Needy Program that would pay for adult dentures, for people who are going to have health problems if they do not have those dentures. They do not have the money for them. It could pay \$186,000 that has been cut from congregate housing. That house is going to cause more of our elderly to not be able to live independently in their homes, and is going to cause an increase to the State of Maine. It could reinstate the \$740,000 of Adult and Elderly Homemaker Services that also help our elderly to live independently in their homes. It is a contracted service that has people come in and tidy up the house, cook a meal, and do this and that so that that person can remain independent. Do you know the cost of comparing that service, 1 hour a week at \$20 an hour, which is what the Appropriations Committee lowered that cost, compared to what it will cost the State of Maine in a nursing home? That \$740,000 is out, and that could be paid for by the MEA. Home Based Care, which we have cut by \$395,000, which also is going to come back to haunt us, because that also is an expenditure that saves us money. We spend \$5 in hospital, and emergency room, and nursing care costs, and homeless shelters, and substance abuse programs, we cut \$228,000 out of that. I believe I have not had my calculator out during that little speech of mine, but I believe that those items I have just named all add up to under \$2.2 million. Every cent counts around here now, and there are many more critical needs that we have in this state then comparing one school district to another, so that middle class and upper class parents can feel good about how Johnny or Sally is doing in reading. We have people who are going to have to go into nursing homes because of what we doing here. They are going to have to go without teeth for what we have done here. We want to make sure that we have \$2.2 million in the Budget for testing when their are other tests, please. 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. \$2.2 million can provide services to young people in Maine's public schools. It can help them learn to read. It can provide for reinstatement of some of those painful Budget cuts that our local school units have had to make in the area of guidance for elementary and middle school youngsters. Gifted and talented programs that have hit the dust across the state, and it could even go to fund that wonderful program, Literacy Volunteers, so that we could all read. Committee Amendment "A" (H-650), which I understand is the pending motion, which reads "amend the Bill by striking the title and substituting the following, "An Act to Suspend the Maine Educational Assessment Program for Two Years", it could help in the restructuring efforts, it could even reinstate some teaching positions so the enviable teacher student

ratio in Maine public schools could be maintained, and the gains that we have experienced across the state could be at least reassured, maintained, or sustained. Personalizing, it could even buy textbooks for some of the teachers and students who are using fifteen year old textbooks in that always referred to "golden area" of this state. Cumberland, York, and other coastal counties who continually have to rely on local property taxpayers because their state aid to education is minuscule, even in these times of cuts, and it could even be used for the school buses that we have cut back on. Some of the school construction programs that have been terminated. I support the MEA and was part of the development of it, and I think it is valuable, but at a time where fiscal constraints permeates, I believe there are greater priorities, and I seek this morning to be Recorded on the side that it is not among the highest priorities of this State Government. 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. It seems to me, yesterday, that we had a lot of discussion about Committee Reports and the value that was placed on unanimous Reports coming out of the Committee. It also appears to me that all of the options that have been mentioned this morning were discussed by the Appropriations Committee in their deliberations, and it was agreed that they would come out with a Committee Report that they came out with. If each one of us, all thirty-five, stood here this morning to say what we would rather have various portions of that Budget spent for, we would have a list so long that I am not sure there isn't enough paper to print it. I would say that in this particular instance that we should vote along with the Senator from Knox, Senator Brawn, and keep the MEA in place, and go along with what the Appropriations Committee had done with their Report. They have included that in there. If we start to pick apart a Bill, then I certainly will have a laundry list that will be quite long, and I am sure everyone else here will too. 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. I believe that the reason why the MEA recommendation was not included in the Appropriations Report is because the Governor assured the Appropriations Committee that he would veto this. You can't have it both ways. You cannot argue that we accept unanimous Reports out of the Committee, and then fail to vote as you did yesterday on the Transportation Budget, and fail to come to the table in good faith on Workers' Compensation. We can't have it both ways. The veto power of our Governor is holding us at bay here this morning. It is holding this at bay as well. The reason why this Bill is before you is because it was an independent piece of legislation and it is properly before you. 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 would like to focus, particularly on the Bill that is before us. I realize that we all have different views in respect to priorities in State Government, and I am very much aware that this does have a cost of something over \$2.2 million for the Biennium. Nevertheless, in my view it is a very important tool in education, and I have been very pleased with what it has done, and the accountability it attempts to produce in the field of public education, and when we get to our next item, which is the report card, I can tell you that I can appreciate receiving those, and comparing schools in my District to determine how they are moving, and I find in my conversations with educators that both of these things are increasingly important as we strive to improve the quality of public education in this state. It does also seem to me, as I recall, the last time I looked at the basic Budget that came out of Committee, that the educational assessment was, in fact, in the Budget that the Appropriations Committee did endorse, and I would hope that we could in effect keep this assessment policy in place. I realize that the Committee's proposal changed to suspend it for two years, and I appreciate the fact that you made a judgment call based on lots of things in education. You came down this way, but as an outsider looking in, and one that has been increasingly concerned with public education from A to Z, I hope that we will continue to do this, and I am pleased that it remains in the Budget, and I hope you will follow the lead of the good Senator from Knox, Senator Brawn, and support her position. 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 am not certain what educators that the good Senator from Aroostook, Senator Collins has been speaking to. Certainly he hasn't been speaking to the educators in my area, both within the public school sector and within the University community. Many of whom have links to educational policy as it relates to K-12, which is essentially what we are talking about. I am not an outsider looking in, as was made reference to, not specifically to me from the vantage point of the good Senator. I served for six years on the Education Committee and enjoyed that period, and got a close hand look at the MEA and the report cards. Although I had some personal misgivings about the validity and the appropriateness, and most importantly the end result, I allowed it to run its course, to play itself out, and to gauge at some point its effectiveness. I don't believe that it has been terribly effective. Educators who have spoken to me do not see it as a valuable tool. They see many times tests which are geared almost exclusively to questions that relate to the MEA. In other words, teaching to the test. If that is what is important to this Body, if it is a crafting, good educational policy, then we can make that decision today. It also has served, as the good Senator from Knox, Senator Brawn, referred to it as a barometer or yardstick. I would agree with that, but defining that a bit differently. I think it has been used more often than not to pit school district against school district, so that a lay person can pick up the Bangor Daily News or Portland Press Herald and compare SAD 69 to SAD 30, or the school system in

Auburn with the school system in Orono, and make some rather arbitrary conclusions from that. I don't see that as terribly constructive. I may differ with the good Senator from Kennebec, Senator McCormick as to what sort of priorities might be included. Should we be able to free up \$2.2 million? My preference would be, and I would again disagree strongly with the Senator from Knox, Senator Brawn's view, that \$2.2 million is a drop in the bucket, somehow a very small amount of money. We are cutting General Purpose Aid to the dramatic levels in this Budget, and we are directly as a result, impacting the quality and the delivery of educational services in this state. The good Senator from Cumberland, Senator Clark has outlined them everywhere from curriculum needs to student teacher ratio, to guidance services, and the list goes on and on. Do we really, at this point, where the state is in a dramatic fiscal decline, need an assessment tool to tell us how bad things are at the local level? I don't need a crystal ball for that. I know. I would urge you to suspend this program and allow this money to be spent far more wisely. Thank you.

On motion by Senator WEBSTER of Franklin, the Reports were READ.

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

**Senator BRAUN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess just a few brief remarks. I would like to thank the Senator from Cumberland, Senator Clark for drawing my attention to reading more closely. I apologize for maybe a couple of misstatements that I do want to clarify. We are asking to suspend this program, and I don't think that we should suspend the program. We are causing enough confusion as it is with the GPA, and less money, and all of the concerns we have. I don't think now is the time to be giving up such a strong measurement that we are having, and I guess that is just probably just the way you look at things with philosophical differences. In my particular District I don't look at the test results that are printed in the paper as pitting one school district against another. I don't look at it that way at all. I look at it as a measurement. I don't think there are any taxpayers who mind at all paying for education, and they will gladly pay as much as possible as long as they are seeing results, and as long as there is slow and steady results that are positive results. I think that we have seen that happen, and like in any new program it takes time, and I guess I want to clarify that for the Record. I don't look at it in that way. It is a big priority. The Commissioner of Education has said that is her top priority. I think we need to keep that in perspective, and I thank the good Senator from Penobscot, Senator Bost for the chance to put that on the Record. I don't look at it that way, and I think anytime that we can be measuring, and working together, and going forward, that is what we really want to do. We do an awful lot of talking, and I have really had my eyes open in the Committee of Education, and we do a lot of talking about restructuring about testing, and about all kinds of things. Having been a teacher for twelve years, and having been there, I think we need to leave a lot more of the politics out of education, and I think

that we need to be working together for what is best for every child. I can't even remember now, but a little earlier in some of the debate today, we talked about poor children coming to school, or that the upper middle class are looking at the test results, or whatever. But you know, any time that any student ever came into my classroom, I made a point to never look at where they came from. Every child comes in, and every child learns. That is a fact. Just as each one of us are different, and each one of us brings our strengths and weaknesses here, the same is true of any child. The thing that I learned over twelve years, if I never learn anything else is, if you believe in them, and they believe in themselves, they can do. Thank you.

