

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Index

FIRST CONFIRMATION SESSION

October 2, 1991

Index

SECOND SPECIAL SESSION

December 18, 1991 to January 7, 1992

Index

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
Friday
July 12, 1991

After Recess.

Senate called to Order by the President.

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

PAPERS FROM THE HOUSE

House Papers

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

H.P. 1391 L.D. 1978

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House, Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which was INDEFINITELY POSTPONED, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1392

ORDERED, the Senate concurring, that 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" H.P. 1387, L.D. 1976, and all its accompanying papers, be recalled from the legislative files to the House.

Comes from the House READ and PASSED.

Which was READ.

THE PRESIDENT: The pending question before the Senate is PASSAGE. Pursuant to Joint Rule 15 this Joint Order requires a two-thirds vote of those present and voting.

Will all those members in favor of PASSAGE, please rise and remain standing in their place until counted.

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

14 Senators having voted in affirmative and No Senators having voted in the negative, and 14 being more than two-thirds of the Membership present and voting, the Joint Order was PASSED, in concurrence.

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1394

ORDERED, the Senate concurring, that 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," H.P. 1389, L.D. 1977, and all its accompanying papers be recalled from the legislative files to the House.

Comes from the House READ and PASSED.

Which was **READ**.

THE PRESIDENT: The pending question before the Senate is **PASSAGE**. Pursuant to Joint Rule 15 this Joint Order requires a two-thirds vote of those present and voting.

Will all those members in favor of **PASSAGE**, please rise and remain standing in their place until counted.

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

20 Senators having voted in affirmative and No Senators having voted in the negative, and 20 being more than two-thirds of the Membership present and voting, the Joint Order was **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Providing 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. 1393 L.D. 1979

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 ONCE**, without reference to a Committee.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I may be confused here, it seems that way most of the time lately. But we don't have a copy of L.D. 1979, and I would just an explanation of what this Bill does, and how it differs from the one that we just voted a two-thirds vote on to have recalled from the legislative files.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Earlier a Joint Order had been passed to recall the original Budget. There was a problem that needed to be corrected, and it was decided to correct it in a new Budget. The problem was, that we paid out a great deal of money, \$15 million plus to state workers to pay Round A and Round B of money earned in the last fiscal year, but paid in this fiscal year, so that money had to be extracted from the Budget to make it balance properly, and so it was decided to do that in the new Budget, and that is L.D. 1979. L.D. 1979 is no different in any other way then the Budget that we have been voting on, except for that correction to take care of action that we all agreed on unanimously. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate that explanation and apologize for the confusion. I would hope that we would be making some attempt to eliminate L.D. 1977 so that it is not so confusing as to what we are amending. Is that what we are going to do?

THE PRESIDENT: The Chair would advise the Senator that L.D. 1977 is not in possession of the Senate. The paper in the possession of the other Body.

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act Providing 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. 1393 L.D. 1979

Tabled - July 12, 1991, by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee, in concurrence

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

(In Senate, July 12, 1991, under suspension of the Rules, **READ TWICE**, without reference to a Committee.)

(In House, July 12, 1991, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I wish to correct previous statements that I made about this Bill on the Record. I have been told correctly that the difference between this Budget and the Budget that we worked on before was retroactivity. I explained it incorrectly. Retroactivity is in Section RRR, and it merely means that expenses incurred during this unusual period can be paid if and when we get a Budget passed. It allows those people that have worked to be paid, expenses that have incurred to be paid, and that was the only difference. Thank you Mr. President.

On motion by Senator **CAHILL** of Sagadahoc, Senate Amendment "A" (S-464) **READ**.

Senator **BRANNIGAN** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-464).

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would hope that you would vote against the Indefinite Postponement of this amendment. What it would do is provide for a temporary Budget through July 18, 1991.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. What is the purpose of repealing a Budget that would be passed in these Bodies on July 18th?

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The purpose of this amendment is fairly obvious. It would be to extend State Government for three days to allow state employees to go back to work, assuming that a two-year Budget cannot be passed.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess I may be a little bit dense on the answer, because it doesn't make a whole lot of sense to me. Are we talking about a Budget, or are we talking about something else? Is this not a two-year Budget? Is this not the agreed upon Budget from the Appropriations Committee on a unanimous Report?

