

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## **One Hundred And Fifteenth Legislature**

OF THE

## **State Of Maine**

### **VOLUME V**

#### **FIRST SPECIAL SESSION**

July 11, 1991 to July 18, 1991

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#### **FIRST CONFIRMATION SESSION**

October 2, 1991

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#### **SECOND SPECIAL SESSION**

December 18, 1991 to January 7, 1992

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#### **SECOND REGULAR SESSION**

House of Representatives

January 8, 1992 to March 9, 1992

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

In Senate Chamber  
Thursday,  
July 11, 1991

Bill "An Act to Make 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. 1387 L.D. 1976

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**, without reference to a Committee.

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

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

Pursuant to the provisions of Article IV, Part Third, section 1, of the Constitution of Maine the members of the Legislature were polled. 111 Democrats (60 necessary) and 53 Republicans (34 necessary) having voted in the affirmative, the President of the Senate and the Speaker of the House convened the First Special Session of the 115th Legislature at 12:10 a.m., Thursday, July 11, 1991.

On motion by Senator **DUTREMBLE** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

**CALLING OF THE ROLL**

The Roll being called, the following Senators answered to their name:

Senators, **BALDACCI, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, DUTREMBLE, EMERSON, FOSTER, GAUVREAU, GILL, HOLLOWAY, KANY, LUDWIG, MCCORMICK, MILLS, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

27 Senators having answered to the Roll, the President declared a quorum was present.

Off Record Remarks

Off Record Remarks

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

**COMMUNICATIONS**

The Following Communication:

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

July 11, 1991

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

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

**PAPERS FROM THE HOUSE**

House Papers

Dear Madam Secretary:

Please be advised that I have appointed Senator Charles Webster to the Joint Standing Committee on Appropriations. He will replace Senator Ruth Foster.

Sincerely,

S/Charles P. Pray  
President of the Senate

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

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Off Record Remarks

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

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Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

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On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until 12:00 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:

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Make Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)  
H.P. 1388 L.D. 1977

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

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

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

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

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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 11, 1991

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

Dear Madam Secretary:

House Paper 1354, Legislative Document 1946, AN ACT to Allow the Risk Management Division to Provide Insurance Services for Elementary and Secondary Schools in the State, 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, July 10, 1991, House adjourned without day as second five-day extension expired pursuant to Maine Revised Statutes Annotated, Title 3, section 2, thereby sustaining the veto.

Respectfully,

S/Edwin H. Pert  
Clerk of the House

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

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The Following Communication:

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

July 11, 1991

The Following Communication:

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

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

Dear Madam Secretary:

July 11, 1991

House Paper 1333, Legislative Document 1924, AN ACT Concerning the Low-income Home Energy Assistance Program (EMERGENCY), 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, July 10, 1991, House adjourned without day as second five-day extension expired pursuant to Maine Revised Statutes Annotated, Title 3, section 2, thereby sustaining the veto.

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

Dear Mr. President:

Pursuant to M.R.S.A. Title 3, section 2, the Senate was in possession of the following items when the second five-day extension of the First Regular Session of 115th Legislature expired:

Respectfully,

S/Edwin H. Pert  
Clerk of the House

**PENDING CONSIDERATION**

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

JOINT RESOLUTION Urging the Media not to Publicize the Identities of Victims of Rape  
H.P. 1388

Senate at Ease

Senate called to order by the President.

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)  
H.P. 654 L.D. 928

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

Bill "An Act to Repeal the Maine Educational Assessment Program" (Emergency)  
H.P. 1081 L.D. 1575

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

Bill "An Act to Provide for Deferrals of Unfunded State Mandates for Municipalities Experiencing Financial Hardships" (Emergency)  
H.P. 1190 L.D. 1743

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

Bill "An Act to Fund a Collective Bargaining Agreement" (Emergency)  
H.P. 1374 L.D. 1959

After Recess

Senate called to order by the President.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for the Purchase of Recycling Equipment and Facilities and for the Remediation and Closure of Solid Waste Landfills"  
H.P. 1384 L.D. 1973

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

**COMMUNICATIONS**

Bill "An Act to Allow State Government to Continue to Operate in Fiscal Years 1991-92 and 1992-93" (Emergency)  
H.P. 1386 L.D. 1974

IN COMMITTEE

(APPROPRIATIONS AND FINANCIAL AFFAIRS)

Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers"  
S.P. 58 L.D. 107

Bill "An Act to Provide the Legislature with Revenue Forecasting Capabilities" (Emergency)  
S.P. 232 L.D. 586

Bill "An Act Relating to the Restoration of Drivers' Licenses"  
H.P. 447 L.D. 637

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

Bill "An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households" (Emergency)  
S.P. 319 L.D. 857

Bill "An Act Concerning the Regulation of Electronic Video Credit Machines by the State Police"  
S.P. 423 L.D. 1135

Bill "An Act to Implement the Recommendations of the Maine Commission on Legal Needs"  
H.P. 837 L.D. 1203

Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed (Emergency)  
S.P. 507 L.D. 1345

Bill "An Act to Establish a Seasonal Permit for the Sale of Deer Hides"  
S.P. 519 L.D. 1397

Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers"  
S.P. 571 L.D. 1525

Bill "An Act to Establish a Public Solid Waste Facilities Loan and Grant Program"  
S.P. 641 L.D. 1689

(BANKING AND INSURANCE)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Expenditure of the Funds of a Public Mutual Insurance Company Created by the State to Provide Workers' Compensation Insurance to Employers in this State  
H.P. 1378 L.D. 1966

(EDUCATION)

Bill "An Act to Change the Process of Selecting the Commissioner of Education"  
S.P. 51 L.D. 81

(JUDICIARY)

Bill "An Act Regarding the Crime of Prostitution" (Emergency)  
H.P. 1364 L.D. 1952

(STATE AND LOCAL GOVERNMENT)

Bill "An Act to Implement Constitutional Provisions Restricting the Imposition of Unfunded State Mandates"  
S.P. 767 L.D. 1963

Resolve, to Establish the Commission on Recall  
H.P. 1377 L.D. 1964

(BANKING AND INSURANCE & LABOR)

Bill "An Act to Reform the Maine Workers' Compensation System"  
S.P. 777 L.D. 1972

TABLED

(TABLED LATER AND TODAY ASSIGNED)

Bill "An Act to Allow Agencies to Amend Legislative Agendas to Accommodate Unforeseen Events" (Emergency)  
S.P. 779 L.D. 1975

(UNASSIGNED TABLE)

NOMINATION of Michael W. Aube of Bangor for reappointment to the Maine Technical College System Board of Trustees

Bill "An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers"  
H.P. 615 L.D. 875

(SPECIAL APPROPRIATIONS TABLE)

Bill "An Act to Expand the Applicability of Certain Energy Standards"

S.P. 149 L.D. 361

Bill "An Act to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine" (Emergency)

S.P. 154 L.D. 366

Bill "An Act Concerning the Lobster Harvesting License Fee for Persons 70 Years of Age or Older"

H.P. 346 L.D. 476

Bill "An Act Pertaining to Community Corrections Programs" (Emergency)

S.P. 207 L.D. 534

Bill "An Act to Share Proportionately the Public Safety Costs for the Capitol Area"

H.P. 411 L.D. 594

Bill "An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies"

H.P. 1166 L.D. 1707

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

H.P. 1210 L.D. 1768

Bill "An Act to Encourage Business Investments" (Emergency)

H.P. 1211 L.D. 1769

Bill "An Act to Amend the Minimum Requirements for Emergency Medical Technicians"

H.P. 1230 L.D. 1794

(SPECIAL HIGHWAY TABLE)

Bill "An Act to Amend the Provisions Regarding the Uniform Traffic Ticket and Complaint"

S.P. 131 L.D. 233

Bill "An Act to Amend the Auctioneer Licensing Law Relating to the Sale of Motor Vehicles at Public Auction"

H.P. 389 L.D. 563

Bill "An Act to Amend the Motor Vehicle Title Laws"

H.P. 457 L.D. 648

Bill "An Act to Amend Certain Commercial Motor Vehicle Laws"

H.P. 636 L.D. 906

Resolve, Authorizing a Payment to Steven P. Smith and Ramona Smith of \$47,908.06

S.P. 350 L.D. 952

Bill "An Act to Amend the Laws Governing License Plates and Placards for Disabled Veterans"

S.P. 585 L.D. 1538

Bill "An Act to Provide Identification Cards for Persons 18 to 20 Years of Age"

H.P. 1073 L.D. 1567

Bill "An Act Amending Certain Motor Vehicle Laws"

H.P. 1209 L.D. 1765

Bill "An Act to Create Special Veteran Plates and Emblems"

H.P. 1221 L.D. 1779

Please be advised that these matters have been placed in the legislative files. If you have any questions please contact me.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

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

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

July 11, 1991

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

Dear Madam Secretary:

On July 10, 1991, the House adjourned without day as the second five-day extension expired pursuant to the Maine Revised Statutes Annotated, Title 3, section 2, thereby failing to take action on the following items:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities (S.P. 42) (L.D. 66)

Bill "An Act to Preserve the Integrity of the Maine State Lotteries" (S.P. 80) (L.D. 143)

Bill "An Act Related to the Office of Substance Abuse" (S.P. 90) (L.D. 175)

Bill "An Act to Revise the Small Claims Laws" (EMERGENCY) (S.P. 134) (L.D. 272)

Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (EMERGENCY) (H.P. 139) (L.D. 199)

Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" (H.P. 258) (L.D. 349)

Bill "An Act to Provide Funds to the Maine Rural Water Association for Services to Water and Wastewater Systems" (EMERGENCY) (H.P. 328) (L.D. 458)

Bill "An Act Relating to Assumption of Medical Expenses by the State in Child Protection Investigations" (S.P. 211) (L.D. 538)

Bill "An Act to Reduce Duplication at the Department of Human Services" (S.P. 247) (L.D. 656)

Bill "An Act Regarding Subsidies to Public Schools for Home School Students" (H.P. 579) (L.D. 830)

Bill "An Act to Ensure Early Intervention Services to Eligible Special Needs Children from 3 to 5 Years of Age" (H.P. 588) (L.D. 839)

Bill "An Act to Amend the Laws Concerning Certification of Educational Personnel" (EMERGENCY) (S.P. 326) (L.D. 882)

Bill "An Act to Strengthen Municipal Borrowing Alternatives" (S.P. 331) (L.D. 887)

Bill "An Act to Eliminate the Lobster Management Task Force" (S.P. 365) (L.D. 967)

Bill "An Act to Improve Student Financial Assistance Services" (EMERGENCY) (H.P. 750) (L.D. 1070)

Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117)

Bill "An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State" (H.P. 875) (L.D. 1261)

Resolve, Relating to Medicaid Rules Governing Services to Persons with Mental Retardation (EMERGENCY) (S.P. 538) (L.D. 1436)

Resolve, to Conduct an Independent Review of the Department of Human Services (S.P. 551) (L.D. 1455)

Bill "An Act to Unify Housing Services" (EMERGENCY) (H.P. 1067) (L.D. 1556)

Bill "An Act to Establish a Higher Education Loan Program and to Make Certain Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine" (S.P. 642) (L.D. 1690)

Bill "An Act to Establish State Selective Purchasing Standards" (H.P. 1174) (L.D. 1715)

Resolve, to Study the Feasibility of a Statewide Health Insurance Program (EMERGENCY) (H.P. 1184) (L.D. 1727)

Bill "An Act to Repeal the Laws Allowing the State to Participate in Lotto\*America" (H.P. 1304) (L.D. 1886)

Bill "An Act to Promote Long-term Economic Development" (EMERGENCY) (H.P. 1321) (L.D. 1912)

Bill "An Act to Eliminate the Requirement of Reimbursement for Search and Rescue Activities" (H.P. 1343) (L.D. 1934)

Bill "An Act to Fund a Collective Bargaining Agreement" (EMERGENCY) (H.P. 1374) (L.D. 1959)

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)

Sincerely,

S/Edwin H. Pert  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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Senate at Ease

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 reports as truly and strictly engrossed the following:



**Emergency**

An Act to Make 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. 1388 L.D. 1977

Senator **CAHILL** of Sagadahoc moved to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED**.