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

**Senator ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I had not intended to rise to debate on this particular piece of legislation this morning, but with some of the comments that were made, and because of the reference to the Committee Report, I felt compelled to explain my change of heart. Quite honestly, I am rather ambivalent about the MEA's. We ended up having two Bills come in late to the session before the Committee, one to repeal the Maine Education Assessment Program, and other to eliminate the School System Report Card Program. We had a very long Hearing dealing with both of those Bills, one Friday morning. It gave us an opportunity to talk with the Department and to people that run the testing and report card programs. When the Committee took their vote, I voted with the Minority, because I was concerned that this was an item that should go before Appropriations for their consideration as we prioritized what was most important to go into the Education Budget for this year. When the Bill had to be reported out of Committee in order to meet leadership imposed deadlines, I asked my House Chair to hold those Bills in the other Body until the Appropriations process had concluded. They sat, and sat, and sat there for several weeks. In the meantime, I maintained a vigilance over the Appropriations process, our Committee had gone in and had recommended that this be one of the considerations. Continually, the Commissioner expressed her desire that the MEA's be kept. They were the top priority of the Department. I became rather disheartened, because there seemed to have been some negligence on the part of the Department in terms of child development services for zero to five children with various physical handicaps. We had a Bill before the Committee, L.D. 839, in which neither the Department of Education, nor the Department of Human Services, nor the Department of Mental Health, included in the Part One Budget, the funding to expand the zero to five services as required by Federal Law. There was also \$1.4 million in the Part Two Budget that somehow got lost in the Governor's revised Budget. What ended up happening before Appropriations was, that there was a scramble in order to fill that gap for the \$1.4 million. But L.D. 839, which is an intricate part of expanding our services for children zero to five, remains on the Appropriations Table, with very little chance of passing because of no funds. A number of people mentioned what their wish lists were if that money

could be used somewhere else. Besides restoration or General Purpose Aid, the number one priority of the Education Committee unanimously was the funding of L.D. 839, which costs \$2.8 million. Maine has developed a model program for serving preschool children with disabilities. It is a locally controlled system that provides a seamless service for children with special needs in their family. This early intervention is designed to help parents and children take corrective action to minimize the child's needs for special education and other supportive services when they are in the school system. The savings, ladies and gentlemen, for early intervention is \$7 for every \$1 invested in supportive services for a child zero to five.

We have had discussions about the MEA's in the Education Committee for several years. I, for one, have not been real pleased with the evolution of the MEA's. I think that the suspension is reasonable. I think that the suspension will allow the Department and the Education Committee to take a look at what we really want to have in place, to measure how well our students are learning, to make our school system accountable to the public and to the Legislature. As an educator myself, I have real problems with the testing at fourth, eighth, and the eleventh grade levels. I have taken numerous testing and measurement courses. I see what other states are doing, states like Vermont. They are doing grade three, grade seven, and grade ten. Grade three makes a great deal of sense, because it is at the third grade that you can identify 90% of your at risk students. Students who are going to go on and have problems in school, and become your potential drop outs. Become your potential unlearners. We should be designing the MEA's to be some type of intervention mechanism so that we can identify the type of remedial help that those children need to put them back on the positive learning track. We could also be using a tenth grade test as a means of determining how well off our students are in means of determining basic skills, and what additional assistance that they need in the eleventh and twelfth grade to make them competent individuals as they enter the work force, or make plans for continuing education. I think that the two year suspension of these tests is a wise idea, because it will allow us to take a look at what Vermont is doing. Vermont is not just focusing on multiple choice objective type testing. They are implementing a portfolio system that really shows the depth and the breadth of the individual student. I urge you to support this Majority Report. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

A vote of Yes will be in favor to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **KANY** of Kennebec who would have voted **NAY** requested and received leave of the Senate to pair her vote with Senator **MATTHEWS** of Kennebec who would have voted **YEA**.

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, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY**

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

**PAIRED:** Senators **KANY, MATTHEWS**

**ABSENT:** Senator **BALDACCI**

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators having paired their votes, and 1 Senator being absent, the motion by Senator **MCCORMICK** of Kennebec, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-650) **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.

The Chair laid before the Senate the Tabled and Later Assigned (7/1/91) 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 to 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 SUMMERS of Cumberland, the Reports were READ.

Senator BRAUN of Knox requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator ESTES of York that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

A Division has been requested.

Will all those in favor of the motion by Senator ESTES of York that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report 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.

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator ESTES of York to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-649) 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.

The Chair laid before the Senate the Tabled and Later Assigned (7/1/91) 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)

Tabled - July 1, 1991, by Senator CLARK of Cumberland.

Pending - Motion by Senator DUTREMBLE of York to RECONSIDER whereby the motion to RECEDE and CONCUR, FAILED.

(In House, July 1, 1991, PASSED TO BE ENACTED.)

(In Senate, July 1, 1991, FAILED OF ENACTMENT.)

(In House, July 1, 1991, that Body ADHERED.)

(In Senate, July 1, 1991, motion to RECEDE and CONCUR FAILED.)

On motion by Senator THERIAULT of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator DUTREMBLE of York to RECONSIDER whereby the motion to RECEDE and CONCUR, FAILED.

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

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Senator KANY of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator KANY: Thank you Mr. President. I am sure that all of us in this Chamber have given quite a bit of thought to the choice of our esteemed, and respected, and beloved colleague to resign as Chairman of the Appropriations Committee. I have worked for him for seventeen years. I remember when he came as a little freshman. He started a little late in the session in the House. I can remember having that first conversation with him. I have a lot of very positive memories. I have always admired the way that he has represented the Penobscot Indian Tribe, especially. I also have a lot of other positive memories such as that.

One thing that stands out in my mind, in his Chairmanship of the Appropriations Committee, is a contribution that he has made, not only to the Legislature that now exists, but to future generations, and that has to do with the Land for Maine's Future. Representative Pat McGowan was very much involved in that as well. But, I think that the credit for the entire \$35 million Bond, which allowed the purchase of irretrievable, special lands for the people of the State of Maine, so that future generations, our children, and our grandchildren, and



our great grandchildren will be able to enjoy these special joys, the special parts of Maine, are really due to this Senator from Penobscot, Senator Pearson. I would like to thank him on behalf of them. Thank you.

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

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

Senator **CLARK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. There is another article in today's Portland Press Herald, by staff writer Nancy Perry. I will quote one paragraph. "Faced with substantial Democratic Majorities in both Houses of the Legislature, and the fact that Democrats would have been content to let the Workers' Compensation System remain unchanged...", and it continues, but I will end my quote there. Suffice it to say that this is patently untrue, and even at casual review, and the status of the Bill System, would indicate that Democrats would not have been satisfied to allow Maine's Workers' Compensation unchanged. Thank you Mr. President.

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Senator **COLLINS** of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator **COLLINS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. As a member of the loyal opposition in this Body, I would also like to commend the good Senator from Penobscot, Senator Pearson in his leadership, and his thoughtfulness as leader of the Appropriations Committee. He has for many years had a job that was defied a job description. Those of us on the other side of the aisle have always been impressed by his kindness towards us, his knowledge of the many departments and agencies of State Government, and above all, of his fairness. We shall miss him in that role. I would like to say on behalf of the caucus, that we wish him well. We hope that his days in the Legislature are kinder to his constitution than they have been in the past years, and we know that he will feel much better than he has during the last several weeks. Thank you Mr. President.

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Senator **VOSE** of Washington was granted unanimous consent to address the Senate off the Record.

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

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

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Senator **DUTREMBLE** of York was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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Senator **MILLS** of Oxford was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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

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Off Record Remarks

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On motion by Senator **CONLEY** of Cumberland, **RECESSED** until 3:00 in the afternoon.

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:

**SENATE PAPERS**

Bill "An Act to Authorize Payment of Payroll Obligations to Certain State Employees for Work Already Performed for which Payment was Scheduled on July 1, 1991" (Emergency)

S.P. 774 L.D. 1968

Presented by Senator **FOSTER** of Hancock  
Cosponsored by Representative **LIPMAN** of Augusta,  
Representative **AULT** of Wayne and Representative  
**NORTON** of Winthrop

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

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

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Senator **DUTREMBLE** of York moved to Table Unassigned, pending **REFERENCE**.

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

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

On motion by Senator **WEBSTER** of Franklin, Tabled until Later in Today's Session, pending **REFERENCE**.

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Senator **FOSTER** of Hancock was granted unanimous consent to address the Senate off the Record.

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

Senator **PEARSON**: Thank you Mr. President. Ladies and Gentlemen of the Senate. It would seem to me that this Bill is flawed, inasmuch as it calls for a General Fund Appropriation of \$5.5 million to pay for the obligations of not only the General Fund, but the Highway Fund, and once you do that you can't get your money back.

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

Senator **CONLEY**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I noticed the distress in the face of my good colleague from Hancock, Senator Foster. I can understand the distress that she is feeling. We want to make sure that our state employees get paid for the work that they have already done. That is a laudable goal. Unfortunately, what has happened is, when you take a drastic step, like shutting down State Government, these types of things happen! Things get messed up! Things get confused! Every little thing that you do complicates another thing.

Now it is my understanding, and I could be wrong, but we are not burying our dead at the Veterans Cemetery. Some poor woman traveled a hundred miles today to put flowers on her husband's grave and could not get into the cemetery. Now it is my further understanding, when I looked at the paper this

morning, has anybody got the numbers 895 or 3110, either of those two numbers? You are the only one that got paid today if you do! They had a lottery drawing yesterday. The daily game, our game. That doesn't sound like essential state services to me! Another thing that I heard, again it is my understanding, the liquor warehouse is open down here! Not something that I would normally object to. But, if we are talking about essential state services, I would object to it! Can anybody tell me if it is open? Go down there and check that. I have also heard that there are road crews out. I took a ride around at noon time. I saw a bunch of road crews out. I don't know if they are DOT workers, but if they are, are those essential services?

The problem is, when you take drastic action, you have got to live by the consequences. And this Governor is going to have to pay the price! I asked for his resignation the other night, and I am going to ask for it again! I would like some answers to what is essential and what isn't essential around here!

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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:

**SENATE PAPERS**

Resolve, to Ensure Operation of the Veterans' Memorial Cemetery (Emergency) S.P. 775 L.D. 1969

Presented by Senator **CLARK** of Cumberland  
Cosponsored by Senator **DUTREMBLE** of York,  
Representative **MAYO** of Thomaston and  
Representative **GWADOSKY** of Fairfield  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 27.

Committee on **AGING, RETIREMENT AND VETERANS** 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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Senate at Ease

Senate called to order by the President.

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

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 wanted to amend my thank you of the other night, since we are now on the day shift, and I think that I made my thank you at about 11:00 at night, to thank the Legislative Staff who are working today for no pay. And it seems that I inadvertently forgot the President of the Senates Office, and the Secretary of the Senates Office Staff. So I would like to at this time extend the thanks of the Senate for your gracious and dedicated service, and for all the people down in the basement, listening to my voice, thank you very much for working, and those of you who were gone last night when we all stood up and applauded you. Thank you very much.