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 Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To answer the Senator from Kennebec, Senator Bustin's question, yes, this is a two-year Budget, that is why I moved Indefinite Postponement of something that would truncate it to a few days. I think that it is very clear that we are intending in this Body to pass a two-year Budget. We have had it prepared. We have had it on the Governor's desk. We have had him sign it. We made one agreement, rightly or wrongly, to truncate it, to tether it while agreements were trying to be reached on other issues. That was all handled well in some cases, badly in other points, and I think that is over. What this state needs, and what other states would love to have is a Budget, a Biennial Budget. There are states across this country that would do anything to have a Biennial Budget put together, approved, and balanced. Not only balanced do the numbers add up, but balanced in the way that it raised revenue and cuts other programs. People would love to have that in California, in Connecticut, and in other states. We have it. We have had it for quite a while, and therefore, we need to pass it and be done with that, and get on with other very important business which we are all committed to do. Thank you.

THE PRESIDENT: The pending question is the motion by Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-464).

A vote of Yes will be in favor of the motion by Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-464).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators BALDACCI, COLLINS, DUTREMBLE, MATTHEWS, PEARSON

18 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator BRANNIGAN of Cumberland to INDEFINITELY POSTPONE Senate Amendment "A" (S-464), PREVAILS.

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. On each of our desks you will find Senate Amendment "B". The amendment is clear in its intent. It eliminates the new tax revenue provisions of the Budget, and replaces it with the following; acceleration of corporation income tax collections, elimination of the sales tax exemption on electricity used in manufacturing, elimination of the investment tax credit, elimination of the sales tax exemption on the value of trade-in credits, elimination of the sales tax exemption on machinery equipment and repair parts, elimination of the sales tax exemption on packaging materials, elimination of 30% of the sales tax exemption on components used in manufacturing, elimination of the income tax exemption for twenty corporations and foreign dividend exclusions. The amendment states in its final sentence, "Therefore, the amendment achieves a balanced Budget without raising new taxes". I do not plan to offer this amendment at this time, because I have too much respect for this Institution, for the work that we have done thus far for this process and the lawmakers that are assembled both in this Body and other Body who were elected to represent the people of this state. I can hold my head high because I have stood by the revenue package that was unanimously agreed to by members of my Committee, as well as the unanimous agreement that was reached by the members of the Appropriations and Financial Affairs Committee, and I have done so despite strong objections to elements in both. I can tell my constituents without reservation that I have done the job and the task that I was sent here to do, and I will continue to do that.

If the hangup here is \$300 million in new taxes, if that is the sticking point, as proposed by the Governor of this state on May 20th of this year, if as articulated by the Minority Party and by the author the Tax Package as originally presented, the Governor of this state, the passing of new taxes onto the working men and women without some commensurate level of savings through the Workers' Compensation Reform, if that is unacceptable, then this amendment may be the key to breaking that log jam, separating the issue of the Budget and Workers' Compensation once and for all. It would balance our Budget without raising new taxes. Plain and simple. I don't know how it could be any clearer. If the business leaders in this state that have been assembled in the State House for the past few weeks, the same element that proclaimed in an article in today's Portland Press Herald, that the shut down is justified as long as it achieve their particular end, if those leaders want to put an end to this impasse, they can do it now! I am convinced that they can do it now. They, and it now appears that they only have access to the man on the second floor, they can tell the Governor that enough is enough. That the human hardship must end. That the two issues, nongermane as they are, be separated. That the resolution to Workers' Compensation is within our grasp, if only we can break the current polarization that we find ourselves in. They can tell the Governor that they agree with the statement that was made by the owner of the Cliff House in Ogunquit that appeared in that same article, previously referenced, when she said in reference to where we find ourselves right now, "I think it is the worse possible way to negotiate an agreement". They can say that is correct. They can tell the Governor that they believe in this process. That they believe in the integrity of the men and women elected to this Legislature that have labored over the Workers' Compensation issue for the last six months with the common objective of achieving meaningful reform. They can tell the Governor that they recognize the efforts many in this Legislature have made, including this Senator to preserve and promote the business climate in this state, businesses that employ Maine people, our constituents. They can tell the Governor that it serves no one, particularly the business community when the integrity of this Institution of State Government is jeopardized as it is now. They can tell the Governor, if they wish, that they understand that one of the Legislatures primary functions is to make choices. Sometimes tough choices. Ladies and Gentlemen, I am offering them a clear choice this afternoon. Break this impasse with your considerable influence on the second floor. Help us pass a Budget. Help us put people back to work. Understand at that point that we go back to the Table and bargain in good faith and come up with meaningful Workers' Compensation Reform. Or, we can close the \$300 million requirement as prescribed by the Governor by eliminating the corporate tax exemptions as enumerated in Senate Amendment "B".