Senator **CLARK** of Cumberland requested a Division.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope that you will vote in favor of the motion to Reconsider so that the amendment that I might offer would help us to at least get out of the situation that we are in for a short time. Thank you.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **CAHILL** of Sagadahoc to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED**.

A vote of Yes will be in favor of the motion by Senator **CAHILL** of Sagadahoc to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED**.

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 **BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, HOLLOWAY, LUDWIG, RICH, SUMMERS**

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

**ABSENT:** Senators **BERUBE, GOULD, PEARSON, WEBSTER**

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 4 Senators being absent, the motion of Senator **CAHILL** of Sagadahoc to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED, FAILED**.

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 pending question before the Senate is **ENACTMENT**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

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

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

**ABSENT:** Senators **BERUBE, GOULD, PEARSON, WEBSTER**

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators being absent, and 20 being less than two-thirds of the entire elected Membership of the Senate, this Bill **FAILED ENACTMENT** in **NON-CONCURRENCE**.

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

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

**ENACTORS**

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

**Emergency**

An Act to Make 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

H.P. 1387 L.D. 1976

Comes from the House **FAILING OF ENACTMENT**

Senator **CAHILL** of Sagadahoc moved to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED**.

Senator **CLARK** of Cumberland requested a Division.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **CAHILL** of Sagadahoc to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED**.

A vote of Yes will be in favor of the motion by Senator **CAHILL** of Sagadahoc to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED**.

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 **BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GAUVREAU, GILL, HOLLOWAY, LUDWIG, RICH, SUMMERS**

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

**ABSENT:** Senators **BERUBE, GOULD, PEARSON, WEBSTER**

12 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 4 Senators being absent, the motion of Senator **CAHILL** of Sagadahoc to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED, FAILED**.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Due to my fatigue, I will probably will not be able to engage in the rhetorical flourish which sometimes characterized my presentations to this Body. Nevertheless, I feel compelled to offer a few remarks to my friends in this Chamber, and perhaps others might feel similarly inclined. The events of the past fortnight have been, I think, to most Maine citizens bewildering and bizarre, and hopefully unique in our lifetimes. On past occasions I have expressed to you my strong objections to linking

these seminal Budget documents of our state with any legislative matter, and will not repeat those concerns this evening. It does seem to me, however, that it is appropriate at this moment to pause and consider what we are going to do.

Unless my capacities for prognostication are failing me this evening, I will predict that the vote will be somewhere around 20 in favor and 13 in opposition, which will not be enough votes to enact our Budget. My friend in the other Body, Representative Paul Jacques conjured up the notion that what we have at present without a Budget is a crisis. Lack of a Budget is a crisis. The problem in Workers' Compensation is a very severe problem. First one deals with a crisis, then goes on to address the problems in his or her life. My friend, Joe Brennan addressed the issue another way when asked to comment upon the wisdom of debating the Workers' Compensation Package while the state was without a Budget. He suggested that "you don't burn down your house because you don't like the wall paper". It seems to me that is what we have before us today. We are wreaking untold damage into the public's faith in State Government. We are wreaking untold damage into the public's faith in their elected Legislators, Governor and public officials. I do not know what the aftermath of all this will be.

Democracy is a very fragile concept, a very fragile notion. The public either does or does not respect the ability and commitment of its elected officials to honor our traditions, and to respect the institutions which govern our society. To the extent that we abuse those institutions, to the extent that we disregard those established customs and traditions, I think that we play with the public's faith in Democracy. We are playing with fire my friends. I, for one, do not know what the consequences will be. But I am gravely concerned.

There are other problems that have been described far more eloquently than I by prior speakers in this Chamber. But it does seem to me that the prolonged absence of a State Budget manifests a profound insensitivity to the plight of working men and women in our state. Men and women who work for the State of Maine. Men, women, and children who rely on the state for critical and essential services. What we are doing is simply wrong. We have often times in somewhat of a jovial fashion referred to popular songs in our debate, and I will continue that tradition this afternoon. When I was in college, perhaps my favorite band was an English Group, the Moody Blues. I think back to a song that was popular, "Knights in White Satin". It pointed out to me in this song a quotation that has some relevance to this evening. I am so tired that I am trying to recall what the quotation is. If we wait long enough it will come around, perhaps by the time that we pass the State Budget. We will get to that later.

I truly do not know what else we could have done to avoid this impasse. The Legislature voted last week to allow a five day cooling period to attempt to negotiate a Workers' Compensation Package which was agreeable to all concerned parties. I believe that was a wise move. I voted for that action last week, and I think that parties did in good faith negotiate. I don't see where it would be worth going

any further by short term negotiating. By any conceivable stretch of one's imagination, the package of proposals that was discussed and agreed upon by the negotiators more than adequately addressed the concerns of those voices in our community who were crying out for Workers' Compensation relief. The remaining issues upon which there was not full agreement could appropriately be returned to us either in Special Session or sometime next year. Certainly I cannot see the justification for shutting down State Government for an unprolonged or unknown period of time to address those few issues which remain in controversy. I say that because like many of you, I remain in this building from Friday last until today. I was most impressed with the sincerity and the efforts of those who were involved on the negotiating teams. There was tremendous progress made.

It is with raw amusement that I read the daily press, which would characterize this great compensation debate as a personal dialogue between our Governor and the Speaker of the other Body. It seems to me that there are 185 other Legislators who have made known their views and have been very involved in this whole process. Democracy is, in fact, a difficult form of government to master. It does not always run as smoothly and as efficiently as perhaps some people would like. But it does, when working properly, reflect the views of the people. I think that those of us who were involved in the negotiating process tried to reflect those views. Without question, any package that would result would raise questions in some people's minds. I am sure that some people could not vote for a final package. I sincerely believe that the final package, the package that was being negotiated, would meet with the approval of the majority of the Legislators if they had the opportunity to vote on that issue on its merit.

I stand here tonight knowing that we have on the short term, failed. I have no doubt that with good will, we will be able to work out a package on Workers' Compensation which does address the main concerns of all parties. But that really isn't the issue. What we are being asked tonight to do is to vote upon a Budget Package, a package which is essential. A package which the State of Maine are entitled to. They elected their Governor, they elected their Representatives and their Senators to Enact a Budget and a Tax Package, and we have done that. That is our primary responsibility.

I do not have the power to make this Budget become law. Some of the people in this Chamber do have that power. I will ask you to search your consciousness, and ask yourself whether your commitment to additional changes in Workers' Compensation really justifies the tremendous hardship we are visiting upon the men and women of our state. Like all of you, I was greatly saddened when I arrived at the State House this morning and met with the news that a very good friend, and a very loyal worker in the Revisor of Statutes Office died. All of us will question how long this process would occur before tragedy confronted us. Now we know the answer to that question. We are playing with fire. We have a responsibility, a legislative responsibility, and a moral responsibility to enact a Budget. I cannot in good conscience justify harming the people of our

state any further. The people of my caucus have shown not only a good faith desire to work out a Workers' Compensation Package, but a most impressive understanding of the issues involved in Workers' Compensation, the need to clearly reduce costs, while maintaining a true sensitivity to the needs of working men and women. There is no reason why we cannot in a reasonably short time period go on to finish that agenda. But the task before us tonight, Mr. President, is to pass a State Budget. We all know what is right. I urge you to do the right thing. 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 also share a great deal of concern over the item that is before us tonight, the passage of the Budget. I would suggest to you, however, that our Budget Packages frequently include linkage, and/or other issues, and/or other programs. I would remind you that in this particular instance we had some \$300 million of new taxes that are included in the Budget Document. Those came out of a Taxation Committee Report, and were originally in another Bill form, and in the course of time transferred to this one. I recall a couple of years ago when we passed the Maine Health Program, and that, too, was in a package. I recall in 1987 when we did work on the Workers' Compensation Act, that it, too, had linkage, and was in a package. It seems to me that had we had the opportunity tonight to overcome certain parliamentary procedures, there were people who did have before us certain amendments that may have provided for passage of a Budget on a short term basis, and provided some time to reconsider our action relating to Workers' Compensation changes. Unfortunately, that did not happen, so we don't have that opportunity.

I agree with my good colleague, the Senator from Androscoggin, Senator Gauvreau, that in due course we shall probably overcome. We shall probably enact, in due course, a new Workers' Compensation Law. Unfortunately, we have at times, those of us, particularly, in the Minority, found it necessary to utilize other vehicles in order to put these things before us. We know that there are true philosophical differences in our views of the Workers' Compensation Law. For sure we know that we have the most expensive system in the country. And for sure we know, that if we are to promote the economic well-being of this state, we do, in fact, need to make substantive changes that will decrease that excessive cost to business in the State of Maine.

I know that it is difficult for all of us tonight to vote on this Bill. I concur with my good friend, Senator Gauvreau from Androscoggin, that he has probably suggested precisely what the vote may be. But, I hope that you might consider the possibility of permitting some attempt at resolving this through other ways. Thank you Mr. President.

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

Senator **BOST**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I could not let the remarks of my good friend and colleague, Senator Collins of Aroostook go unanswered. Surely the Senator is not suggesting that the Governor's Tax Package, the Governor's own Tax Package, is analogous to any linkage issue. That was decided by unanimous vote of the Appropriations Committee, and the Taxation Committee, to roll that into the Budget as the responsible thing to do. The good Senator knows that full well. And to suggest as he has that this is somehow an example of how we have set precedent for linking Workers' Compensation to the Budget is clearly wrong.

Unlike the good Senator from Aroostook, Senator Collins, who just stated for the Record, "That it is going to be very difficult to vote on this Bill", it is not difficult for me to vote on this Bill at all! I have voted on this Bill over, and over, and over again. The people who are sitting in the back of this Chamber deserve no less.

I was discussing with members of my caucus a little bit earlier today what I believe to be the big picture. Certainly there are a lot of big pictures, everyone has their own ideas. But I prefer to see this debate, this prolonged debate, this prolonged period of agony that we find ourselves in, as a political dilemma, and nothing but a political dilemma. It has nothing to do with Workers' Compensation, ladies and gentlemen of the Senate, it is who drew the short straw. In this case it happened to be the Labor and Banking and Insurance Committees, which unfortunately could not arrive at a unanimous bipartisan consensus on the issue of Workers' Compensation that they had labored on for months. It could just as easily have been the Tax Package, or the Budget that would be holding up this process tonight. Consider, if you will, had the Taxation Committee not done its work and arrived at a unanimous conclusion, we would be debating that tonight, and rightfully so. The Governor's proposal to raise the largest amount of new revenue in the history of this state, we could very well be debating that tonight, and not Workers' Compensation. We could be debating the Budget tonight had that emerged in a Divided Report, containing some of the most devastating cuts that I have seen in my nine years of legislative service. But we are not discussing that tonight, we are discussing Workers' Compensation. I believe that the agenda has been very clear from the very beginning. One way or another, one of those three components was going to be held out in prolonged fashion, and the people of Maine, through the shut down that we are currently experiencing, would be held hostage. I believe the Governor has sought nothing less. I believe that the Minority members of this Body have sought nothing less. If I am wrong, you will be able to prove it by your vote on this Budget tonight.

I am distressed. I spoke with a state employee who I did not know, who was given a pink slip today. He had worked over twenty years in a particular state department. He was let go arbitrarily, as were eleven other members of his department this morning. He shared with me the plight of a colleague of his who was laid off. His wife is disabled. He has a Down's Syndrome child. They have no money in the

bank. He told his friend and colleague of twenty years that he didn't know whether or not he could go on. Ladies and gentlemen, that is the human dimension. That is the very real human dimension of our actions here this evening. I find it deplorable that we are at this juncture. I plead with you to Adopt this Budget.