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

Senator **BOST**: Thank you Mr. President. Ladies and Gentlemen of the Senate. This morning, I received a call from a constituent of mine, whose drivers license expires as of midnight tonight. The message says that she has a job and two children. She needs to get to work. The police have told her that she cannot drive without that renewal. The good staff and the unpaid staff in the Majority Office, pursued this with Commissioner Atwood, and just a few minutes ago, he issued for the purpose of information for members of this Body, a Teletype to all branches of the State Police informing them that they should not issue summonses to licenses that have expired during the state shut down. He also indicated that he has no authority over local police departments in reference to what they do. But, that this would stand with regards to the State Police. Thank you.

Senator **KANY** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **KANY**: I would like to share with the Senate an update on what is going on with Workers Compensation. About 11:30 a.m., a letter addressed to Governor McKernan from the four Co-Chairs of the Labor Committee and the Banking and Insurance Committee, was hand delivered by Senator Gauvreau. That letter referred to a Democratic proposal which had been made on Saturday. The letter goes on to say that, "At that time, we understood that your office was drafting a new counter proposal. We have yet to hear from you or your drafters. We are anxious to move this process to conclusion. Please present this new draft. We promise to give it fair consideration

and respond in a timely fashion." We will update you to any progress.

On motion by Senator **GAUVREAU** of Androscoggin, **RECESSED** until 6:00 in the evening.

After Recess

Senate called to order by the President.

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

#### COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

July 2, 1991

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

Dear Madam Secretary:

House Paper 653, Legislative Document 927, 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, 1991, June 30, 1992 and June 30, 1993, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Eighty-nine voted in favor and fifty-two against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

S/Edwin H. Pert  
Clerk of the House

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

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**

Resolve, to Ensure Operation of the Veterans' Memorial Cemetery

S.P. 775 L.D. 1969

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.

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 "B" S-413)

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

**Resolve**

Resolve, to Instruct the Department of Education to Eliminate the School System "Report Card" Program  
H.P. 1100 L.D. 1599  
(C "A" H-649)

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

Senate at Ease

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1991, June 30, 1992 and June 30, 1993" (Emergency)

H.P. 1379 L.D. 1967

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-738); "B" (H-740) AND "C" (H-741)**, without reference to a Committee.

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

House Amendment "A" (H-738) **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, House Amendment "A" (H-738) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

House Amendment "B" (H-740) **READ**.

On motion by Senator **FOSTER** of Hancock, House Amendment "B" (H-740) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

House Amendment "C" (H-741) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **FOSTER** of Hancock, Senate Amendment "A" (S-416) **READ** and **ADOPTED**.

Which was, **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.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Period of July 1, 1991 until July 8, 1991." (Emergency)

H.P. 1380 L.D. 1970

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** 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 "A" (H-739)**, without reference to a Committee.

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

House Amendment "A" (H-739) **READ**.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would ask for the support of House Amendment "A" (H-739), but I am concerned that members of this Body, in particular, who share my interests, and interests of most Legislators in this Legislature, to give state employees payment for jobs that they have already done, perhaps, should not be tied to this continued Resolution in this way, and it would seem to me that there must be a better way to see that they get their wages other than this measure. Thank you.

House Amendment "A" (H-739) **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

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

On motion by Senator **DUTREMBLE** of York, 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 would urge the members of this Body to oppose Engrossment of this Bill at this time. I would suggest that this extension for seven days is an embarrassment to this Legislature. It seems to me that I have watched those people in Washington, and have been embarrassed by actions taken by Washington for years as they fumble along through their process trying to go on and on in dealing with a Budget in Washington. Frankly, I think that the state employees deserve to be paid for the work that they have done. But, I am not willing to support, and I hope that this Senate would not be willing to support a piece of legislation like this, that is, frankly, an embarrassment to our process. We need to deal with the problems facing the state, and this is not a solution, in my opinion. I would ask you to vote against it. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To be attacking us tonight with continuing resolution and congressional interaction, is absolutely wrong. Congressional action happens when they don't have a Budget, or when they take a Budget and tack other things onto it that do not have a relationship sufficient to be tacked on, and to scuttle their Budgets. We are not doing that. We have no intentions of doing that. It is my understanding that we are going to move forward to allow state workers to go back to work. Allow the chopped up, unrunning of State Government to cease, and that we have plans under way to solve the problem that the Minority Party have here. We should be moving along smoothly now, as the Maine Legislature often does, and should do, especially in these times. So I think that it is very unfair at this time, at what I understand, there is real cooperation going on now to be using that kind of rhetoric in this Body. 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. The Minority Leader of this Maine Senate has suggested that the issue before us is the wrong approach. I submit to you that what we are doing currently, locking out state employees from functioning in our State Government is wrong! And the inconsistency that has been exercised arbitrarily, and capriciously, and unilaterally by this Administration, in implementing this lock out is wrong. I am shocked, dismayed, and appalled! And we probably will share with you at some time during this evening some of the inconsistencies in this division in Technicolor. There is more to come. Thank you Mr. President.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I, for one, will be glad when State Government is again operational. Hopefully, my microphone will be repaired, and I can speak to you more often. Although I have addressed this Body before, I would just like to reiterate some remarks I had made earlier in this period from Friday last until today, which I believe is Tuesday. I certainly respect the right of every member in this Institution to vote his or her conscience, and I certainly understand that there are broad philosophical issues which sometimes divide us, and which do create difficulties in us acting promptly to resolve issues of concern to the Maine public. But that is the process. All of us have access to the process, and as we acquire experience in State Government, I think we become more effective in that.

I have had a difficult time, as I am sure that you have had over the past few days, at the break from the tradition in our government, the break from tradition in our history. We now, for the first time to my knowledge in our state's history, have established a linkage between the Budget, which is the basic financial road map, which guides Maine

government, and enables us to provide critical services to Maine people and other legislation, which is unrelated to fiscal matters, no matter how strongly people believe that legislation is needed. It seems to me if we establish a precedent of closing State Government down in order to exert some type of pressure upon Legislators, to recede to the wishes of the Governor, no matter who that Governor might be, we have taken a turn in our history which will ensure to the detriment of Maine citizens in the future. It is essential that we remember that the people have the right to remove politicians from government, but in no time do politicians have the right to remove government from the people. That is a fundamental and an essential premise which we must all abide by. There is a process in our society to resolve disputes.

We apparently have a broad philosophical dispute that separates the Executive from the Legislative branch of government. The Governor has appropriate tools at his disposal to seek remedial action. If he finds certain legislation offensive, he has the ability to veto that legislation and to call the Legislature in Special Session to address issues of concern to the state. If that process still does not yield legislation which the Governor believes is desirable, he or she may then exercise the Governorship of the bully pulpit, and advocate to the public in the next general election to elect Legislators whom the Governor believes would enact legislation more to his or her liking. That is the process. It is a process embedded in our State Constitution. It is our law. It is the instrument by which we operate. We all took an oath at the outset of our legislative service, and I believe we all sincerely believe in that oath, that we would uphold the State Constitution, and adhere and enforce the laws to the best of our ability. I do say this to you tonight, men and women of the Senate, that if we continue this process, this elimination of the process whereby we close State Government down for any purpose other than a dispute on the Budget, it is, as the good Senator from Cumberland, Senator Clark mentioned earlier, it is just fundamentally wrong. It is as simple as that. Thank you Mr. President.

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

**Senator BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am sorry that at this late hour we have to get up and defend the fact that someone has put in a Bill, and suggested that we find a way to continue the working of State Government what will resolve a Budget crisis in this state. Just two days from now, he will look at that Calendar, one day, if I look at the clock, it is July 4th, it is our Independence Day. Declared in 1776 on that day, that we were going to take the responsibility of governing ourselves. We were going to take that responsibility. By shutting down State Government, we no longer take that responsibility. We should all go home right now until the Governor of this state is willing to stand up and say that he wants to govern. That he wants, in fact, to continue State Government, and you can't do that without one of two things. A.) A continuing resolution until the Budget itself is resolved. B.) The Budget. There are no other choices. You either go home, or you make one of those choices. That is the way it has

been done since 1776. We took the responsibility. I remember when I was first campaigning in Hallowell, Maine. I met a constituent who was registering voters. The constituent did not want to register. We had the usual arguments that I am sure that everyone on this floor has had as they go around campaigning themselves, in trying to persuade the potential voter to sign up. I asked him what he would do if there were no government. He said, "We don't need it anyway". I said, "Then what would you do about your schools? What would you do about your roads? What would you do about your health care? What would you do about a lot of things? What would you do about which side of the road, if there were a road, that you would drive on so that you wouldn't crash into the person coming the other way? How would you do those things?" I think that it got him thinking, but he didn't sign up to vote. If everybody thought that way, what would we have here? Is what you want, is what we had to do in our family when we needed to have tonsils taken out, when we needed to have abscessed teeth taken out, that you go and beg to the local church, is that the kind of society that we want to build here? I think not.

I just got a call, they would like me to call between 11:00 p.m. and 7:00 a.m., and it said AMHI. I am being told that there are one and two staff per floor only. They are reducing the staff at AMHI. They are not only endangering the patients, they are endangering the workers that are on there. I had one of my friends from Windsor come here this morning, she works at the Alternative Living Program on the AMHI grounds, she was called before her shift began telling her not to come into work. But yet I hear all day today that Liquor Stores are open. The race track is using State Veterinarians to run, because they can't do it without them. This is absolutely unconscionable! It is utter, total chaos. You cannot have it! You must either have a continuing Resolution, or you must have a Budget. Please do not let our government that we took responsibility for when we took it from the British fall down on its face.