Up to this point, we have not been given a choice like this. It has been marry the Budget to Workers' Compensation or shut down State Government. I prefer, and I have since I entered this Body nine years ago, I prefer to operate under the assumption that reasonable people, in good faith, and understanding the options and the choices that are available to them, can solve anything that is placed before them. Anything!

Mr. President, I would like to pose a question through the Chair to anyone of the Minority Party who would care to answer. If a Budget document is presented that has not been offered, or through some other formula, would there be movement then to separate the Budget and Workers' Compensation?

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First thing that I would like to say is, that I suggest that the Senator from Penobscot, Senator Bost, offer his amendment. I suggest that it sends a clear message to the real world out there how the Legislature thinks about business, and jobs, and I would suggest if the good Senator is serious about this, that he offers it. Obviously he isn't, and if he is, I will wait and see what he does.

Let me say that speaking for myself and any people who share my views, I would suggest that a \$300 million tax increase on the citizens of this state is unacceptable to virtually everyone outside of a mile of this area of this State House. The people of Maine are among the highest taxed people in the country. We get here in the Ivory Dome and we forget the fact that Maine people are amongst the highest taxed. They are among the lowest paid. I would argue, and others would disagree, but I would argue that one of the reasons that they are among the lowest paid is because it costs so much money to run a business in Maine. I would argue that most businesses out there are not out to pillage their workers, and would, indeed, like to pay their workers more money. Frankly, the costs of doing business here, because of our most expensive Workers' Compensation Law in the country, is probably one reason why we are among the lowest paid. We have, according to a recent listing, which I read just a couple of weeks ago, we are third in this country in welfare spending. Third. Among the lowest paid, among the highest taxed, among the most generous in how we spend taxpayers' dollars.

I suggest that probably these combinations don't add up to a good job creating climate. Senator Bost from Penobscot talked about the human element. I have to share with you a story about a logger who is unemployed, who lives in a mobile home, has three children, has a wife who stays home with the children, and he has no job because his employer in Kingfield, Maine said he could not afford to pay him. If he paid him \$100 in wages, he would have to pay \$48 in Workers' Compensation premiums. No other state is anywhere close to that members of the Senate. There is a human tragedy. How about the factories all over the State of Maine, all over Maine that are leaving daily. If you want to get into a long debate, I happen to have that, and I would love to read it to you about the 2,500 jobs that have left Maine, or closed down in the last six months. Somebody, I assume all of us are here to make sure people in the State of Maine have jobs! To do what it takes, it is easy to raise taxes, and spend money, and to do everything for everybody, but somebody, at some point, and I believe that is my job, has to protect the state that we work in. This is a debate, and will be a debate as far as I am concerned, as long as it takes, because I am sincere in what I say,

whether anybody in this Body agrees with me, whether anybody in this building agrees with me, I am sincere. I believe this is a debate over the history of our state. Are we only going to be vacation land? Is that all Maine is going to be known for? Are we going to have a place so people can work? Not people that work for the state necessarily, although I sympathize with those people, but what about average, everyday people, who just don't have a college education, and just don't have a vocational trade, but want to have a job! The work in a saw mill. They work in shoe shops. They work in textile mills. They work digging clams. What difference does it make what they do? The point is, they are everyday, hard working Maine people.