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

Senator **CLEVELAND**: Thank you Mr. President. Ladies and Gentlemen of the Senate. We find ourselves here this evening once again unable to proceed with the business of the people of this state, and do the most basic function that we need to do to provide a Budget to carry on the functions of this government. We find that because the thirteen Republican members of this Body find that they are unable, not one of them, not the necessary two or three, to pass a Budget. The reason that we can't apparently do that is, because there is a problem with Workers' Compensation. That problem must be dealt with before we can deal with the other problem. We are here past the session into July to deal with that issue. As you know, I also feel very strongly about the Workers' Compensation issue, and feel that we must do better. But what I find very curious, ladies and gentlemen, very curious, if Workers' Compensation is such a critical issue that we cannot have a Budget, if we must direct this havoc on the people of this state, and do untold damage and proceed in areas that are unchartered on what may develop, if this is such a critical issue to this state, where was the Governor in January? If the Governor was elected, where was the comprehensive proposal to solve this problem early in the process that we could have all addressed, and that we could have all debated, and we could have all judged the merits? If elected as a Governor, or a Senator, or any other member of this government, and we feel that there are issues that must be dealt with, do we not have a responsibility to thoroughly consider what those problems are, consider the solutions and bring them forward to our colleagues for resolution in a democratic process of debate? Does government require that we wait until we shut it down before we deal with the issue? If this was clearly a problem of this magnitude, which it seems to be, it seems to be of such magnitude that the Governor feels that we must shut government down, then where were we earlier on to deal with this issue? Where was the leadership? We chose instead to rely on the process. We did not bring a comprehensive solution, but rather we said, we would rely on the legislative process to craft the solution. The Executive Branch participated and allowed that to happen without bringing forward a comprehensive proposal.

Yet, now what we hear is that we don't have any confidence in this legislative Body to deal with the issue. We must keep State Government shut down because we cannot trust ourselves to be responsible! We cannot trust ourselves to do the right thing! So this is the only way that we can show responsibility, by hurting the entire state? I suggest to you that they have little faith in us. The Governor has little faith in us. You, members of the Minority Party, have little faith in us. You saw the ability and the

willingness to solve the problem. Individuals here have gone beyond what would be normally expected of any other normal human being to find solutions. We came within a few inches of doing it. There is no reason in my mind to believe that we now lack the responsibility to complete the job if we can get about the business of letting this state run again, and we solve the Workers' Compensation problem, and make it better than it is, if you can just continue to have confidence. If the Governor and others didn't have the solution in the beginning, then you had better have some confidence in the ones that are here to solve the problem, because that is all there is.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We have heard a lot in the last two weeks from the good Senator from Franklin, Senator Webster about taxes, and how Workers' Compensation Reform has to be done to offset the \$300 million in new taxes, and we have heard the same tonight from the good Senator from Aroostook, Senator Collins. I think we better take a look at that for the fallacy that it is.

The Tax Package that the Governor proposed, and that this Legislature by unanimous vote, as was explained to us by the good Senator from Penobscot, Senator Bost, brought to us the \$300 million Tax Package which contains 15% taxes on business. \$300 million in taxes, \$43 million of that are corporate taxes, and will effect the profits of business. Where do you suppose the rest of those taxes are coming from? They are coming from you and me. They are coming from regular people, they are coming from the sales tax, they are coming from nonprogressive taxes, they are coming from some progressive taxes, thanks to the work of the Taxation Committee. When we hear in this Body as we have heard over, and over again, that we must have this Workers' Compensation Reform, and I agree, there is not a person here that does not agree that we need to have Workers' Compensation Reform. We all want to have as much as we can. We want to save our businesses as much as we can. That is not a subject of argument. But, when we hear that we have to have this Workers' Compensation Reform, so that we can offset this \$300 million of taxes to business, that is a fallacy. In fact, that spells to me like something we have heard all through the 1980's, and that is Supply Side Economics. There are taxes being levied on all of us. It is going to effect all of us. And yet, the only place that this Governor is concerned about relieving that burden is to business. Offsetting the direct and indirect business impact through the Workers' Compensation System, would address 48% of the total value of the Tax Package. The remaining 51% of the Tax Package would fall on us as consumers. Shouldn't our Governor be concerned with offsetting the burden of that Tax Package on we, the little people of this state, the consumers of this state? The reason that he is not is, because this is Supply Side Economics, just warmed over from the 1980's.

Let's think about what that did for us in the 1980's, the Supply Side Economics of the Reagan

Administration. It was supposed to save money and give it to business so it could trickle down into jobs. Remember that? Are you better off than you were ten years ago? I ask you that. Do you have more jobs? Do we have more business in this state? No. But I will tell you what we do have. In 1980, Chief Executive Officers of Corporations made 45 times more than the average factory workers in their factory. Guess how much they make today, thanks to Supply Side Economics. They make 90 times more than the average factory worker in their factories. Through the Supply Side Economic miracle, what we found was that the richest 1% of this country, we saw their incomes rise 110% over the course of the 1980's. What happened to us? We saw our incomes go down. We saw our average tax incomes go down. This happened to such a degree, there was such a proliferation of excesses, overheated stock markets, junk bonds, leveraged by hostile takeovers, S & L's, inflated art, this is what Supply Side Economics brought us. There was so much of that, that the number of yachts owned in this country grew to such a degree, that the phone company had to put in two new area codes in the Atlantic and Pacific Oceans. That is what Supply Side Economics got us in this country. That is what we have been fed here for the last two weeks!

Demand side solutions are much more effective. So lets put this to rest when we hear we have to offset the cost of these \$300 million of taxes by ringing out of a turnip, blood out of a turnip, whatever you get out of a turnip, to offset that. Let's just call a spade a shovel. Supply Side Economics didn't work in the 1980's, and it is not going to work now! Thank you.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Workers' Compensation is a very important and significant issue that divides the State of Maine. There are some issues that have not been raised that should be raised that is part of the big picture. Members of this Body should be aware that Maine has one of the highest unemployment rates in the country. Loring Air Force Base is going to be closed down, and thousands of people are going to be laid off. Business bankruptcies are at the highest rate ever. Maine's utilities charge one of the highest rates in the nation per kilowatt. Maine's taxes are in the upper end of the top ten in the country. Workers' Compensation Insurance to help injured workers through their illnesses or injuries in the work place is something that businesses believe is a shared responsibility, it is a no fault system. It is not in itself the issue that is going to bring the State of Maine down, but it is certainly a significant issue. It is one that needs to be addressed. By saying that the rich are going to get richer, that may be true, and it seems like whatever we do whether it is here or in Washington, we just can't seem to get at the rich! We passed a Luxury Tax in Washington, and we are laying off ship builders on the Coast of Maine. The rich are buying their yachts somewhere else. So who are we hurting, and who are we helping? By always saying that we need to get at the rich, we are burdening more and more the working

men and women of this state and of this country. I believe that we ought to have a fair system, a system that doesn't bankrupt the businesses, and at the same time provides for benefits for the injured worker, and a safe and speedy return to work, which should be the entire focus of the whole system.

I think that is very important that we Adopt a State Budget. I do believe that they are separate in that sense, and that they should be dealt with separately. I think that it is very important when there are people's lives, and people who are working that are dependent upon that. I also believe that in the last few days that there have been more good faith attempts at reaching a compromise on the subject matter, and I think that is something that should not be discarded. The one frustrating thing for me, as an individual Senator representing people in Bangor, is that I don't want the innocent men and women who are working for the state, who are serviced by the state, are being taken care of by the state, to be caught in a political vice, and unfortunately, the innocent victims. I think that our role here is not Democratic, or Republican, or Independent. But our job here is to try to do what is best for the citizens for the State of Maine. That is our goal, to be fair to them. I think that excursions in any other direction do not help our process to resolve itself. I think that there are good people, and hard working people on both sides of the aisle, and I think if they are given an opportunity, that they can work together.

It has been a very, very frustrating session for me, as it has been for many of you. It is one in which I thought after nine years you would think that these things would get easier, or you would at least know what is happening, but they just seem to get worse, and worse, and worse. They certainly are not very enjoyable. Sometimes when I have a fit of frenzy, and people talk about organized crime, sometimes when it gets so frustrating and there is a log jam up here, I wish that there were, in a fantasy sort of way, and that way it would just release the log jam. But that is not reality. I just think that it is very important for us to keep the decorum that we have, and to stick to the issues, to pass this Budget, and to trust the people that have been willing to work together on the issue, to work together to resolve it. I think that it is far more serious and far more dangerous if that issue is not addressed. I think that those people who have promised us in good faith are going to have a lot to answer for. Thank you Mr. President.

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

**Senator CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all, I would like to begin my brief remarks by telling each and everyone of the membership here how much I appreciate the personal and financial sacrifice that you have all made by extending this legislative session to a record number of days. I recognize that everyone here has made a sacrifice, and I think that some of us are beginning to make health related sacrifices. I appreciate that, even though I don't agree with my good colleagues from the other side of the aisle, I do appreciate their willingness to hang in there, and to work with us to the bitter end if necessary.

I would also like to extend on behalf of the Republican caucus in the Senate, our deepest regrets to the Reviser of Statutes Office for the passing of their beloved colleague, Joan Levesque. We are all very saddened to hear of her death today, and I am sure that we all will say a prayer tonight on behalf of Joan Levesque.

I would also like to say publically how much I appreciate the effort of the Presiding Officer, Senator Pray of Penobscot, for not only his financial and personal sacrifice being here for probably longer than any of us, but his willingness and his quick thinking in bringing the Legislature back in Special Session last night when confusion seemed to reign. I do appreciate that, it was quick thinking, and the members of the Minority Party appreciate that as well.

I guess that you could debate all night whether or not a vote on this Budget is a political vote, and I am sure that there will be thirty-five different opinions of how that is a political vote. But I think that one thing is particularly clear, and that is that the vote that we take tonight is certainly an economic vote. I think that all of us agree with that. Regardless what anyone has to say, we are voting for \$300 million of new taxes, if you vote for this package tonight. While I guess we could also debate whether the \$300 million is necessary, and who proposed it, and who supported it, the fact remains that it is the second largest tax increase in the history of the State of Maine. The good Senator from Kennebec, Senator McCormick, did mention who ultimately pays for that tax increase, and she is absolutely right, the consumer ultimately pays for that tax increase. I wonder if that is a mute point, or is rapidly becoming a mute point, because rapidly jobs are being lost in the State of Maine.

We heard from the Senator from Penobscot, Senator Bost, a story that we all sympathize with, the state employee who received his pink slip today, and lamented about how he was possibly going to go on. I do have sympathy for that. I think that is a terrible situation. I also have sympathy for the employees in dozens and dozens of small businesses across this state, W.S. Libby from Lewiston, Ethan Allen from Burnham, National Sea Products from Rockland, and dozens more, small businesses who have either closed their doors, or substantially reduced their work force because of among things, the high rate of Workers' Compensation in the State of Maine. I feel very sorry for those people as well.

We are talking about this being a peoples issue, and it is a peoples issue. I also commend the people that are behind me right now, because while demonstrating their American and Democratic right today to demonstrate, not only in the Park across the street and on the State House lawn, and in the Halls of State House, I found them on the most part to be nonthreatening. They have physically left the Senators alone, they have not pushed or shoved. I know that members of my caucus certainly appreciate that. I do feel sorry that they are in that particular situation. But I think tonight that we're voting on an issue that effects each and every citizen of the State of Maine. That is why the members of the Minority Party, the Republican Party

are willing to stay here for as long as it takes to solve the problem that is before us. We will offer amendments, we will do whatever is necessary to resolve the two issues that are before us.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to first respond to the good Senator from Aroostook, Senator Collins, and the good Senator from Penobscot, Senator Baldacci, when they state that Maine is having a problem with Workers' Compensation, Unemployment Compensation, and Utilities charges and taxes, I don't think that anybody disagrees with that. We all agree to the fact that we have a problem with Workers' Compensation, and we are all ready to help address that situation.

First and foremost, we must address the problem that the good Senator from Sagadahoc, Senator Cahill said is before us, and that is the Budget. What amazes me is, when I think that if it hadn't been for the action taken last night, we would already be done. We would have a Budget and we would have a Workers' Compensation Package. That is how close that we were. Very, very, close. No question about it. The actions taken last night by the Republican Minority Party of this Senate, has to rate closest to the most irresponsible act that I have ever seen at any level! I have yet to hear the basis for the actions that you have taken. I have seen things in the paper, general comments, but I haven't seen specifics. Because you see, the Governor last night, I think, knew that we were very close. I don't think that he expected your action, I really don't. And Governor, if you are listening, I am one of the people that believed that you had nothing to do with this. I really don't believe that you had anything to do with this shut down. Democrats that worked on the package thought that they were close. The Republicans that were working on the package thought that they were close. As a matter of fact, after this whole thing blew up last night and ended, the Governor made the comment to the press, "We are five or six words apart, maybe". Those are the Governor's words in the interview last night after we blew up over here. We were five or six words apart, maybe.