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

**Senator DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to talk to all of my Republican colleagues who have been personally coming up to me for the past week and saying, "Duke, you should get involved in this, because you are the fair guy". And I think you know who you are. Never in fourteen years in the Legislature have I seen any Legislator vote deliberately to hurt people in the State of Maine. Deliberately! This is what this vote is, and that is what has been some of the other votes that have been taken. But this is clearly a vote to deliberately hurt people in the State of Maine. It is mean. It is cruel. It is unethical. It is not the American way. We have tried to get off the dime. It appears that some movement has been made to get off the dime, and yet we are still voting to keep people out of work! We can't for the next eight days say, "Yes, go to work. Let's get the state to continue to operate while we straighten this mess out." If things up here are going to be fair, they are going to be fair all the way around. All the way around! But I am

sure that someone is going to have some response as to why the actions being taken by the Minority Party is fair, and I really hope to hear it.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This afternoon, Representative Lawrence, the Co-Chair of Legal Affairs was contacted by some state employees, who mentioned to him that they had heard that some businesses had run out of liquor in the State of Maine, and were trying to purchase liquor in the State of Maine. Of course, since our liquor stores are shut down, businesses in the State of Maine cannot purchase any liquor, as I am sure most of you realize in this Body. They cannot go to an agency liquor store and purchase liquor for business to sell. I guess that some of these businesses contacted Liquor Enforcement and Public Safety in the State of Maine to try to get the liquor, and were told that they would be able to purchase through agency liquor stores, which is a violation of state law. Especially to the work of Representative Lawrence in contacting Public Safety and Liquor Enforcement, he was able to point out to those people that it was indeed a violation of state law, and it now appears that allowing them to do that is going to be stopped. I wanted to get that on the Record tonight, because as the good Senator from Cumberland, Senator Conley mentioned earlier, when you lock people out of State Government, these are the kinds of things that happen. You have to be prepared for them. I think that we are going to have a lot more of these things happening in the next few days. It is going to be a very difficult situation, especially for many of the businesses in this state being locked out like this.

I think that it is an important point. If we vote for this Resolution now, we will allow those businesses and others to get on with their lives in this state. I want you to think about how difficult it is going to be in the State of Maine for a lot of the businesses that we have that have run out of liquor on the Fourth of July. I would hope that you would think about that when you are making your vote here today for those businesses and other people in this state. When you talk about jump starting and keeping businesses going in the state, I think that is something that really should be thought about.

I also understand that law enforcement officers will not be out there for the Fourth of July. I hope that will change, too. I understand the Commissioner is down to the Governor's Office now trying to talk to the Governor about that. I think it is very important to make sure that we have law enforcement out there, especially with people trying to go over the boarder to buy alcohol for their businesses, because that is also a violation of state law. I would hope that we would vote for this Resolution now so that we don't have to continue to have people picking and choosing ways to try to get around state laws in this state to try and keep their businesses going. I would also like to point out that I found it rather interesting that a few weeks ago when the state shut down, and there was no State Liquor Store to be open on that day for the public, but now when the businesses need to get alcohol, suddenly, they

are trying to circumvent the law to allow businesses to get alcohol. I don't think that is a good thing for us to be doing, and it is not a good thing for a lock out for this state. I would hope that we would pass this tonight so that we can get the businesses and the working people of this state to move forward and get going. I hope that this Resolution will be passed. Thank you.

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

Senator **BALDACC:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I support this Resolution. I support it because I believe as long as there are communications that are in good faith, and as long as there is an attempt to resolve an impasse, that innocent people and families should not be effected by that. I also think it is important to point out that there is not some tree out here in Capitol Park with money hanging off it that you can go and run to, to fund government programs that are very worthwhile and necessary. It is very important to have some entities out there contributing to that tremendous swimming pool we call the General Fund. I would like to remind my colleagues that it was also in the last four years that workers' benefits have been reduced by roughly 40%. But it was businesses premium rates that were raised over 80%. Business is very tough. Businesses are going out of business. You don't need to be hit over the head with a baby grand piano to see what is happening in Aroostook County with Loring Air Force Base! It takes the businesses, and the employees, and the state in order to operate. That is a very serious thing. We cannot continue to keep government operating if you don't have anybody contributing to it. I think that as long as there are some constructive, some good faith communication to remove the necessary impediments to having this situation end, I support this Resolution. But at the same time, I caution my membership here in the Senate, that it is a very serious concern throughout the state. Because as a good friend of mine used to say, three or four years ago, what good is the best benefit program if there is not a job attached to the end of it. Thank you Mr. President.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I was met here this morning by about five constituents waiting for me on the landing. The first man and wife thrust a copy of the Constitution in my hands and said, "We have got to impeach this man. It says right here that you can do it." The second man is a state worker who can't pay his rent unless he gets his check. The third person, a woman from Monmouth, lives down the road from me, was so infuriated by the statement of the Governor last night on television that said, "There were only two hundred state employees here in the Capitol. There are only two hundred people that are upset. But the people out there in Maine, they support me." She and her husband came here to say that there were one, Republicans too, they are not state employees, and they are mad, and they think that this is awful. They think that the Governor is treating people like they were furniture without any concern at all about the consequences of keeping checks for work that was

done a month ago. Let me point out that this check that was not delivered on Monday, would have been the first full check that these state workers had gotten since March! Count them. Since March! Which is what you would have if you counted in all the furlough days that were there. And then, later responding to all my phone calls today, of which there were many, I had a few calls from businesses in my area. Gardiner businesses. The first was a pizza restaurant, who said that because of the shut down day and the cost of all of this mess, his business was off by 20%. And that all the businesses in the Augusta area are off 20%. And that a car dealer in the Augusta area is off 23%. Don't my businesses count? The effect of this lock out, and it is a lock out, is effecting the businesses in my District, the businesses in Kennebec County, to a devastating effect! A man in Farmingdale then called me and said that the Swans Dairy truck, which is refrigerated and goes around and sells milk, meat, and all sorts of nice things, this man has one of those nifty little hand held calculators that he keeps track of his sales throughout the day. On his route, usually by the time he gets to my constituents house, he has sold \$1,200 worth of produce. Today, his total was \$422. That is what is happening to the businesses in this District because this Governor has locked out state employees! And then I got another call from the guy who wants to go to work. He said, "Just let me go to work and pay me later. Why can the essential employees get paid? Just let me go to work! Why can't I?" I have no answer for him, because it is a lock out. That's why. It is a lock out. Then I come into this caucus and I hear that there is double standard going on here. Businesses are allowed to put stamps on their cigarettes so that certain large business owners and interests away from this county are not being touched, that restaurants are being allowed to purchase liquor so that their businesses are not hurt, so that this Governor's campaign chests are not going to be hurt in the next election! That is double standard! Race tracks are allowed to operate because the state veterinarians who certainly are not essential, unless a horses' illnesses are essential, is being allowed to work while bodies pile up outside the Veterans Cemetery! Give me a break! I will not deal with this! My constituents are just besides themselves, and that Governor is down there, and he is sitting there and he is doing nothing! Please pass this Bill, it is the only decent thing to do! And when we get done passing this Bill, we have got to pass a Bill that gives checks for the work that was done a month ago! It is illegal not to do that! There will be suits filed not to do that. I plead with the Republicans to save your Party a little money! There will be suits filed. I have persons from the Labor Committee that work in the Department of Labor saying that if private businesses had done what this Governor was doing, in other words, holding checks away from people for work that they had already had done, that they would be arrested. It is illegal! What you have here is a government who is breaking the law! The Senator from Oxford, Senator Mills has informed us that this Governor is breaking the law. One of the top law enforcement officers in this state is breaking the law, is selectively allowing the law to be broken, while my constituents are going to be in general assistance lines! NO!

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Last night when I left here at 10:30, I stopped in Belgrade on the way home and spoke to my mother, who is one of five immediate members of my family who works for the state. A brother and sister, and brother-in-law and sister-in-law, and mother. My father recently retired as a state employee. I talked to him for half an hour about the unfortunate situation that this Legislature has put itself into. I don't blame the Governor. Frankly, I think as I have said many times, and everybody knows, we have been talking about the possibility of something like this happening for three months. I wish that it didn't happen. I think that it is unfortunate. I think it is a sad day when we would let this kind of thing happen.

To quote the good Senator from Androscoggin, Senator Gauvreau, and Senator McCormick from Kennebec, they make reference to the Constitution. Our founding fathers were pretty smart when they decided to write this Constitution, because it does give the majority the power in almost all cases, except on certain cases, and that is on Budgetary matters. I have never been convinced that we could have gotten the kinds of savings we needed to keep Maine jobs here. I listened to Senator Berube from Androscoggin when we first came here talk about jobs being lost in Lewiston. I have jobs lost in my District, and frankly, there are going to be a lot more jobs lost. I believe that this is imperative that we do something. I think we are talking about the future of what Maine is all about. The future of this state lies in what this Legislature does to change the direction that we are heading. Frankly, I am not opposed to having the Majority rule when it comes to your priorities of how taxpayers money ought to be spent. I don't agree with it. I don't think that the people of this state agree with it. But frankly, you are right, the Majority rules. And you have created and supported many spending programs that I don't agree with. I feel quite sure that citizens of my District don't agree with them, but the Majority does rule. The Majority has to listen to those of us who don't agree with you on everything. I have been concerned, and am still concerned that the longer we are here and the more these kinds of debates go on, the more likely it is that we are not going to solve this problem. I want to make a serious effort here.

I met with Senator Pray for half an hour last night. I have talked to Senator Dutremble, and I have talked to other members in this Body to express to them my willingness to try to solve this problem. I think that this is a terrible Bill, because frankly, it is too bad that this is the approach that the powers to be have taken. Ladies and gentlemen, there is no doubt in my mind that this Bill is not going to become a law. So my parents, my sister and brother, their relatives, and maybe kids that I went to high school with, because I came from Belgrade, fifteen miles from here, I went to High School in Oakland, I can tell you a hundred people that work for the state that I went to high school with, that I grew up with all my life, people who live in my District who are going to be hurt because of political



posturing. Now you can say whatever you want, but ladies and gentlemen, the Governor spoke with many members of the people who were promoting this idea. I spoke with members of people who were promoting this idea, and indicated that I didn't think it was appropriate. I thought it was a sham. It is not the kind of a Bill that we ought to be doing. I don't want to be Washington. I don't want to stay here night and day, in cots, like Washington. This is not Washington! I don't want to be part of Washington! I don't want to pass this kind of legislation.

We can stand here and get mad at each other, and scream, and have our say and that is great, but we have to get down to work here, members of the Senate, we have to solve the problem. I think that there has been movement. As the good Senator from York, Senator Dutremble said, there has been movement, and there are discussions going on. I don't want to drive a wedge between us any further. This type of legislation I don't believe will pass. As we play politics, or whatever we are doing, one or two more days will pass when Senator McCormick from Kennebec's constituency, and Senator Bustin from Kennebec, and my family, and my constituents who are working for the state are not going to get their pay. Are we going to make this the same issue as Workers' Compensation and the Budget? Are we going to go through this and delay this payment an extra three or four days? No one here can convince me that they are opposed to giving state employees that what they worked for and deserve. We all agree to that, so let's pass that. I don't agree to this continuing Resolution, because I don't want to be someone here in the Legislature who condones that, because I don't agree with it. If we are serious about giving the hard working people who did a job for the state, in good faith, let's give them their money! The good Senator from Hancock, Senator Foster had a Bill. I don't care whose Bill it is. One of things that I don't like about this process is loyalty to Legislators. I don't care whose Bill it is. Let's pass a law! Let's amend something, whatever we have to do to give these people who deserve money, their money! But if are going to play politics, if we are going to posture, it is going to be days, and days, and days more before these people get their money. I would just like to give the people of Maine, who work for the state, and deserve their pay, their money. But I am not going to support this!

Last night when I saw my mother I said, "I hope that when we get into session tomorrow, we can get out of there and solve the problem. But the very least, I hope that we pass a Bill which gives you your money, which you earned and you deserve. But I bet you what is going to happen is that we are going to get into a debate and we are going to have a Christmas Tree with a bunch of things stuck on it, that no one is going to want, and meanwhile, you are going to become a pawn in this system." It is bad enough that these people, it is bad enough that state employees are not working. You can blame anybody you want. There is enough of that to go around. I remember three months ago saying that this is an important issue to me and my caucus. Many people who were in that meeting heard it. We didn't come to a Resolution then, and we haven't come to one now. We can continue on here, but if we don't do something that is acceptable to all members of this Senate, we

won't pass anything. I think that the time has come to try to avoid as much confrontation as possible. Frankly, that is what I would like to do. I would like to see this matter no longer before us, and see people of this state work, get their money. Let's try to do our best to avoid confrontation, and avoid indecisiveness, because we are not going to get out of here and get the business done if we do the posturing that is being done now. Thank you.

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The following proceedings were conducted after 12:01 a.m., Wednesday, July 3, 1991.

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

The President retired from the Chamber.

Senate called to Order by the President Pro Tem.

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**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. As usual, the Senator from Franklin, Senator Webster is very quotable. Fortunately, despite my fatigue, I can write quickly enough so that I could take down some of those quotes. I would like to perhaps reiterate some of them. "We have grandstanded", the Senator said. Speak for yourself, Senator. "It is imperative that we do something". I agree Senator. "We need to avoid as much confrontation as possible". I believe that we are beyond that point. "It is a sad day when we would let this thing happen." Don't include me in that "we". "It is unfortunate that the situation that this Legislature has put itself in." This Legislature did not put itself in this situation. The Chief Executive of this state has caused us to be exactly where we are this evening. "We need to deal with the problems facing this state." I agree. In his previous address to the Senate he said, "This is embarrassing, this process, this Bill that we are about tonight is embarrassing." Ladies and gentlemen of the Senate, let me tell you what is embarrassing. First of all, I am embarrassed to be here tonight. We should be home. State employees should be able to anticipate without listening to the radio station at 6:30 in the morning as to whether they are going to go to work tomorrow or not. That is embarrassing. It is embarrassing that the Governor of our state, and I paraphrase, but I think it is rather close, said a couple of days ago, "Two blocks away from this State House people don't really care about what is going on here. People don't get too excited about it." It is embarrassing when the Governor of this state is quoted by the media less than twenty-four

hours ago, saying that he has had many phone calls in support of his position on this issue. "Hang tough, Governor". What's embarrassing about that is, that there is no one down there to answer the phone. How are they getting through? I am a member of the Maine Senate, and I can't get through to him. How is someone in Franklin County going to get through to him? You know what is embarrassing? It is embarrassing the ripple effect that this shut down is having all across this state. Despite what the Governor may have you believe. We focused on state employees. Let's get beyond state employees for just a moment. I received a call today from the Executive Director of an agency that deals with persons with profound mental retardation in the greater Bangor area. That agency, because of the shut down, did not receive its Medicaid reimbursement funds this week. They live on a shoe string. Not only the agency, but the people that are dependent upon this agency. The Executive Director had no choice but to send out one hundred and seventy letters to the one hundred and seventy employees of this agency saying, "I am sorry. You will not receive your pay check this Friday". Not only do the employees, 80% in that agency that make between minimum wage and \$5.05 per hour to support their families, not only will they be effected, but the checks that go out to the clients, many of whom are dependent upon small sums of money to get by on a daily basis, they will not be receiving that check through that agency this week. That is embarrassing, ladies and gentlemen. That is truly embarrassing.

The secretary in the front office of that agency, just as a side note, her brother works at the Charleston Correctional Facility, as does her brothers' wife. Both were told that they will not be receiving their checks this week. On the same day, their landlord told them without question that if they did not pay their rent that they would be evicted. The brother called his sister, who works as a secretary in this agency and said, "I am desperate. Can you loan me some money?" She said, "I have \$700 in my checking account, will that be enough?" He said, "That will do it, I will pay you just as soon as I can". She took the money out of the account and forwarded it to her brother. One hour later she received the letter from the Executive Director that I just spoke of. This Friday, she will not receive her pay check. That it embarrassing.

It is embarrassing to turn on the news this evening and learn that the Governor of this state is apparently preparing a new Budget document in amendment form. It does various things. Among them, I guess, I haven't seen, I stand to be corrected once I see the document, but it does things like eliminate the Maine Health Program in the second year, and tamper with the Home Fund, and do all those things. Senator Gill is shaking her head. Well, I haven't seen the document. But the Governor was heard to respond to this Bill, this phantom Bill that I am just being told is no longer going to be considered, that if it did reach his desk, his own new initiative, and he did not have accompanying reforms to his satisfaction in the Workers' Compensation System, that he would veto his own Bill! That is embarrassing! I don't think that we have any choice but to pass this. This is the only responsible thing to do. People all across this state depend on us, ladies and gentlemen. We are the leaders of this state. If we can't lead, let's get out of the way!

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

Senator **MATTHEWS:** Thank you Madam President. Ladies and Gentlemen of the Senate. In response to the good Senator from Franklin, Senator Webster's comments, I, too, want to share just a few things that I find to be rather ironic. I remember receiving a letter, as I know many state employees received, signed by the good Senator from Franklin, Senator Webster's brother, former President of the Maine State Employees Association, with other past Presidents of that Association, to support the candidate for reelection to Governor of this State, Governor John McKernan, and paraphrasing the letter said, "What a wonderful, strong, articulate supporter of state employees. A Governor that cares about state workers and their families." I remember that letter. I thought I should share it today with the Body of this Senate, because it is the same Governor that has walked off the field, that has abdicated his authority, that has not shown any responsibility in this struggle to reach a compromise. He is a wall! Is that the Governor that the good Senator's brother and other members of the Maine State Employees Association past Presidents talking about?

We are approaching Independence Day, as the good Senator from Kennebec, Senator Bustin mentioned, July 4th. A proud day for every American citizen. Governor McKernan, I want you to hear this. This country stands for people working together to solve problems! We don't take people hostage and lock them up in any place! They do that in third world nations. When an individual, usually a dictator doesn't agree with what is going on, he puts people in a prison. State employees have been those prisoners today, and this week. Those are the hostages! The citizens of this state indirectly. On July 4th I am going to be with my family, standing with the Maine flag and the American flag, in Winslow, Maine, as we welcome back the young men and women that fought in the Persian Gulf. I will proudly stand there as an America that talks about working together, sitting down as rational people, and discussing differences and working to solutions. Not running off the playing field! That is not the American way. Not in my book! That is what this Governor has done. He has left the playing field! He has made the state employees an easy target for a pawn. I will never forgive him for that!

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I will be very brief. I rise this evening to offer a point of information. There has been reference made earlier in this discussion regarding the difficulties that some small businesses, particularly the restaurants and taverns within this state would have in receiving alcohol due to the fact that the state liquor stores are not operating at this point. Earlier in this session, in the Legal Affairs Committee, we reported out a Bill, L.D. 132, "An Act Concerning Purchases of Alcohol from Agency Stores". What this piece of legislation enables restaurants or taverns to do, is to purchase alcohol from agency stores, with the written permission of the Bureau of Alcoholic Beverages. This piece of legislation was Enacted on

the 22nd of May, with a 25 to 0 vote in this Body, and was signed into law on May 21st, and is now part of public law. So if there is any concern regarding the small business people in this state who are in the tavern or restaurant business, this Legislature has effectively addressed this problem. Thank you Madam President.

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

**Senator CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I wanted to tell you that I actually had an opportunity today to do about the most useful thing that I have been able to do in the last week, namely my laundry. I still can't understand it, but my seatmate is still not sitting next to me. But it is, in fact, clean, and I have some extras in case anybody else is still hurting.

The good Senator from Oxford, Senator Twitchell, will never take credit for this quote, but he has actually said that the best speeches, is usually the speech that is not given, which is why he has a book full of them, and is probably going to make a lot of money when he gets out of here. But I think that it is important that we talk about this issue, and I know that time is dragging on, but we don't have a lot of proposals in front of us to resolve this, which is one of the reasons that we must keep talking. The only way that the people of this state know what is going on, and I really believe that very few do understand what is happening here, is by what we explain to them here so that the media can go forward and try to communicate it in some meaningful fashion. The thing that really got to me the most about speeches made so far tonight, or shock, but the good Senator from Franklin, Senator Webster, impressed me when he said, "It doesn't matter what you say about this Bill, I am not voting for it, and my caucus is not voting for it". It is obvious to me that his caucus is not listening to this. Half of the Republicans are not even in this Body as we debate this very important issue, and they have decided that they are not going to vote for it. The way the truth gets out about what is going on here, is by letting people know who is responsible for government shutting down. It is amazing the way that things come full circle here. The way that you can separate Republicans from Democrats. I don't think that the reason that it doesn't concern Republicans that the government is shutting down is, because unlike Democrats, Republicans really don't have a healthy respect for government. They don't believe that government serves a meaningful role. Less government, better government. No government, obviously, it is not of any concern. It seems to me that what happens here is, first you have to do what you believe is right, and then after you are done here, we go out and try to convince the people that what we have done is right, and we have tried to act in the best interests of the people. It is obvious that the people of this state feel, since the Democrats are in the Majority, that we do a better job representing what is the general feeling of the public out there, which the good Senator from Franklin, Senator Webster, says. It would seem to me that the only thing left to do is to go forward after this is resolved, and hopefully, it will be resolved, and make this Body, as well as the other Body, a veto proof Body. It is the only way that government is

going to continue. It is the only government that will be safe! We have got to get a veto proof Body so that government can continue! The role of the Minority was never intended to be used to bring about the down fall of government. That is what is happening here. I truly believe that if the truth gets out about what is going on in this Body and in this government, the Republicans are not going to be a Minority, they are going to be extinct!