Now the good Senator from Franklin, Senator Webster, was not here, and I hate to say anything about the good Senator when he is not here, but he made the comment in the paper, "Those four or five words meant 25,000 extra jobs"! 25,000 extra jobs in four or five words! My God, we should put in another twenty words if that is what it means. What I want to see is what four or five words those are that make up 25,000 jobs. What are they? I want to know what the five words are that make up 25,000 jobs. That is a specific question. It should be very easy to answer. He made the comment. He should be able to answer it. Because if that is all it takes, then maybe we should include those four or five words! I don't think that the labor organizations of this state, the Democrats of this State, the working men and women of this state, the Republicans of this state, would mind adding four or five words to any Bill if it meant 25,000 jobs! But obviously, we are not going to get the answer to that either.

Last night when it was time to extend, we saw another version of political blackmail. No question about it. Political blackmail. The resurgents of the "gang of thirteen". Self-proclaimed. Self-named. "Gang of thirteen", who stand united on this issue. Good! This state is divided. This state is crippled. This state is in chaos. We have people out of work. We don't have food on people's tables. We have programs that are not being served. We have services, whether they are recreational or other services not being provided. But regardless of all these hardships that we are providing or giving the people of this State of Maine, just remember, that the "gang of thirteen" stands strong.

Last night at 11:30, I was with Joe Edwards, Superintendent of the Insurance Commission. We were talking on language on another issue, not related to the four or five words that people were part of. We sat down and tried to figure out what to do with the language, we were both tired, we had been here until 4:30 this morning, and the Commissioner said to me, "Why don't we come here early tomorrow morning, because we are going to extend". I thought it was a great idea. One thing about this process, I am not one of those people that has a problem with Joe Edwards. I think that Joe Edwards has done a pretty good job. I think that members of my caucus would send me packing for saying things like that. But I have always had a pretty good relationship with Joe Edwards, and it continued last night. There was no problem at all. Come in tomorrow morning, we will settle this, we will get this done and then leave. I thought that was a good idea. Then I walked out of the office, and I ran into the Finance Commissioner, Sawin Millett. You know what Sawin said to me at about 11:45? He said, "You had better get up there and pass my Budget. You have only got fifteen minutes to pass my Budget." I turned to him and said, "We are just making you sweat again". Good humor. We had no indication at all last night that this was coming down. I have to believe in my heart that the Governor is not responsible for this. As a matter of fact, when I found out about it sitting on that bench over there, and the President came out of the office and stated that the Republicans aren't voting for this, I was shocked! I just couldn't believe it, because I had also talked to business people, and asked, "Would you please go talk to the Governor. This is your big thing, Workers' Compensation. We are there, we have got thirty points, maybe twenty-nine, if the language doesn't get straightened out on this last issue. But that is \$150 million in savings for you people. And if its not put to rest right away, it may fall apart." These people went to speak, supposedly to the Governor, came back and said, "Everything is okay". That was between 11:00 and 12:00, too. Then I come in here and asked the good Senator from Franklin, Senator Webster, "What is going on?" He said, "We are not voting for the extension". I go to my desk and call the Governor, "What is going on"? The Governor said, "The Republicans are not buying it, Duke". I said, "Thank you, I will listen to what Senator Webster has to say". Up until that time, the people working on a compromise for Workers' Compensation had done so in good faith. There were a lot of no's in here, and there were a lot of yes's, too, but when someone says no, it doesn't end negotiations. It doesn't end compromises. We were coming back today, this morning, to finish up on the



language. That was all thrown out by the actions that you took last night! Today, you come here and say, "Well, forget about that. We have got another extension for one day. It is okay now. We threw 10,000 people out of work for a day, last night, let's forget that. It's okay now. Forget what we did. Let's all be nice today, and we will compromise and negotiating again. Let's forget the fact that we threw 10,000 people or more out of work again." I can't do that. Because we are back to the old game of political blackmail. The kind of thinking that says that you can take hostages, take 10,000 people hostage until you get your way. That is not good faith! You know what it leads to, it leads to what it lead to last night. You saw it work last week, you saw us come up with this plan to work for four or five days, and you tried it again last night. At the last minute you said, "If you don't accept the language, we are shutting the state down". You did it again. That is not good faith. What we see now is, if we go for one or two more days, the same thing is going to happen. People in Maine don't want a one or two day Budget. They want a Budget! Then they want us to address the problem of Workers' Compensation. I stand here with the same commitment that I have in the past. Pass the Budget, and I will give every effort that I have to resolve the Workers' Compensation crisis. Every effort! But understand, the more time that passes between this time and when we actually get to that point, there is going to be a lot more hardening of positions. Think about it. I guess people are going to say, "You are not going to be voting for this, and you are going to be keeping your positions that will keep people out of work. We are going to bring you to your knees." Is that what you are saying? People of Maine don't want that type of government. They don't expect that type of government. This goes against everything that we were all brought up to believe in this country. Everything! I think that we have to start making some very serious choices. I think that it has to start today, people have to be serious that they are going to work together on this issue. And by the way, I have already approached the business people on this, and I told them they would have to trust us on this one. They ask, "What insurance do you have"? You are going to have to do a good job lobbying, like the process is supposed to work. Legislators have to convince other Legislators, like the process is supposed to work. It has to start today, because if we don't, every day that we go on, we are going to continue having these discussions. If you believe in the process, if you believe in yourselves, and if you believe in the members on the other side of yourselves, on both sides, it has got to start today. We do that by passing a Budget, and setting a day to come back, immediately, to work on Workers' Compensation. I commit myself to doing that. Will you commit yourself to voting on the Budget?

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

**Senator BRAUN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I welcome the opportunity to be heard, and I will say right now that I don't have a flowery speech, or I will not be as eloquent as the good Senator from York, Senator Dutremble. In fact, the truth is, I came in here very early yesterday morning, I come here very early

every morning, because that is when I get the most work done. I sat up in the Banking and Insurance Committee, I took the mounds and mounds of paper and regrouped them again, as I have done again, and again, and again for the last six months. I made points that I wanted to recall and remember that we had gone through that day. But the point that I want to make now is, that sitting out on my desk, I don't have it in front of me this minute, so this is going to be from the heart speech. The first thing that I need to say right off that I said before, it isn't easy being in the Minority. I don't like having gag orders or being put down. I agree with the good Senator from York, Senator Dutremble, that we all came here, we were all elected from our Districts to serve our people, and that is our job. But I was very upset, and if you would allow me, and I appreciate the opportunity, because I was not allowed to speak last night.

**THE PRESIDENT:** The Chair would correct the Senator from Knox, Senator Brawn. You had attempted to speak after the Legislature had officially run out of time, it was not that you were not allowed to speak.

**Senator BRAUN:** Thank you Mr. President. I apologize. I think it is very important that we know that the Majority rules. We know that you rule. We are not trying to hold you hostage. We know that the Minority only may be heard. I appreciate the opportunity to be heard, because you know, when I left here last night, I didn't sleep all night again because of thoughts, but the thought came to me this morning when I awoke, it was that we have met the enemy, and it is us. It is all us. I came in this morning and I went to higher authorities and said, "I will stand up and take the blame, I will take every bit of the blame if this problem will go away." But I was told not to, but I still would, because I think we are acting like kids in a sand box. I know we are. I guess that we are probably going to hear a lot of frustration, because now I am one of the "gang of thirteen". But now I am one of the seven behind locked doors. I have been here and I have watched people. I have seen what happens in negotiations. Ladies and gentlemen of the Senate, when I first came here I was told that there were two things that you never want to see being done. One was making sausage, and I used to work at Swift, Inc., and I can guarantee you that you would not like that smell, that is true. The other thing is making laws. It is a fact that trust has broken down on both sides. That is why I appreciate an opportunity to be heard, because I feel very strongly, I was one of two that felt that we signed a Budget way too early on Sunday night, I felt that we should have stayed and worked longer. I felt that we were miles apart. I could go on, and on, and on, but I don't want to. If any of this is important for the Record, I hope that I won't forget it. I know that there are big philosophical differences between us. We all know that. But just for the other side of the coin, this is the first time I have ever had the opportunity, and I will be thankful my entire life for the opportunity to sit behind closed doors, and negotiate, and work on opportunities. But you know what? When you come out of those closed doors, the thing that I saw that upsets me was, that when we came back the next day, and things that we thought we had already ironed out, we thought that particular part was done, but when we



came back they would say, "No. My caucus will not buy that, or it isn't going to work". It was so confusing in the process, and being fair to us all, that I spent from 11:30 until 12:00 in the Governor's Office last night on purpose, because I wanted to watch the game playing that I had watched. Without bringing in names that we don't need to, there were great disagreements on, for instance, being compensable. We were told from day one that no one would move on becoming compensable. Attorney fees, lump sum settlements, big issues! For the Record, about 7:00 last night I went to the Office of Policy of Legal Analysis, and went down to our draft person and said, "How are we doing? We must be almost there." I feel I am in court, I wish that I could submit this as evidence. This is a list given by the nonpartisan drafting people saying, "Agreement not known by Office of Policy and Legal Analysis", such as state wide job search, date fund trigger, servicing fee, there are about twenty things on here at 7:00 last night, ladies and gentlemen! So again, I have kept this time table for resolution of this Budget impasse, and I can read, and it says on the very last part of this, "Tuesday, July 9th, and/or Wednesday, July 10th, this is what we should have done, Legislature Debates, the Workers' Compensation Reform, and satisfactory Reform Package, after the Workers' Compensation Reform Package is passed, the Legislature repeals the sunset provisions on the Budget and Highway Budget." I, in good faith had believed that this was the time table, this is what we were going to do. I got kind of confused when at 7:00 we hadn't done this, and nothing had been done, and finally, at 11:45 where are we? Again, for evidence, here is the document of language that people had not even agreed on. Then in fairness to everyone, 11:55, what about the language? Well, they won't sign off. No one will sign off. Again, it may be a break down in communication when you are in a two minute or a five minute period of time, I think that we are wrong putting the blame anywhere. I think that we are all guilty, ladies and gentlemen. All of us are guilty. But I would like to try and bring my remarks together to say, can't we stop blaming. We keep saying it, and this is the same thing all over, and you are rolling your eyes, and you wish that I would sit down. I have pledged myself. I haven't been to my house for two weeks! I am longing to be on the Coast of Maine! My people, thank God, were here today to see me, they even brought me flowers. But I am sincere, ladies and gentlemen, but I would have stayed. I am sincere. It was my opinion at 11:55 that there was no agreement. I read what was here. I believed that in good faith that is what we were going to do! We were told that it takes six hours to draft language. I would have stayed here for six hours. I will stay as long as it takes, but I really do want to go home, but I will stay as long as it takes, if we are accomplishing something. But not if this minute we say we are this close, and then tomorrow we come in and we are told that their caucus won't accept that agreement, and we will have to try all over again. I appreciate the opportunity to share my thoughts..

I guess I will end by saying, you have heard that old crazy saying, "That the opera ain't over until the fat lady sings". Well, thank you for letting me have my opportunity.

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

**Senator MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all, I want to correct one comment that has been made by the Minority Party in this Chamber. With respect to the Ethan Allen Company in Burnham, it is no question that Workers' Compensation was an issue there, a big issue for that company. But I also want it stated for the Record that this particular Senator, who represents the people in Clinton and Pittsfield, tried to get the Governor to come to Ethan Allen, with the company President, and the workers, and the management, and we couldn't get the Governor to come before the company left, because it was an election year. We tried to get the Governor to come to Burnham, to see what we could do to save those jobs. We couldn't get the Governor to come, for the Record.