**THE PRESIDENT PRO TEM:** 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 make sure that we get the information correct in the Senate Chamber tonight. The Bill, that Senator Summers from Cumberland was mentioning, deals with a radius of within an area that people can move about when they are trying to buy liquor outside of State Liquor Store. It is not intended for a lock out situation of government in the State of Maine. I would also like to mention that the Bill is set up so that the Commission has to give the permission for those people to be able to buy that alcohol, and they have to go through a process in order to do so. That is not what took place today. If you want to correct me on that, I would like you to do that on the Record, because that is not what happened today, and I want to make sure that the people realize that. Thank you very much.

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

**Senator COLLINS:** Thank you Madam President. Ladies and Gentlemen of the Senate. As a member of the Party that may soon be extinct, I thought that I should perhaps make a few brief remarks before that happens. I do note that there are a few members of the opposite Party missing from their seats, also. I also recognize that it is nearly one o'clock, and we are all a little sleepy and tired.

I would like to say that I don't really appreciate the bashing that has gone on this evening towards the Chief Executive of this state. I guess that I belong to the old school, that all is recognized that we had a Chief Executive, that was the Chief Executive of all the people, regardless of our Party affiliation, and that we owed that office a certain amount of respect and dignity. I hope that we will continue to do that. I think that the good Senator from Cumberland, Senator Conley is at least partially correct when he indicates that Republicans perhaps don't like as much government as Democrats do, and I don't argue with that, I think that we have philosophical differences. However, I am happy to report that we do want some government, and we have a different idea of how much we want, and how much regulation that we want.

But I would like to say just a few things about some of the circumstances that have brought us to this very unhappy occasion. I would like to point out that there are some thirty states in this country that are in "serious" financial condition, and we are among its leaders. There are ten other states that have lesser degrees of financial problems, but nevertheless serious. I noted in a paper the other day, that because of these conditions, the states are

facing very similar problems to what we are. There have been states that have shut down government. There are states that have done a number of things that we have done in the way of cutting expenditures and reducing the number of people employed by government. Interestingly, what we are going to do this year in State Government country wide is, that we are going to raise \$26 billion worth of new taxes! That is quite a thing for State Government's across the country to do. It seems to me that it indicates how serious our problems are. So when we note that we are operating in a very difficult arena this time through the Legislature, and I have to tell you that I have never spent one that was so difficult, and one that has caused so much friction in the times that I have been here. While I haven't been here as long as many of you, I have spanned a year of on again and off again for some twenty years, so I have experienced some three different Governors, a change in the Legislature from one dominated by Republicans, to a time when we had one Body of one political Party, and the other of another, an Independent Governor, and to the present situation where the Legislative Body is dominated by the Democratic Party. So I have seen some different things, and I have to say that this is the worst that I have ever seen, and I can guarantee you that I will never see as bad again.

With respect to our problems, let me suggest that while we like to blame the Administration, and we like to blame this one and that one, and Democratic policies as the Majority Party in the two Bodies, let me suggest that most of the economic problems are beyond our control in terms of determining blame. States, particularly those as small as Maine, with 1.2 million people, are sort of followers in the economic world, they are not leaders. We have very few parts of the total economy that we play a real, substantial part. We are a piece of a region, and that region sort of dominates the direction in which our economy goes. I think what we should start thinking about, and I know that many of you have and are, is not who is to blame, but what can we do to help them. The first thing that we ought not to do, is to scream and yell at each other, and to get angry, and say that it is your fault, or you won't do this, or you are unbending and yet I am bending. Of course all politicians know that its only the other guy that is unbending. But we have to approach this with some degree of decorum. We have to recognize that we do have differences, and argue those differences in a reasonable manner. We have to, I hope, use a certain amount of logic, and understanding, and thoughtfulness, or we will never get through this process. I think that this morning we ought to start doing some of those things. In my part of Maine, we have recently experienced a very dramatic turn in our economy with the loss of Loring Air Force Base. Believe me, State Government in the area of Augusta and Hallowell is going to look good compared to what we are going to look like. We are going to lose ten thousand jobs over the period of the next two years! We aren't going to have very much in the way to replace that in a very rapid fashion. With good luck, lots of good luck, it will probably take us ten years to recoup that loss in our economic activity in Northern Maine. If you are a little concerned about this particular part of Maine, let me remind you that we have got more than that to contend with. I hope that we are going to do it

without screaming and hollering at each other. I hope that we are going to do it with a bit of thinking, hard work and some compassion, and occasionally I think a little humor. I found lately that this Body seems to lack that. My good friend, the Senator from Cumberland, Senator Conley, I find to be at times quite laden with humor, and yet, lately I have heard a scream in my right ear occasionally. I have thought to myself, that I might have to have my hearing checked to see if I am off balance here in some fashion. I don't want to prolong this, the point that I choose to make is that all of the problems that are upon us are not all of our own making, and that we ought not to try to spend all of our time blaming ourselves for these things, and we ought to try to work together and still keep some integrity, and still recognize that there are differences, that we have to reconcile those, and that we ought to get on with it. Just for the Record, Madam President, I really don't like the pending Resolution. I would much prefer, of course, to adopt a Budget. It does remind me of the procedures that occur at the Federal level, which have never been very suitable to my thinking, and is the way to resolve Budgetary matters. So I hope that we will not support this Bill tonight. I hope that we will pass the Bill that will provide payments to the state workers that have already earned that money. We have a vehicle to do it. I hope that we will eventually resolve our Workers' Compensation problem. I know that is a difficult one, because I had the pleasure of working on that in 1987. I was the only member of the Legislature who served on both the Labor Committee and the Banking and Insurance Committee, and I thought that we did some very dramatic things at the time. I still think that we made some substantial improvements, but obviously, they were not sufficient. I, too, get frustrated when I look at that. I am a small employer, and I have seen what happens to the great giant premium Bills that come in, and I know how hard it is for small businesses, and medium size businesses to cope with that situation. I think that we can resolve that, too.

I fear I have gone on too long, I didn't really intend to lecture. I rather hate lectures myself. Let's just say that it was a conversation. Thank you Madam President.

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

**Senator SUMMERS:** Thank you Madam President. Ladies and Gentlemen of the Senate. I will be brief. I am sure that my remarks, after the eloquent remarks from the Senator from Aroostook, Senator Collins, were pale. However, prior to his rising there was a question posed on the floor, and I feel obligated to state in the Record regarding the purchase of alcohol from agency liquor stores. The Senator from Oxford, Senator Mills raised a question. I do have to apologize. It is true, there is a fifteen mile radius that is written into the Bill. However, I would like to read from a copy of the Bill, Subsection A, "Before purchasing spirits from an agency liquor store, a restaurant must obtain the written approval from the Bureau of Alcoholic Beverages. The Bureau shall grant approval to the restaurant to purchase spirits at one or more of the identified agency liquor stores." No where in this Bill does it suggest that the approval must come from

the Liquor Commissioners, or the Liquor Board. It is my understanding that from some of the legal minds in the State House, that this approval could be given from the Director himself. Thank you Madam President.

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

Senator **MILLS:** Thank you Madam President. Ladies and Gentlemen of the Senate. I would like to once again remark on that particular subject. Was there permission given from the Bureau of Alcoholic Beverages? I think that you will find that there was not. Second of all, let's say that in the future for the lock out that that procedure does go forward, and people are able to buy alcohol. Let's say that they are able to get at the restaurants and businesses in the State of Maine. What does that say about the policy that we have in the State of Maine during a lock out? It says that for you that have businesses and want to give alcohol, and want to have alcohol in your businesses, we are going to take care of you. But, for those of you that have been working, and don't have the money to pay your rent, and you have been out there trying to figure out how you are going to make ends meet, forget it! Even if you want to somehow argue that people are going to be able to get alcohol from this state, I think that you are going to have to question whether or not that is a policy that this state wants to take. I would hope that what we would do is now move forward and get these people taken care of. I hope that is what we will be able to do tonight. Thank you Madam President.

**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. One of the things that I miss most about my tenure of serving as Presiding Officer, is jumping into the fray. Every once and a while I have to express my appreciation to the colleagues that will relieve me at the Rostrum so that I can come down with a desire to jump into that fray. And since then I have had a chance to take a little of the edge off what I had wanted to say.

The remarks of the good Senator from Aroostook, Senator Collins, and his conversation with us, attempted to say that we need to start doing things. I am glad to hear him say that. I have been here now for about four days in the State House. I think I left this afternoon for a brief occasion doing a television program with the Senator from Sagadahoc, Senator Cahill. I left last evening to meet with a couple of my colleagues for a few moments, but returned back and have been here now for four days to do things, to move on, to resolve the situation that we are in. I have before me, several of the statutes that are in the State Constitution, to do a little history lesson, but have decided since there is no necessity to do that. We all understand our obligations that are here. The responsibilities and the obligations of each of us, and that of the Governor of this state. When the Senator from Sagadahoc, Senator Cahill and I attempted, but not successfully, to do a joint television program together, the basic question that was to be asked was, "What are the political consequences of what is going on here today?" I chose not to answer that question, because the obligations and the

responsibilities that we have here today is not the political consequences of our action. But to live up to the oath of office that we took. I understand and respect, as I stated the other day, the responsibility and the role that we have to play as Majority and Minority Parties.