I think there is another issue, ladies and gentlemen. It has been mentioned by the Minority Party here that there are philosophical differences. I guess that is true. With respect to Workers' Compensation, yes, there are some differences between Democrats and Republicans. But there are also areas that we can agree. As a moderate Democrat, I am very, very much concerned that the scenario that has been played out by the Governor, maybe not last night, but before by the "gang of thirteen" in this Chamber, have made it very, very tough to find common ground among moderate Democrats, and concerned Democrats, that have always been able to be there to forge compromise. One of the philosophical differences that has aggravated that problem, in my opinion, is the use of the state employees as a hostage. I have tried to grapple and figure out why. Why are we here? Why has this happened? I have come to my own opinion about that issue, and I would like share it with this Body. I believe, ladies and gentlemen, and it hurts to have to say this, that we have a Governor, and we have a Minority Party that has been able to use a work force as a pawn, and getting ready to play back home, outside of Augusta, that we just shut down the state. The big, bad state. But who has been hurt by the shut down? People that need services, the sick, the injured, business people, every citizen in this state has been affected, as has been mentioned. I think that the chasm and the rift that has been created here by this game plan is just awful. An attempt to divide the Legislature into those that support business and those that don't. Those that support labor and those that don't. Those willing to use state workers to advance their own interests. It is awful. Absolutely awful! I heard in the other Body the word unconscionable. And I believe that is an appropriate term. We, as Legislators, ladies and gentlemen, over the years, in my nine years of service here, have been able to work out differences. To play fair. Yes, politics enters in, no question, and some things over my nine years that I wish were different. But never anything like this. Never has it been so bad! That easy pawn, and I need to say to the business community, you have made a big, big mistake, a big mistake using state workers to advance that issue! Terrible! A terrible mistake! It hurts! I consider myself a Democrat that fights for labor, but one who is receptive to business. I think that is the way that the citizens of this state are. I believe that the Majority Party has been very, very responsible,

trying to play fair. No victims. No hostages. From a historic point of view, and then I will shut up, the Republican Party was a Party started to stop slavery. Well, Minority Party, stop slavery tonight! Let the state workers go home and go to their jobs tomorrow morning!

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Throughout this whole debate that has taken place over the last several days, I keep going back to about a week ago when this whole issue really hit the front burner, and a basic principle keeps playing over and over again in my ears, and that is, that in the very beginning Democrats were told, "If you do not do this, we will do thus and so". The "this" that we were expected to do, was to pass a Workers' Compensation Package that would allow such atrocities as, an elderly person who had worked in a shoe shop for 30 or 40 years, and who was crippled by repetitive motion of the task of the work, who did not have the great fortune of having an immediate response to that repetitive motion, it may have taken years, in other words there was no accident in an immediate result, an elderly worker whose hands might be crippled by their job, would be eliminated from protection under Workers' Compensation. A young worker whose lungs might be poisoned by a chemical on the job, maybe the poisoning wouldn't happen in a matter of a few hours or a day, it might take three weeks, or six months, or maybe five years, what we were being asked to do was to sell out on these workers. Now you can cloud this with all that has happened since then, but the basic issue is, that this state in the beginning was shut down because we said, "No. That price was too high". To those that I have stated this to before, I apologize for repeating it, but I feel like someone that I love was kidnapped. Now if the kidnappers ransom was \$1 million, I would one way or another, whatever way I could, find that \$1 million and retrieve that person that I care about. If the price was \$100 million, no matter how much I wanted to, no matter how much I know that it is the thing that I would like to do, the price is too high. I don't think that there is one among us who does not want a Workers' Compensation Package. We can certainly see it in people's faces and in their eyes as they talk about it. But we cannot be expected to sell out on the very principles that we stand for. In the very beginning, for whatever has happened since then, we were being asked to do that. That is ethically wrong. And because we would not do it, the state was shut down.

Now I coached athletics, as I told you, for many years, and I always knew when I played a game with another team what their work ethic was, or what their game ethic was. I would know when I went back the next time, if they had played a dirty trick on me the first time, I would not forget it. I would be very cautious, and I would be very concerned. I felt as if the first quarter of this game was very unethical.

Those of us who have very strong principles and very strong feelings about protection of legitimately injured workers in this state, the people that are the backbone of this state, these are not people that

incidentally being a Minority are not people that are cheating a system, these are people that have devoted their lives and everything that they have to performing a service for this state. They have contributed. They were injured. Do we turn them away? That is basically what we were asked to do, be willing to sell out on the most basic principles that we have, or else we are going to shut workers out all over the state. What would we be asked to do? To sell out on the very principles that we ran for office on, as Representatives of our District? I will tell you, I went to my District and said to my constituents, and they, as you know are both Republican and Democrat, and I said, "Would you have me sell out on the most basic protections of the Maine people? I am not talking the violations, the minimal numbers of violations by comparison. I am talking about the real, legitimate protection of Maine workers. Would you have me sell out?" And they said, "No. Absolutely not." But you know that the problem is, that the general public across the board does not understand the full ransom. They don't understand what the cost really would be across the board if we said, "Okay, we'll do it". I think if they did understand, if you think that these halls are full now with state workers, I think they might be full of workers who are not state workers who might say, "You have gone too far, you are trading off too much". The principle of a working person should not be to trade off their defense and their protection. That is what we were asked to do. Much has happened since then. And frankly, I think that the second problem in this is that many people wandering the halls don't know the specifics that they are battling to try to prevent, or battling to try and protect. I think if we asked a number of people in this Body to stand up and even define specific terms in the Workers' Compensation Package, and what those terms mean, we would get a blank stare. Yet, people are standing up saying it is all wrong. I think we have a lot of misinformation in the halls, and I think that we have a band of people who have worked very, very hard to do the right thing. Do we sell off? We were asked to a week ago! We refused to, and the state shut down. To me, this is a matter of principle. It is a matter of ethics, good faith, trusting each others motives. We have committed ourselves to do the right thing on Workers' Compensation. When we took our oath of office, we committed ourselves to do the right thing, to provide for the people of Maine, and the basic services that they require to survive. We are not doing that. You have to ask yourself why, because an unrelated issue has been tied to the Budget.

Now I envisioned in my mind a Governor who might have another special issue, or another special constituency that was very meaningful to that Governor. Say that there was a Governor who was vehemently committed to the environment, and it would be a blessing, indeed, if that were the case, but a Governor who is vehemently committed to the environment, and that person said, "The 'X' industry, all across the state is releasing chemicals into the air, although they are legal, they are creating a health problem to a number of people, and I want that corrected. So what I am going to do is attach an Environmental Protection Policy to the Budget." Now, how are they connected. Well, they are not connected. You could say that they are connected, because people who have health concerns very often

come back to the state and have to be supported medically by the state, so I guess there is a connection, but it is a rather illusive connection to a Budget. That is what is happening here. We have seen it this year on an Environmental Protection Board, we have seen it being flooded with industry representatives, and what I said in the Hearing was, "If this were a Business Board flooded with environmental people, rather than an Environmental Board being flooded with business people, we would have an entirely different prospective, wouldn't we". It just depends on where you are coming from. Well, I will tell you that I will put it on the Record that I am offended by the standards that were set in the beginning of this so-called not so funny game, and the price was indeed too much to sell out on, and I think now the best that we can do is move forward, and at least provide the basic services that the people of this state need and deserve. And then, with the certainly and the good faith that has been voiced over and over again of the people in this Chamber, to move forward and come up with a Workers' Compensation Package that protects all of the industries, and does not sell the workers down the tube at the same time, I think that is possible. I do, indeed, think it is time. 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. There have been some very eloquent speeches given here tonight, and I am sure that after my speech that there will be other eloquent speeches. But I have to report a death, not Joan Levesque's death, but a death at Popham Beach this afternoon, witnessed by one of my Hallowell constituents. That Hallowell constituent was sitting on the floor here, she had red shorts, sneakers, and a T-shirt on. She knew some CPR, but she was a bit rusty. There was a group that had been trained, they just received their certificates and were celebrating at Popham Beach, and came to the aid of the victim, a 60 year old man with diabetes that had a heart attack. They couldn't access the emergency equipment where the lifeguard keeps that equipment. I don't know CPR, and I don't know the signs. But what I know from this resident of Hallowell, who knows something about it is, that the victim had very healthy fingernails, that should have indicated to anyone who knows that the man's life could have been saved. There were two things happening. One was, that the man was vomiting. They couldn't get the equipment that would have suctioned that vomit out. That equipment was in the locked lifeguards station. The second thing that happened was, that they could not access a radio to call emergency personnel to get the victim to the hospital. The victim died!

We are not talking about Parties here. We are not talking about a group of thirteen. We are not talking about what the Senator from Sagadahoc, Senator Cahill mentioned, that this is an economic vote. This isn't an economic vote! This is a human vote! This is about people who die because state personnel are not at their stations! The Governor has the responsibility in a time of emergency to name essential and nonessential personnel. He has the

responsibility of putting those people at their stations. There was no personnel at this station, and a man died! We are not talking about economics. Money problems can be solved! Human problems sometimes cannot, and we die. How many more do we have to report? You may not have known Joan Levesque, and you may not have recognized her as she walked and worked in the bowels of this State House, but she did toil there, and she was one of ours. And she died! Not because there wasn't any personnel to help her to survive, because she did get to the hospital, but had she lived, can you, any one of you people who are refusing your votes on this Budget, can you look me in the eye, only me, not the Governor, not leadership, not anybody who is down making negotiations, me, look me in the eye, because it is your vote, and it is my vote that holds this up! Nobody else. We are the only ones. We are thirty-five people here. We are the ones that have the vote. Take that to heart! We are the ones. Do you realize that in the package, you haven't even presented it to me yet, so I don't know what is in it, but what I hear is, that in that package of Workers' Compensation that I am supposed to swallow before I put emergency personnel at life guard stations at Popham Beach is, the thing that says that if this woman had lived, and she had to put in a Workers' Compensation claim, would she, or would she not been covered under Workers' Compensation? A single mother, sick child, Workers' Compensation or not? What does she do? What do you want to happen to that woman who has worked for you, to produce your legislation to run the State of Maine? What do you want to do? Don't tell me about the Governor. Don't tell me about negotiations falling apart. Don't tell me about 11:55, or 11:00, or 7:00, because you know what? I don't care! What I care about is, that you have the guts to look me in the eye and vote against this Budget, right now. That is what I care about. When are we going to take it upon ourselves to do this? The woman who witnessed this drowning on Popham Beach wanted to stay, I would have liked to have asked the President to call her up to the Rostrum so that you could see, I tried to get up a couple of times, but others got ahead of me, the trauma of what she had witnessed, it finally set in, as we all know it does later on after the event, and she could no longer stay. She just couldn't stay. She was falling apart and she had to leave. The state is falling apart! We can't leave without voting this Budget in, sending it to the House, and then, as I did before, I give you my bond for whatever good that is, that I will work on this Workers' Compensation issue, and come to some kind of resolution for as long as it takes. But, you cannot, you can no longer hold up a Budget for the entire State of Maine. We are not talking about state workers. Those are mere instruments of the laws that we pass here. Just instruments of the services that we give here. That is all that they are. They can be replaced momentarily as you heard. Eleven people got their pink slips today. The state can be replaced. But State Government can't be replaced. It is here to stay. We are the voting members. We are the ones who have to give that vote. We are the ones who have to run this government. It is only us that has to do that. I have talked a lot of times on this floor. I have talked to the business people. I have talked to the members of the reform group. And you know what? I hear all kinds of accusations, and I have no intentions of making any of those

accusations. My only role, as far as I see it here, is to give my vote, and ask you to give yours. But, I understand from some members of that reform group, that they are not even pushing for this, that they know that they have made their statements, they are willing to back off, they are willing to back off. But somehow, the train has left the track, and nobody knows why. Well, we have the vote to get it back on the track. I plead with you, I beg you, to please pass this Budget. Let's get on with the business of this state as we should. Thank you.

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

Senator VOSE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have been reading Supplement 3 carefully, and for the life of me, I can't find anything in here about Workers' Compensation. It doesn't say it, yet, we have been talking for the last hour or two on Workers' Compensation. I don't know about anybody else, but I am going to be voting to give these people back their paychecks. I want to put them back to work.

I remember years ago when my wife and I were working in Maryland together, it meant so much to us to get a paycheck on Fridays, and I worked on Saturday. Saturday night I would listen to Jackie Gleason. Do you remember that tune? I couldn't wait to hear that song. We were comfortable. The kids were in bed. I had myself a little toddie. We had food in the refrigerator. I had been paid. I was happy and contented, and looking forward to that wonderful guy who has now passed away. Now these people out here remind me about myself at that age. I am going to be voting to put them back to work so that they can enjoy their Saturday night.

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. The last couple of weeks I have taken to the habit of not just listening to the very engaging and spirited debate in the Senate, particularly on this issue, but I have taken to actually writing down some of the remarks of the members of this Senate, so that I can share those remarks within the context of that debate. I often think that they are the best reflection of what is actually going on in the minds of those Senators, and I include myself. I stand by my words. But, a few of the statements that were made on this floor this evening were rather intriguing. I wish to share a few with you, if you bear with me. The good Senator from Sagadahoc, Senator Cahill said, "We appreciate the personal and financial sacrifice. I appreciate the personal and financial sacrifice we have all made." I don't know who she was referring to. I asked myself to what end have we been asked to make this sacrifice? A three point spread between the Majority and the Minority versions of the Workers' Compensation, is that what we are here for? Is that why we are denying these people their pay checks? A three point spread? She went on to congratulate the Presiding Officer for his quick thinking. Well, I am glad that there was some quick thinking last night as the clock turned to midnight. But I would maintain that although that there may have been an element of quick thinking in the Presiding Officers response, I

would characterize it as leadership. I would characterize it as filling a void. There was a vast void as of 12:01 this morning. The Senate President filled that void, because no one else, particularly from the Minority Party were able to help. She went on to say, "The vote tonight is an economic vote". I am sure that all the people here gathered will agree with that, particularly the state employees. She said, "I feel sorry for these people". You do? I will be watching your vote in just a few minutes.

The good Senator from Knox, Senator Brawn reminded us as she has in previous debates on this and other issues, that it is not easy being in the Minority. Well, ladies and gentlemen of the Senate, and friends gathered, it is not easy being a member of this Body, period! It is an embarrassment. I am embarrassed to leave tonight knowing what I foresee as the inevitable conclusion of this turn of events. She then said, "We have met the enemy, and it is us". Please do not include me in your characterizations, Senator Brawn. She went on to say, "I will stay as long as it takes to reach a solution, as long as progress is being made". I don't know of anybody in here that could disagree with that. But I would ask the question of the good Senator, are you an observer, or are you a participant? What did you do during that half an hour that you referenced sitting in the Governor's Office between 11:30 and 12:00 midnight to break the log jam? What constructive alternatives did you offer to the Governor, being an insider, being a member of the Banking and Insurance Committee? How did you vote when at roughly 12:15 a.m. we were given an opportunity to renew once again the faith ever so fragile that the people of the State of Maine have in us to lead when we were given the offer and the opportunity by the Presiding Officer of this Body to reconvene in Special Session? The good Senator from Knox, Senator Brawn was one of only two members of this Body that voted against creating this Special Session within which we are now debating this Budget, which means so very much to the people that are gathered here.

I am really quite tired of the demagoguery. I am tired of the falsehoods. I am tired of the smoke screens. I am tired of the illusions. I am tired of people projecting images that in no way reflect what they are actually trying to do. I would conclude with the most ironic example of that. The Bangor Daily News, on July 10th, on the front page on the Workers' Compensation deadline and the stalemate, there is a quote encapsulated for all of us to see in bold from the Chief Executive of this state. "It is very important that we keep government open. State employees are caught in the middle, and it is not the way that government ought to operate." Who is this man? What does he stand for? I mean nothing personal by that. I ask a question that someone needs to answer. Why did he say this on the 10th of July, and then allow State Government to shut down on the 11th? Why does it appear that the Chief Executive of this State is so detached from his very own words? Is it because he no longer has any influence with members of his own Party in this Body? Could he have brought no influence to bear on the decision in those fateful ten minutes before the First Regular Session of the 115th expired? I think that those are questions that need to be asked, and

questions that need answers. I think that we are engaging in a careless regard for the process. And if for my way of thinking a careless disregard for our oath of office.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have not been a member of the group working on the Workers' Compensation Package, but I felt that I must stand up. Last night when we were about to break off, I made a point in a hallway to speak to one of the members of leadership in the other Party, and asked if there was anything, anything that we could do to stay here. I was willing to extend and try to get other members of my caucus to extend so that we could, in fact, stay here and do the work that we thought we were doing. I don't know what happened about the Workers' Compensation Package. I know that I hear that we were three tenths of a point between what was our package and what was the needed amount that the Governor wanted. It bothers me, because I heard from various people during the course of the day that there was a lot of discrepancy on where we were, and at various times discussions broke off completely. I understand that there were four major points that were being negotiated, and by the time the clock rolled around to that magic time, that everything had been pulled out of there. I am really confused tonight when I hear what position Workers' Compensation does, what was in, what was out, what were the percentages, and what weren't the percentages, because I am hearing different stories from everyone I have talked to. I would like someone who was present all that time to explain just how close negotiations were, because I don't believe anyone here! And for me to say that, its hurtful! It is very hurtful, because everyone knows my interaction with every member of this Body has been above board. I don't get angry at individuals who don't see my way on things. I am probably one of the most easy going Senators here. I just have to work with everybody. I have no anger with anybody in this Body. I disagree with a lot of people. I agree with a lot of people. I resent being called one of the "gang of thirteen". I really do resent that. I happen to be a Republican who was elected by my constituency to do the job that they sent me here to do. I think that I am doing that!

The reason Workers' Compensation is important is, that I have a constituent who I have been working with for a long time, who owns a very small florist business on Broadway in South Portland. They have probably five employees. Their Workers' Compensation two years ago was \$6,000. They had one injury. Someone cut their finger or hand working in the green house. It was not a long term injury. They reported it. It was not a large pay out for Workers' Compensation. But two years ago on Valentine's Day, their son was delivering roses in Scarborough. Their son was killed in an automobile accident, not his fault. Someone else was responsible. Their Workers' Compensation went from \$6,000 to \$17,000! That is something that could drive them completely out of business. We can hear all kinds of stories. I talked to another person who owned a wood products industry. He happens to build spiral staircases. He had a large group of employees, and was forced to

cut down because of costs of Workers' Compensation, costs of the economy, people not buying spiral stair cases, and because he was a woods product industry person, his business was connected with the wood product industry, his Workers' Compensation for three people, two of them are men who work in his shop, and one who is a secretary, is \$17,000! That is ridiculous! He hasn't had any injuries, either.

When I look at those figures, I think if those premiums were down, we would be able to have those people hire more people in their firms. I am not about taking benefits away from injured workers. I have looked at some of the costs that a lawyers fee portion of the Workers' Compensation Bill has, and its outrageous! I apologize to the two attorneys that we have in this Body, and I am not sure whether they even work in that area, but when lawyers make the money that they do, and the people that are injured don't get the benefits that they are entitled to, that is a shame! That is something that I think I want to bring about. I don't want to cut anyone out. I am not trying to reduce benefits to people who really need them. I went out of the building the other night, and a member of the other Body came running up to me and said, "You want to take needed benefits out of Workers' Compensation. You don't want to pay for those needed benefits!" Well, that is not true! I said, "That is a lie"! The false stories that have been going around about this issue is confusing to me, because as I said, I don't have a true story from anyone that I have talked to on this issue, and I am not sure if we ask someone who was present to get up and just give a whole litany of what they saw in the package, that anyone else that was there would agree with it.

We heard about five little words from Senator Dutremble. We have had an opportunity in the last two days to add a few little words as an amendment to the Bill that is before us, that would extend our time, give us a little time to continue to work on this. I have to say that almost two weeks ago, when we were told that we needed more time, we extended one five day period. We need more time! We extended two five day periods. Need more time! What did we do, we put a time frame on it that it had to be reported by. That happened at 12:01 this morning, and that is why we are in the position we are in now. We gave time, we gave time, we gave time! And nothing happened! I am still willing to give more time! I think that it is really important to the people in this state, to these workers, they want to go back to work. Some of us do have relatives that are employed by the state, believe it or not! They would like to go back to work. I have friends, many friends who are employed in the state. They want to go back to work. But, more time, and more time, and more time, we have got to have something to get an improvement on Workers' Compensation. If holding up the Budget is going to do it, then that is what we are going to do! I think that people in this Body, there are thirty-five of us, many, many times we are like family. I appreciate every one of you from where you come, what you offer to this Body. We have always been able to get along, just agree sometimes, but get along, and I can't fathom why we can't do that again! I don't want to posture. I don't think that anyone else should be posturing. It is too late for posturing. Too many important things are going on. But there has got to be room for compromise.

You can point fingers and blame members of the Minority and say that we are obstructionists. You didn't use that word, but I felt it. Well, you are obstructionists, too, in not being willing to look at more time, sitting down and looking at this in a different light, maybe a new day. Shame on you! Shame on me! Shame on all of us in this Legislative Body for not being able to resolve this! I sometimes, in this last couple of days, have been ashamed to be here, too.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Several people have eloquently spoken, and as they spoke they asked questions. I wish to pose a question. I believe that we have to pose the questions directly, because several have been posed. I say, what is the difference, maybe the Senator from Aroostook, Senator Collins, or to the Assistant Minority Leader, more time, what is the difference between now and last night at 11:45 when we were all willing and seemingly in concert, ready to give it another day, and at least everyone in our caucus feeling, and others that we have talked to, feeling that it was about to come about. What is the difference between then, when everything was shut down, and now, when your amendments here would ask for another day or two? I would like a specific answer from one of those Senators who lead the charge to shut down last night. Thank you Mr. President.

**THE PRESIDENT:** The Senator from Cumberland, Senator Brannigan has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not quite sure that I lead the charge. I think I was a participant who recognized that we had made certain agreements, and we had, as the good Senator from Knox, Senator Brawn has indicated to us, adopted a time table for some forward movement and for some things to be in place. We had done this a couple of times. And in good faith, you may recall the Governor signed a Budget agreement on Sunday last, based on a certain amount of forward movement, with the understanding, very clear understanding, a commitment on the part of all of us that it would be accomplished by this time. I think that those of us who voted in the fashion that we did, felt that we were honoring that agreement. You have also suggested that here we are today, perhaps interested in offering another extension. I admit that we are, in fact, and we are because we recognized that we did not succeed, we did succeed once, we did not succeed twice, in fact we have not succeeded since we began this process last January. We have all known during that time that we had this issue to contend with. I think I have answered your question. I have admitted that we are, in fact, willing, able, tonight if you wish, to add some days on to further the process. I say that in good faith. Thank you Mr. President.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. From what the good Senator from Aroostook, Senator Collins has said in reference to explaining why members of the Minority voted the way that they did last night, I can only conclude that they must have been confused as to what exactly they were doing. There can be no other explanation for coming back today and be willing to offer what they were unwilling to offer last night.

The true reason that I rise is because of my, and I truly mean this, my great respect and friendship for the Senator from Cumberland, Senator Gill. She and I have worked together on a whole host of issues during the course of this year, and I rely on her expert advice on health care matters. She knows how deeply I care for her and we have a very solid, personal relationship. I understand why people in your caucus would be confused about the issue of Workers' Compensation. It is an extremely complex problem. It is very, very complicated. People have different ideas why it is in the mess that it is in. People can legitimately disagree as to why it is in the mess that it is in. I differ greatly with the good Senators from your caucus, who are on our respective Committees. But, I can tell you, and I am sure that they would confirm, that I, along with the good Senator from Cumberland, Senator Estes, spent many, many hours in negotiations, not necessarily with them, but with some members from the other Body who were carrying the ball on this Workers' Compensation issue for the insurance industry in the business community. Those are the concerns that they represent.