I also attempted to share with you what I felt was an obligation that we had as individuals. As individuals to represent our constituents, the citizens of this state. I need to agree with the Senator from Franklin, Senator Webster, that our citizens are concerned about the cost of Workers' Compensation. They are concerned about the costs of operating government. They are concerned about taxes. They want an effective, efficient government, that delivers the services that they demand. But I think where I separate myself from the Senator from Franklin, Senator Webster, is on what one would define what government is. He has on a number of occasions made comments and references to government as if it is some entity that takes away from the populous! I happen to believe that government is the populous. That government is the common voice which is a society which we speak through. The programs and the services that we have are instituted not because Legislators, or Governors, or past Administrations, or present Administrations had some grand scheme of things. But they are ideas and proposals that responded to the requests of the constituents that each and every one of us serve. Not because we were Republicans or Democrats, nor because we were Legislators or Governors, but because we had a desire to serve the public, and the process that our forefathers 215 years ago at the national level, fought a Revolution, and 171 years ago at the state level, of forming a State Government, the State of Maine. A Constitution and the procedures of which we would govern for the people. The portrait that hangs here of Abraham Lincoln, reminds us that this is "a government of the people, for the people, and by the people". But those Constitutional powers were devised to have a check and balance in an operation so that we could govern, not so that any one individual, or group of individuals could prevent government from occurring itself, and then to selectively interpret it.

I have for the last day and a half, talking to several legal minds of this Legislature and outside, have pondered the Constitutional questions of what is really occurring here. Not just for now, but for future Legislatures and future generations. Did our founding fathers stop to think when they devised the powers that it was to prevent government from having the ability to act, to prohibit the employees of the state to deliver those programs and services to the citizens of this state? I think not. I hope that at some point that question, and the interpretation of the events that are occurring since the expiration of the fiscal year, can be answered so that some future Legislature does not end up in a grid lock situation that prohibits us from taking action.

I think that the comments from the Senator from Aroostook, Senator Collins, are welcome comments. I take them as they were given, as a desire to cooperate, and try to resolve our differences in a way that we can put this state back together again. I can understand the last couple of weeks being involved in some degree in the edge of the Workers'

Compensation debate and discussions, why the Senator from Aroostook, Senator Collins, when we were doing Committee assignments, we sat down in my room and had a nice conversation for some time. He made the request that he would like to serve on the Appropriations Committee, if I remember right. And if he couldn't do that, he would like to serve on the Taxation Committee. With a little bit of smile he said, "Please don't put me on Labor or Banking and Insurance". Now I understand why.

The question that we have, and we are trying to resolve, and why we are now dealing with something that is unlike anything that we have done, because in the entire 171 year history of our state we have never had a situation where a government has been unable to pass a Budget so that government could continue. We have been here to do a Part Two Budget in the month of July, but we always had passed a Part One Budget before that time. But, government had never had the shortfall that it had this year. I am not going to fault the Governor. It is not the Governor's fault that we have a revenue shortfall. It is the economy, outside of the control of any Chief Executive or any Legislature. We all like to take credit during the good years when that economy is going good, unemployment is low in our District, because you people elected me. But we know the truth is that it is far outside of our control. It is far outside the control of any single Governor. We can have an impact. We can move it a little bit one way or the other, but the economy itself, and particularly at the national level, is what is occurring in this country today, it is because of that. We are here tonight, trying a new avenue of putting people back to work, of creating jobs. The Highway Budget, for example, probably a single most Budget that creates more jobs in the private sector as well as in State Government than any other Budget. But it has failed. It is not here. We are here because the Minority, and I respect their philosophy, and I respect the individuals, I disagree, but I respect them, have stated that what I have heard throughout this is, that there will be no taxes passed until there is a Workers' Compensation proposal that meets their goals. If I am incorrect on that statement, I would like to see some signal. No taxes passed until there is a solution to the Workers' Compensation. What we have before us today, is not a tax increase, but it is a jobs Bill. It is a Bill that puts people back to work until we can resolve the question of Workers' Compensation. Because as the good Senator from Franklin, Senator Webster mentioned earlier, that somewhere in these halls of State Government people are talking. There may be some movement. There may be some activity that might help resolve their particular concern. The question that we need to ask ourselves, not as Republican and Democratic participants in the political process, but as each and every individual Senator representing our constituents. Should we bring government to its knees to achieve what we want? I stated here two to three nights ago after action on unanimous consent, a desire to extend a hand to cooperate with the Administration, and try to resolve those differences. No commitment that we would agree to the final package, but a desire to reach what he would feel would be acceptable that I could accept. I have met with him, and talked with him several times today, trying to achieve that same

goal to allow the Republican members of this Chamber and this Legislature to be able to say that they had gotten in the final analysis something close, or something towards what they had wanted to achieve. I guess that I am concerned a little bit, but I understand also, as well as the frustration, and how when one gets tired it is easy to play the "blame game". But it is also easy to play the "don't blame me game". It is also pretty easy to sit there and say, "We shouldn't get excited about this. I should be allowed to hold everything hostage and stop everything else until I get what I want."

I have been very fortunate in my life of having two very fine children, and having a very patient and understanding wife. More so in the last few days then I can ever remember in my marriage with her. But, in raising those children, I think that I have learned an awful lot that has helped me in serving in the Legislature, and dealing with individuals. I have probably learned more from those two children then I have in the seventeen years that I have served in the public of how to deal with people, and how to relate to people. Because sometimes we have a tendency to slip back a little bit to that degree.

I have stated many times that I would hate to see this state become like the Federal Government, a full time Legislature, passing continuing Resolutions. But these are, as we said earlier, not normal times. They are unusual times. Unusual times require for us to not look at Government or business as usual in government, but to be innovative and try to find new approaches to resolving the problems that face us. We are not at an impasse. The Senator from Hancock, Senator Foster has presented a proposal that would provide the pay for those individuals who had worked, and my Party joined in the supporting of that. I don't think that it is a significant difference as to rather it is a Republican or a Democrat who sponsored the proposal, because our constituents really don't care. They just want to know if you were for it or against it. They don't know want to know who sponsored it or who wrote it. They just want to know how we were on the issue. We have taken care of that. We have moved that one along, because we think that is an important issue. We have another one here that says, "That while we have a period of time to be able to start doing things", as the Senator from Aroostook, Senator Collins said, to start doing things to allow things to continue to take some of the pressure off both sides, I think it would be an important step for the Minority Party of this Legislature to cross that line a little bit and to understand that we are all trying to resolve the same problem.

Again, for what I had understood, no new taxes until there was some type of achievement of Workers' Compensation. This proposal does not raise taxes. I hope and look forward to the support of the Minority Party in passing this piece of legislation. Thank you very much Madam President.

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

**Senator MATTHEWS:** Thank you Madam President. Ladies and Gentlemen of the Senate. In response to my good seatmate, the good Senator from Aroostook,

Senator Collins, in his remarks earlier this evening, I just wanted to state for the Record that I have a great deal of respect and admiration for the Office of Governor of the State of Maine, and what that office means. I also have a great deal of respect and admiration for the Governor, Governor John McKernan. He is my Governor. I did not vote for him, but he is my Governor. That is precisely why I am hurt, angered, frustrated by the actions of the Governor of the State of Maine. I know that as an elected member of this Body that I have every right and responsibility in this office to speak out on these issues. I also believe that in my service in this Body, in the Senate, that no one in this Body, Republican or Democrat, in my estimation, would have done the same as this man on the second floor, given the situation. That is the respect and appreciation that I have for each member of this Senate. The process has been thrown out the window. The hard work of an Appropriations process has been forgotten. Unfortunately, what we have seen over the last few days is politics at its worst, and my constituents, and the people of Maine, an intelligent, informed, articulate people, know it, and they have every right to be saddened and sickened by what has happened. Thank you Madam President.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-739)**, in concurrence.

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-739)**, in 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 BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, PRAY, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

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

**ABSENT:** Senators None

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, with No Senators being absent, the Bill was **PASSSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-739)**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

**ORDERS OF THE DAY**

On motion by Senator **WEBSTER** of Franklin, the Senate removed from the Tabled and Later Today Assigned the following matter:

Bill "An Act to Authorize Payment of Payroll Obligations to Certain State Employees for Work Already Performed for which Payment was Scheduled on July 1, 1991" (Emergency)

S.P. 774 L.D. 1968

Tabled - July 2, 1991, by Senator **WEBSTER** of Franklin.

Pending - **REFERENCE** (Roll Call ordered)

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

On motion by Senator **FOSTER** of Hancock, under suspension of the Rules, **READ TWICE**.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-415) **READ**.

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

Senator **PEARSON:** Thank you Madam President. I would appreciate a brief explanation.

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

Senator **BUSTIN:** Thank you Madam President. Ladies and Gentlemen of the Senate. A brief explanation is, that this is the Bill that would allow the state workers that have already worked in June to be paid.

On further motion by same Senator, Senate Amendment "A" (S-415) **ADOPTED**.

On motion by Senator **PRAY** of Penobscot, the Senate **RECONSIDERED ADOPTION** of Senate Amendment "A" (S-415).

Senate Amendment "A" (S-415), **ADOPTED**.

Which was **PASSSED TO BE ENGROSSED**, As Amended, without reference to a Committee.

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

**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.

(Due to technical difficulties, remarks not recorded.)

...in order to offset the negative effect of tax increases, we lose our opportunity to stimulate and create new and expanded job opportunities within our business sector". The implicit message here is that the \$300 million, two year level, sought by the Governor and unanimously endorsed by the Taxation Committee, must be met with a commensurate level of saving and Workers' Compensation. But equally implicit, I believe in this statement, is that if we do not meet this particular target, business and industry will be crippled. The economy will further stagnate, and jobs will be lost. I am going to leave those points to members of the Labor Committee, and the Banking and Insurance Committee to address over the hours and the days which presumably lie ahead of us.

But what I do want to address is the Taxation Policy in this state as it relates to the business community, and what we provide as a Legislature each year to Maine businesses, so that they can maintain existing jobs, and create new ones. What we lose each year in state revenue in order to provide business with the tax breaks that they need, and have requested, in order to stimulate our economy. I am going to go through and name them. You can leave if you want to, but I am going to put them on the Record. "Associations and Trusts exempt from the Federal Tax, exempt from Maine Corporation Tax - \$25,000. Excise Tax Exemption on jet fuel and fuel used in Maine, but purchased out-of-state by truckers - \$900,000. Corporate Income Tax Exemptions due to U.S. Law - \$1.3 million. New jobs credit - \$750,000. Various exemptions allowed due to conformity with the Federal Code, such as expensing certain expenditures - \$55 million. Sales tax on electricity consumed in electrolytic process - \$450,000. Sales tax exemption on components used in manufacturing - \$171 million. Tangible property consumed in manufacturing - \$25.4 million. Sales tax exemption on containers - \$8.7 million. Sales tax exemption on separately charged labor services - \$13.2 million. Sales tax exemption for products used for agricultural and aquacultural production - \$5 million. Sales tax exemption on jet fuel - \$470,000. Sales tax exemption on fuel used to burn blueberry land - \$17,000. Sales tax exemption on fuel and electricity used in manufacturing - \$20 million. Sales tax exemption on air and water pollution facilities - \$1 million. Sales tax exemption on machinery and equipment - \$27 million. Sales tax on property used in interstate commerce - \$1.8 million. Sales tax exemption on railroad track materials - \$200,000. Insurance company exclusions from premium tax - \$200,000. Insurance company credit for provision of day care services - \$25,000. Railroad tax credit applied against operating income - \$2.2 million. Cigarette stamp tax deduction for licensed distributors - \$1.2 million. Employer assisted day care, income tax equals lower of \$5,000 - 20% of costs. Employer provided long term day care benefits, income tax credits equal lower of \$5,000 - 20% of costs. Investment tax credit - \$16 million, has been readjusted to \$36 million. Solid waste

reduction investment tax credit - \$800,000. Commercial forestry excise tax - \$1.5 million. Reclaimed wood waste income tax credit - \$1.5 million. Tree growth - \$2 million. Investment in Maine Capitol Corporation - \$25,000. Seed Capitol Corporation - \$600,000. Trade-in credit on certain equipment - \$16 million. Refund of sales tax on depreciatory machinery - \$600,000. Tax increment financing districts - unknown. What is the bottom of line, \$375,637,000 annually. For comparison purposes, ladies and gentlemen of the Senate, just so that we can get things into prospective, that represents 24.7% of our annual Budget. I share this cold, hard data with you because I think that as we proceed through the days ahead, discussing issues that are couched, and justifiably so, in the context of the Maine economy, I think that we need to remember that this Legislature has been, and continues to be, very good to Maine businesses. I also want to add that each and every one of those tax credits that I just read to you was preserved by the Joint Standing Committee on Taxation in the First Regular Session of the 115th Legislature, despite numerous efforts to do otherwise. Thank you.

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On motion by Senator **PRAY** of Penobscot, **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 to Authorize Payment of Payroll Obligations to Certain State Employees for Work Already Performed for which Payment was Scheduled on July 1, 1991

S.P. 774 L.D. 1968  
(S "A" S-415)

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to clarify to the membership, this is the Bill that we discussed last night that is supported by everyone, and has only been amended by the amendment that was offered by the Senator from Kennebec, Senator Bustin. Thank you.



This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in the negative, and 24 being 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.

Respectfully submitted,

S/Zachary E. Matthews  
Rotondi  
Senate Chair

S/Dorothy A.  
House Chair

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

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

On motion by Senator **ESTES** of York, **RECESSED** until 1:15 in the afternoon.

After Recess

The President retired from the Senate Chamber.

Senate called to order by the President.

Senate called to Order by the President Pro Tem.

Off Record Remarks

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

SENATE PAPERS

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

Bill "An Act to Authorize Payment of Payroll Obligations to Certain State Employees for Work Performed for Which Payment Was Scheduled for July 8, 1991" (Emergency)

S.P. 776 L.D. 1971

COMMUNICATIONS

The Following Communication:

**COMMITTEE ON FISHERIES AND WILDLIFE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

Presented by Senator **BUSTIN** of Kennebec  
Cosponsored by Representative **GWADOSKY** of Fairfield, Representative **MARSH** of West Gardiner and Representative **FARNSWORTH** of Hallowell  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

June 26, 1991

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

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

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

Dear President Pray:

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

We are pleased to report that all business which was placed before the Committee on Fisheries and Wildlife during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received		64
Unanimous reports		59
Leave to Withdraw	12	
Ought to Pass	2	
Ought Not to Pass	27	
Ought to Pass as Amended	15	
Re-Deferred	2	
Carry Over	1	
Divided reports		5
Bills reported out pursuant to Statutes		1

Off Record Remarks

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

COMMUNICATIONS

The Following Communication:

**COMMITTEE ON AGING, RETIREMENT AND VETERANS  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 29, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	48
Unanimous reports	46
Leave to Withdraw	11
Ought to Pass	5
Ought Not to Pass	7
Ought to Pass as Amended	18
Re-Deferred	1
Carry Over	4
Divided reports	2
Bills reported out pursuant to Joint Order	2

Respectfully submitted,

S/Dale McCormick  
Senate Chair

S/John Jalbert  
House Chair

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

The Following Communication:

**COMMITTEE ON AGRICULTURE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 30, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Agriculture during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	35
Unanimous reports	32
Leave to Withdraw	6
Ought to Pass	2
Ought Not to Pass	7
Ought to Pass as Amended	13
Re-Deferred	1
Carry Over	3
Divided reports	3

Respectfully submitted,

S/R. Donald Twitchell  
Senate Chair

S/Robert J. Tardy  
House Chair

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

The Following Communication:

**COMMITTEE ON AUDIT AND PROGRAM REVIEW  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 25, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Audit and Program Review during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	6
Unanimous reports	6
Leave to Withdraw	0
Ought to Pass	2
Ought Not to Pass	1
Ought to Pass as Amended	1
Carry Over	2
Divided reports	0

Respectfully submitted,

S/Beverly Miner Bustin  
Senate Chair

S/Phyllis R. Erwin  
House Chair

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

The Following Communication:

**COMMITTEE ON BUSINESS LEGISLATION  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 29, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Business Legislation during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	104
Unanimous reports	102
Leave to Withdraw	13
Ought to Pass	9
Ought Not to Pass	30
Ought to Pass as Amended	43
Re-Referred	1
Carry Over	6
Divided reports	2

Respectfully submitted,

S/John E. Baldacci  
Senate Chair

S/Carl F. Sheltra  
House Chair

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

The Following Communication:

**COMMITTEE ON ENERGY AND NATURAL RESOURCES  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 29, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Energy and Natural Resources during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	186
Unanimous reports	181
Leave to Withdraw	20
Ought to Pass	5
Ought Not to Pass	73
Ought to Pass as Amended	72
Re-Referred	3
Carry Over	8
Divided reports	5

Respectfully submitted,

S/Bonnie L. Titcomb  
Senate Chair

S/Paul F. Jacques  
House Chair

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

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 26, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Housing and Economic Development during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	22
Unanimous reports	21
Leave to Withdraw	6
Ought to Pass	1
Ought Not to Pass	2
Ought to Pass as Amended	10
Re-Referred	2
Divided reports	1
Bills reported out pursuant to Joint Order	1

Respectfully submitted,

S/Joseph C. Brannigan  
Senate Chair

S/Rita B. Melendy  
House Chair

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

The Following Communication:

**COMMITTEE ON HUMAN RESOURCES  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 29, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Human Resources during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	163
Unanimous reports	151
Leave to Withdraw	49
Ought to Pass	6
Ought Not to Pass	42
Ought to Pass as Amended	43
Carry Over	11
Divided reports	12

Respectfully submitted,

S/Gerard P. Conley, Jr.                      S/Peter J. Manning  
Senate Chair                                      House Chair

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

The Following Communication:

**COMMITTEE ON LEGAL AFFAIRS  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 29, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Legal Affairs during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	145
Unanimous reports	120
Leave to Withdraw	11
Ought to Pass	4
Ought Not to Pass	59
Ought to Pass as Amended	40
Re-Referred	1
Carry Over	5
Divided reports	25

Respectfully submitted,

S/Jeffery N. Mills                                      S/Mark W. Lawrence  
Senate Chair    House Chair

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

The Following Communication:

**COMMITTEE ON MARINE RESOURCES  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 26, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	41
Unanimous reports	39
Leave to Withdraw	8
Ought to Pass	3
Ought Not to Pass	13
Ought to Pass as Amended	14
Carry Over	1
Divided reports	2

Respectfully submitted,

S/Harry L. Vose                                      S/James Mitchell  
Senate Chair    House Chair

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

Following Communication:

**COMMITTEE ON UTILITIES  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 26, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Utilities during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	69
Unanimous reports	68
Leave to Withdraw	7
Ought to Pass	8
Ought Not to Pass	11
Ought to Pass as Amended	34
Re-Deferred	1
Carry Over	7
Divided reports	1

Respectfully submitted,

S/John J. Cleveland  
Senate Chair

S/Herbert E. Clark  
House Chair

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

Following Communication:

**JOINT SELECT COMMITTEE ON CORRECTIONS  
ONE HUNDRED AND FIFTEENTH LEGISLATURE**

June 26, 1991

The Honorable Charles P. Pray  
President of the Senate  
115th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Joint Select Committee on Corrections during the First Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	19
Unanimous reports	18
Leave to Withdraw	2
Ought to Pass	0
Ought Not to Pass	3
Ought to Pass as Amended	11
Ought to Pass in New Draft	0
Carry Over	2
Divided reports	1

Respectfully submitted,

S/Beverly Miner Bustin  
Senate Chair

S/Cushman D. Anthony  
House Chair

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

Senate at Ease

Senate called to order by the President.

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

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 Necessary to the Proper Operations of State Government for the Period of July 1, 1991 until July 8, 1991.

H.P. 1380 L.D. 1970  
(H "A" H-739)

Comes from the House, **FAILING OF ENACTMENT**.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "A" (H-739).

On further motion by same Senator, House Amendment "A" (H-739) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Which was, **PASSED TO BE ENGROSSED** 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:

**Emergency**

An Act to Authorize Payment of Payroll Obligations to Certain State Employees for Work Performed for Which Payment Was Scheduled for July 8, 1991

S.P. 776 L.D. 1971

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in the negative, and 24 being 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.

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

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On motion by Senator **CONLEY** of Cumberland, **ADJOURNED** until Friday, July 5, 1991, at 10:00 in the morning.