I understand what you are saying about costs for your small businesses. Businesses do not understand why Workers' Compensation costs are high. They only see their Bill. They see their Bill and they say, "This is crazy! Why am I paying this?" I understand this. I am in a small business. I know what that is all about. But we feel that the reason why those Bills are so high is, because that 92% of the businesses in this state are in the residual pool, the high risk pool market. Of all of the things we allegedly, and supposedly, and did, in fact, agree to, not one thing that we did, not one, would get businesses out of that small market. Although the good Superintendent of Insurance says that there were about thirty points, he is unwilling to put that into the Bill so that we can guarantee small businesses the toll that we are going to exact on our employees, they are benefit cuts, and God, I swear there are, in whatever Package we come up with. He is not willing to put those savings by statute into whatever Bill we have, which makes me wonder why should we trust him, we changed everything four years ago and benefits were cut 40%, and rates went up 60%! So what was a complicated problem then is worse now, and benefits were cut then. I am telling you, honestly, the reason that we had such difficult time with this, and there was no language drafted on any of these agreements that both Parties, even the members of the Committees could look at by last night, we were still working. The good Assistant Majority Leader was involved in the negotiations, as well as the House Leader, they were both doing their best to bring the Parties together. But every time you do change a word, you impact somebody's life! Unfortunately, the changes that we were making, we were impacting the lives of workers. There are serious, serious cuts

that are going to be coming down for workers. People have seen me running around here for the last two weeks, and they are wondering if I have been on a furlough from the funny farm because I have been so stressed out by these negotiations, because I know what is going on. Believe me, I know what is going on! There is a power play here, and I am not saying that the people in this Body are involved in it, the Republicans here, because I firmly believe that you don't understand what the issue is all about, or what is in this package. I firmly believe that. The insurance industry in this state, and the business lobby in this state has had the Democrats right by the throat on this issue because of the State Budget being connected. Believe me, they know how much we care about State Government. We don't want it to shut down. That Bill, which will be coming here in one form or another, sooner or later, which will pass, is going to be the most devastating cut on workers, who are our constituents, Democrat's constituents, people that we care about. Those cuts are going to impact them! There is nothing that I am going to be able to do to stop it. That is what has driven me crazy in these last two weeks, because I have seen the power. I know what is going on here! These language changes that have been so difficult to negotiate, the people behind this have held firm because they know that they have us. The Speaker and the Assistant Majority Leader here in the Senate don't want State Government to close. They want to be realistic. They want to do as much as they can. That is what has happened. When this package passes, employees will be hurt, workers will be hurt, and their benefits are going to be cut severely. Attorneys for employees only will be hurt, and they are the only people who can represent them. The employees don't understand the system, it is complex! They need lawyers. And they should have them! Businesses will be hurt. The very people that we think we are going to help are going to be hurt, because there are no mandatory savings in the act. Nothing in there! Do you think that they will put those thirty points in there? NO! They won't be in there. So they are getting a pig in a poke. Nothing to them. Even little insurance agents have their commissions cut by 40% in this Bill. Little people, people that in your Party support you! They got hurt. The only one that is going to walk away from this laughing is the insurance industry. Not a thing out of them! Nothing! That is what the package that comes up here is going to do. That is why it took so long to negotiate it. That is why it is still not negotiated! It is a power play of the rawest kind! The business community and the insurance people in this state who are hand and hand on this know what is going on. It is extremely complex, but people's lives are at stake. I am not going to be a part of that. I am sorry for all of these people up here being out of work. I don't want to see that happen! But they are the very same people who might be out of work because they get hurt on the job. They will have nothing! Nothing!

We are here to do a job for the people who we represent, and they may be different. But there is a lot of workers out there whose lives are at stake here, their very livelihood. We ought to be doing the right thing.

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

**Senator CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Senator Conley of Cumberland is absolutely correct on part of the package. It is very, very complex. It is so complex that I seriously feel that it should have been started a lot sooner than it was. There were a lot of negotiations going on. Most of them going on between lawyers. Some people would say that there were too many lawyers involved. That is quite possible. There are lawyers that were Legislators. There were many lawyers that were from outside. I had hoped that they would come to a mutual agreement as to a lot of things that Senator Conley did say. It sure sounds to me that it is further apart than five little words. If it was only five little words, we would have met at any time today. Five little words could have been worked out, if that is the case. I am sure that there is an awful lot more to it than none of us except the immediate negotiators understand. It got down to five or six legal minds doing the negotiating. And he is absolutely right, also. I am not completely versed in what went on at the end of the negotiations. It was done between the Speaker of the House, the President of the Senate, and others, including the Governor. I feel that it is too bad that we can't get an extension so that they can take care of these five little words. It sounds like there is probably a couple of million in between those words, but if it is only five words, I think that they ought to try it again.

Now, I also rise to speak on the Budget. I will tell you a little bit about my District 33 bordering New Hampshire; Berwick, North Berwick, South Berwick, Lebanon, Sanford and Springvale, Maine. I have opposed, and always have in writing in the press any additions to the sales tax. In my District, with a 5% sales tax they shop in New Hampshire. New Hampshire would vote immediately to increase our sales tax. They love it! My own home is ten minutes from the New Hampshire border. I would say that since I have become a Senator, I do not shop in New Hampshire. But in ten minutes I could get to a liquor store. I could go to Sears and Roebuck. Many, many places you can go and save \$50 to \$60 in a trip, but not for liquor. Just for refrigerators, computers, sofas, beds, they are not reportable except on the bottom line of the state income tax this year. My businesses are hurting seriously. In Berwick, Maine, you can stand on the New Hampshire side and look towards Berwick. The only store there is a Cumberland Farms store. In South Berwick they have a couple of stores, they do not have furniture stores, they do not have anything but a grocery store, a newsstand, maybe a restaurant. As you move inland further towards Maine, so far a few places still have a shopping center such as Sanford, but that is because it is more geographically a center of York County where they pull them from the Portland area towards the beach. There are many businesses in Sanford. Two in particular have talked to me. One is a computer store. If you purchase a computer, it runs around \$3,000. It is pretty convenient, and this person is thinking of moving his store to New Hampshire so that he can keep his clients that he has in Maine now and save a sales tax. They will definitely drive that far and save \$180. I have always opposed the sales tax.



I will be voting against the Budget for two reasons. One is the sales tax which I always promised that I would vote against it, and the other is, I really feel that we need Workers' Compensation Reform now, immediately. One of my businesses have sent letters, I don't know how many I have read. Sprague Electric, it is the largest employer in Sanford. Five years ago they paid \$150,000 for their Workers' Compensation in premiums. This year they budgeted \$1.7 million. They also have seven plants in six states. The total of those other seven plants in Workers' Compensation premiums is \$600,000, as opposed to Sanford's \$1.7 million for one plant. 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. How proud I am of the quality of debate and contribution that we have had this evening. How distressed I am that there are members among us who do not understand why this evening is different than last evening. Allow me to attempt to add some clarification.

It wasn't that long ago when the Minority Leader of this Senate and the Majority Leader of this Senate met in one of our offices at this end on the third floor and developed the five-step strategy that has been alluded to, perhaps most specifically by the Senator from Aroostook, Senator Collins. We shared that strategy with the Assistant Majority Leader and Assistant Minority Leader and, with their assistance, we fleshed it out and presented it to the leadership at this end of the hall, and subsequently, in separate missions to our counterparts at the other end of the hall. Subsequent to that, in a leadership meeting to the Governor of the State, that entire leadership group agreed to the proposed steps, made a commitment to work within those perimeters and, knowing that we were doing so, passed the extension as you remember so clearly, I am sure. The clock began ticking and the Legislature began counting the days, because we can very easily count to five; as you remember, we chose not to convene until yesterday, thus allowing our overworked, truly dedicated, completely committed representatives from both sides of the aisle to address the issue on our behalf, collectively, on Workers' Compensation. Some of us contributed in some small portion and in many small ways to the process -- sometimes in supportive roles and sometimes in encouraging roles -- and perhaps, sometimes even in negative roles. We were sensitive on both sides of the aisle to the sense of nonparticipation by those who were not directly involved in this process and attempted, insofar as possible, to keep all apprised. While there were differences among us and questions among the bargaining groups -- frustrations, stress, immeasurable stress -- we continued to persevere. You can be proud of all of those representatives. Yes, I harbor a bias, for there were those in that group who were not attorneys and, frankly, they did a superb job. The knowledge of Workers' Compensation from those whose purview and jurisdiction it is far exceeds the understanding of that realm of law that I harbor. We all made our contributions in our own separate and distinct ways. The clock ticked on.

The Senator from York, Senator Carpenter, has most eloquently reflected, from his side of the

aisle, his perspective of what occurred last evening. The question has been raised by a member of our own caucus as to what is the difference between now and last night at 11:45. Let me answer that. If you don't understand after my attempt, please ask again.

Last night the outline that all of us had embraced, the third and the second floor, terminated when the clock struck midnight. The 115th First Regular Session of the Maine Senate ended and so did that process. That process allowed our Administration and the members of the Minority Party to hold the Majority Party hostage to resolving Workers' Compensation before a Biennial Budget was to pass. In that agreement, it was understood that Republicans and Democrats in large numbers would garner enough support from both sides of the aisle to secure the necessary twenty-four votes for passage of the Biennial Budget following the Resolution of Workers' Compensation. I believe in my heart of hearts that they were that close. Frankly, I don't know if it was five, six, or forty words, but I believe that they were that close. Even those who were participants in the negotiation process, who had dedicated their blood to this process of resolution, knowing as they did that they could not ultimately vote for it, but that there were those they represented who would vote for it. Again, I am convinced that they were that close to resolution. All we asked was give us one more day! That request was denied. We then, for the first time in the history of this state -- this proud state and this democratic Body -- called ourselves into the First Special Session of the 115th Maine Legislature. There are questions among us on both sides of the aisle as to why this very evening the Majority Party of this Legislature precluded the introduction or the access of an amendment that would have allowed extension in a Budget. The answer is this. It is no longer the First Regular Session. It is the First Special Session, and these are the rules by which we operate. We will pass the Biennial Budget restoring state service and state programs, and no longer deprive state employees of their livelihoods; then we will pass Workers' Compensation. That is why there is no need for an extension, because we have before us right now -- here, this evening right in front of your nose -- the opportunity, the opportunity to allow this state to get back to work. Members of my side of the aisle, the Majority Party -- many of us having served in the Minority Party proudly in this Chamber as well as in the other Body -- never, never placed ourselves in a barrier position to the normal legislative process -- ever! The opportunity is here this evening, my friends and colleagues. There is no need for an extension. You have it in an oral commitment to the Governor of this state. You have an oral commitment to the legislative leadership of both sides of the aisle. You have it on the Record, if anybody ever reads the Record, that there are those among us, including me, and including the parties to these long, painful, and deliberate negotiations on Workers' Compensation, that we will pass a compromise package! I know that there will be members of the Democratic caucus who will not vote for that compromise package, but I pledge here, this evening, as has my compatriot, the good Senator from York, Senator Dutremble, that I will support a compromise package on Workers' Compensation. Our priorities in the First Special Session are going to be established not by the Minority Party and the



Administration, but by the proud Majority Party. There will be a Biennial Budget passed in Maine before there is a Workers' Compensation compromise passed in Maine. You do not need to extend any time, any where. There is no need for an extension. The only thing that we have to do, my colleagues, is support the unanimous bipartisan Biennial Budget and then watch that compromise bud, flower, and pass.

We have lived, worked, and played together. We have experienced frustration and tragedy. There are those who do not understand that I, the Senator from Cumberland and the Majority Leader, and Senator Cahill of Sagadahoc, the Assistant Minority Leader, can be on two sides of an issue and yet still exchange candy. Admittedly, it was a little awkward attempting to reestablish that respect and cordiality for some of us this morning. I am pleased that from my perspective it has been reestablished among us. I know of no exceptions. There has been an occasional harsh word, or even a thoughtless word, but quickly followed by a pause, and maybe an expression of understanding. I continue to be proud of the legislative process. I continue to be proud to serve in the Maine Senate. I know I am not lonely in uttering these words. There are, however, those very rare moments when I wonder whatever in the world I am doing here. We have an obligation -- indeed a duty -- to address the singular, most pressing issue that this state has ever experienced since 1820, and that is the Budget.

Again, please remember that it was a unanimous, bipartisan Budget. It does contain the funding mechanism. Budgets never not contain the funding mechanism! I am puzzled, even perplexed, that there are suggestions, however vague this evening, that people might be able to support the Budget, but they couldn't support the Tax Package that is accompanying it. I have never voted for a Budget in my all years of service that didn't have the funding mechanism intrinsically incorporated in it. To do otherwise, is to place the Budget in jeopardy. For then there are those when for political reasons I submit only, would say, "Of course, I passed the Budget. I wouldn't vote for a tax increase." Funding and spending are normal, natural partners in the marriage called the bipartisan, unanimously approved Budget Package. The Budget and Workers' Compensation was not a marriage made in heaven, but a marriage that was tended, I submit, to achieve a goal that we attempted to achieve, but that marriage was not culminated and that divorce is final! Let me say it again. Pass the Budget. The Workers' Compensation compromise will be forthcoming and there will be votes, enough votes, to pass it. I give you my pledge. Thank you, Mr. President.

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

**Senator ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The hour is late and I will try to be very brief. It is very difficult to sit here for the hours that we sit and listen to the debate about Workers' Compensation as we consider the legislation regarding the Budget. It is very tempting to talk about all the allegations, and the blames, and the misrepresentations that have occurred on this floor during this debate. I have tried to keep notes, as the good Senator from Penobscot, Senator Bost has, regarding all the comments that the

Senators have made, because I would like to respond to each and every one of them. Frankly, I don't think that it makes a lot of difference. I think that the most important thing that we need to consider here is not the confusion that we have talked about, because surely, that has occurred. It is not important to talk about whether there were eight remaining issues, or one remaining issue, or five or six words as the Governor said, or a million words as the good Senator from York, Senator Carpenter had talked about. It is not important whether we feel as though someone has violated the process or not. What is important is for us to talk about is where we are going to go from here, and what is going to happen after this vote, and as a result of this vote. I firmly believe that we have been very, very close in the Workers' Compensation Package. I can't quantify that, nobody can quantify it, only that we have been very, very close. It has been very, very painful for everyone. Nobody is winning in their situation. Nobody at all. I do know that becoming more entrenched into the positions that we are all becoming entrenched in, it makes it more and more difficult to pass legislation that we find fairly unacceptable, which is what we all know we are going to have to accept. It seems to me that if we are able to pass this Budget, and stay as close as we are, then we will get to where we need to be. It won't be perfect. We aren't going to get to the Governor's thirty-five points. In fact, the Superintendent of Insurance today in the paper had talked about these points as being, "best guess" estimates that could be high and could be low. We are close. We have talked about twenty-eight points, or whatever the number of points that there are, that are all estimates, and that we are doing the best that we can get to. I can only tell you that it is my belief that if we let this opportunity pass, then what will happen is that both sides will become more firmly entrenched in their positions.

The package is not very attractive to anyone right now. In fact, the language is very difficult and we are struggling with it. I have been here every morning until four or five o'clock it seems, every morning, and not just last night or the night before, and so have some other people. Mostly Democrats in this room and a couple of Republicans, because it just seems as though, for whatever reason, that the House Republicans seem to be involved in this, and some of the Senate Democrats. If we pass this Budget now, and we are probably not going to, but I would like to think that a couple of words might make a difference. If we pass this now, then I think that we are close enough to get it all done and make a difference. If we don't, I am afraid that everybody will be backing off, and everything is going to fall apart, and a lot of the things that you could live with, barely, when exposed to the light of day, will be harder to live with. I think that is a risk that we run. I think frankly, if the business lobbyist could walk into the Governor's Office and walk into the Minority Senate Office now and say, "It is not a perfect package, but it is darn good. Let's not run the risk of it all falling apart". I think that they would, I think that they should, because I think maybe that would help. I really, and truly do. If we are here, and we are not going to pass this tonight to try and get a little bit more, I think that we are in big trouble. I think that we are in real, big trouble. Let's get the best that we

can get on both sides, now. Let's pass this and let's get it done. I have sat here all night and I wanted to talk about Workers' Compensation issues at some point. The only Workers' Compensation issues that we have talked about are political rhetoric about lawyers getting this, or doctors getting this, or whatever. Let's get away from that. Let's get it done before it all falls apart, because I think it is going to. We all can support this Budget now. Let's not let this fall apart. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just for my own knowledge, because there are so many people working on this matter, and I appreciate the comments of the good Senator from Cumberland, Senator Clark, and the good Senator from Cumberland, Senator Esty. If somebody on either side of the issue here and in an open forum, here before the rest of the Senators, not in the lobby or around the corner changing stories or whatever else, if somebody would just inform me, are we close or are we going further apart? I have heard conflicting stories, and for my own information, I would like to know what is going on. Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all, I really say ditto to the remarks of the Senator from Cumberland, Senator Esty. I entirely support the spirit of his comments, as well as the comments themselves, and I appreciate your comments very much. Senator Esty of Cumberland, as well as other members of this Body are very much committed to improving the Workers' Compensation Commission System, and have just devoted day after day, and night after night to reaching that conclusion. The question about the process was asked, and I will first address that, and then arrive at an answer to the Senator from Penobscot, Senator Baldacci's question. I would like to remind you that there were over seventy Bills, with many, many proposals in them that the two Committees together in an unprecedented way addressed. We held Public Hearings for three days at the Augusta Civic Center in mid April. One of the Bills that we received on the day before the Hearing week was the Governor's Bill. We were asked about the Governor's Bill earlier, and the Governor's Bill was L.D. 1594, it was a small Bill compared to what we have been offering you in recent weeks. We addressed many more items, but we did address every single proposal in that Governor's Bill, and most of them are contained in our package that we have developed so far, and most of them were contained in the Bill that we enacted, the Majority Bill, that went to the Governor's desk, and was then vetoed. The Governor also issued a second Bill just recently, one also that is not as comprehensive as what has been addressed so far, and more or less agreed to, I say more or less, because we have not had a formal vote by the Committees. We actually had a number of unresolved issues, because we are talking about a very complicated system, we are talking about rights and burdens of proof. We are talking about benefits to people who have been maimed in the work place, sometimes permanently. We are talking about trying

to get people back to work quicker. Maine has one of the highest incidences of work place accidents in the country, some say the highest. Some say the greatest severity. Some also say that we have not made a big enough effort to get people back to work soon, that maybe sometimes the injuries are not that severe, and that they do not need to stay out that long. So we have addressed all of these things. We noticed a void in medical policy that there was not a real addressing of that, it was just chaotic and haphazard. We are addressing that. We are addressing return to work. We will be instituting the first automatic trial work period in the country. They will be looking at fifteen work days of an automatic work trial period. Three weeks in which if it doesn't work out, then the workers could get their benefits back and be on the system without worrying about being totally off. It requires employers then to give that worker a chance to do the job. That is the kind of thing that we are talking about in our package, but I won't go into great detail, because clearly, there are hundreds and hundreds of issues that we have gone way beyond the short term end of the nose points that would count at the next rate Hearing. We have looked at long term savings, and we have looked at completely redoing the system.

One little thing I want to address before finishing and getting back to our Budget is, a problem of the actuary. Some people who are addressing this system at this time, insist upon taking one actuaries estimate of a savings and saying that is the only important thing about the Workers' Compensation System. Well, anyone who has any direct contact with it, an employer, an employee, an insurer, a medical provider, anybody, they know it is really broken, and that it is really not very bright, to be perfectly honest, just to look at your end of the nose on one actuaries little figures, and make your whole decision about improving the system on that basis. We can do better than that! And we are doing better than that! I urge you when you talk to your colleagues who are making decisions and recommendations on this now, that you urge them to get away from that one actuary, that one little number of business. We have made great progress, and as I described to my caucus earlier today, it seems as if we have been climbing a mountain, and as we get up a little further, there is this little ridge, and we have to take a down turn, and maybe even camp for the night. Then you go up a little further. Where we were last night, in my view, was right there at the top of the mountain. It was my understanding, and this is checking with the Office of Policy and Legal Analysis, that there were just four issues in which there had not been generally agreed upon language to put in the package to bring to the Committees for the Committees review and vote. Four little issues that could be very quickly resolved. In fact, three of those are so easily resolvable that it would take only five minutes! I heard three points, that was the figure that I heard about midnight, that there was a three point difference from those who insisted upon looking at points. So that is how close that we are. That is how close. And like our articulate Majority Leader, I, too, am committed. I am committed to a compromise package, a compromise package can be brought before you within a few days. It can be done easily if we have the will and the attitude that we wish to have that done. I

am committed to work with all of you, and I have a great deal of respect for all of you, and all those who worked so hard trying to resolve this issue. I believe that every single person is in their own way, and in good faith trying to address these issues, and that the employers and the employees will benefit from those improvements. I hope that this answers your question, Senator Baldacci of Penobscot. I won't go on, obviously I could, and I don't want to place any blame, and I appreciate my colleague and the Chair of the Labor Committee who has been willing to work together on these issues, I greatly appreciate the efforts of all of you, and I just beg of you to give us a chance. This has not been easy. Values and principles are at stake. Although we have differences, even in our values, and even in our principles, we can address those without violating those principles and values. That is what we have been attempting to do. That is one reason why it takes a little bit of time, but we will be there shortly. I ask for your support. Further, I would like to say that I feel badly for the Appropriations Committee which slaved on this Budget and did a super human job. They have done a fantastic job. I hope that we show that Committee our support by passing their Budget, now.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I apologize for rising a third time, but there are so many compelling reasons, most of them have gone unspoken tonight for voting for this Budget. I would add just one more. The Bureau of Taxation in discussions with the analyst for my Committee in the Office of Fiscal and Program Review, has estimated that if we take very much longer to pass this Budget, and the companion revenue piece, that the state will lose between \$20 and \$25 million in lost revenue. That comes from the proposed 8% across the board meals, lodging, drinks assessment, and the increase in the sales tax from 5% to 6%. I would remind this Body that \$25 million is a lot of money. It represents one-sixth of the proposed savings in the Workers' Compensation Reform Package.

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 pending question before the Senate is **ENACTMENT**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, THERIAULT, TITCOMB, TWITCHELL, VOSE**

**NAYS:** Senators **BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, HOLLOWAY, LUDWIG, RICH, SUMMERS**  
THE PRESIDENT - CHARLES P. PRAY

**ABSENT:** Senators **GOULD, PEARSON, WEBSTER**

This being an Emergency Measure and having received the affirmative vote of 20 Members of the Senate, with 12 Senators having voted in the negative, and 20 being less than two-thirds of the entire elected Membership of the Senate, the Bill **FAILED ENACTMENT**.

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

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

Senate called to Order by the President Pro Tem.

Senator **PRAY** of Penobscot moved to **RECONSIDER** whereby the Bill **FAILED ENACTMENT**.

Senator **CLARK** of Cumberland moved to **RECESS** until the sound of the bell. Subsequently, the same Senator withdrew her request.

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

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

After Recess

Senate called to order by the President.

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

Senator CAHILL of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator PRAY of Penobscot to RECONSIDER whereby the Bill FAILED ENACTMENT.

A Division has been requested.

Will all those in favor of the motion by Senator PRAY of Penobscot to RECONSIDER whereby the Bill FAILED ENACTMENT, please rise in their places and remain standing until counted.

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

21 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator PRAY of Penobscot to RECONSIDER whereby the Bill FAILED ENACTMENT, PREVAILED.

This being an Emergency Measure and having received the affirmative vote of 21 Members of the Senate, with 11 Senators having voted in the negative, and 21 being less than two-thirds of the entire elected Membership of the Senate, this Bill FAILED ENACTMENT, in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Emergency

An Act to Make 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. 1389 L.D. 1977

In House, July 11, 1991, PASSED TO BE ENACTED.

In Senate, July 11, 1991, FAILED OF ENACTMENT in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Chair moved that the Senate RECEDE and CONCUR.

This being an Emergency Measure and having received the affirmative vote of 20 Members of the Senate, with 11 Senators having voted in the negative, and 20 being less than two-thirds of the entire elected Membership of the Senate, the motion to RECEDE and CONCUR FAILED.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1390

ORDERED, the Senate concurring, that, when the House and Senate adjourn, they do so until the calls of the President of the Senate and the Speaker of the House of Representatives, respectively, when there is need to conduct legislative business.

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

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