When I went home for the Fourth of July, people laugh when I say it, but I felt like a returning hero from Desert Storm. To have someone come up to me on the street, and hug me, people I didn't even know and say, "Thank you Senator. I work in a shoe shop, I make \$4.90 an hour, and I had to take a 4% pay cut so that my factory didn't close." I want to tell you a story about that factory, because it is really an interesting story. Here is a story about a factory in Farmington that was vacant. The owner who lived in New Hampshire was running a shoe factory and needed to expand, so he came to Maine. He closed down the shoe shop in New Hampshire. Why? Because with the same work force in New Hampshire that was making 180 cases of shoes a day, they are making 400 cases of shoes a day in Farmington, Maine, because our people have work ethics. Our people work hard. But this guy is making a decision, and he is going to make that decision in immediate years whether or not he is going to stay here. Sure! Our people work hard, they have great work ethics, they do a good job. But, at some point he makes a business decision. One of the state employees in the hall said, "He is going to go to Brazil, he is going to leave the country anyway". So I guess we don't try to keep that shop here, right?

I am concerned. I am desperately concerned about the place that we live. This to me is the most important time in the history of the state, I am absolutely proud to be here, and I believe I am doing what is right. I wouldn't be a bit surprised if we have a Referendum Campaign after this election is over with, to appeal all these taxes. Maine people don't want \$300 million in taxes. If you don't believe that, then I suggest that you ought to go home and ask people, because I am telling you, Maine people think that we spend too much money, we have too many programs, and you know something, I agree with them. But I don't want to be the kind of guy that says, "No, no, no, I am not going to do that". I voted for those taxes and I am not ashamed of saying that. I voted for them, I agreed to allow this Budget to pass, because I felt it was a good faith effort to do something to improve Maine, and make Maine competitive with the world.

A month ago I went to Bangor and I spoke to the Bangor Chamber of Commerce, and they asked me, "What is going to happen on Workers' Compensation"? I said, "I will tell you what is going to happen. \$50 says that the Legislature passes a Workers' Compensation Bill, and a \$100 says it doesn't do anything". I believe that. That is what we would have done. I think that we have a chance in the next

few days to do something better than that. As I told those people in Bangor, the thing that the people don't seem to realize in Augusta is, that toothpick that is produced in Strong, Maine, consumers of this country could care less where they buy their toothpicks. But, I can tell you one thing, if it costs an extra cent or two extra a box for those toothpicks, the consumers of this country will go to Minnesota and buy them, because they don't care! So we have to do what we have to do to make sure that the toothpick factory can remain competitive. I don't buy the argument that the toothpick factory corporate giant is going to take the money and go to Brazil, or go on a Hawaiian vacation, because I know that he likes the job that is being done by his workers, he respects their work, he wants to pay them a decent living, and he will do that.

I would suggest if the Senator from Penobscot, Senator Bost, is serious about this wonderful amendment, that he ought to present it, and we ought to have all the members of this Senate who agree with this amusing scheme to vote for it. I would love to send it to the other Body, and I would love to have all those people who think this is even respectable to vote for it! Let the people of Maine know this is what you want to do to what is left of the business climate that we have left in this state!

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. I will pose the same question, because I didn't get answer to it, but I will pose it hypothetically, perhaps it is more comfortable for the good Senator from Franklin, Senator Webster. If a Budget is presented to you, and it does not contain any new taxes, \$300 in new taxes, would you then consider separating the issue of Workers' Compensation from the Budget so that we might pass the Budget, and then deal with the Workers' Compensation issue?

THE PRESIDENT: The Senator from Penobscot, Senator Bost, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to respond to his question, I would be more than happy, Senator Bost from Penobscot, to sit down with you and would actually prefer to sit down with whoever feels that they are willing to do that, to make the necessary, tough cuts that Maine people are asking for. I will do that with anybody here who wants to. If you are serious about that, which I question, but if you are serious, let's do it! Let's sit down. Let's cut \$300 million out of this Budget. Let's do what every Maine person has had to do this winter to pay their oil bill, to pay their mortgage! Let's do that. Let's just begin to realize that government can't do everything for everybody! We can't be doing all for all. We can no longer be one of the most generous states in the union. If the Senator from Penobscot, Senator Bost is serious, or any other member in this Chamber is serious, I am more than willing to sit down. But I can tell you, I don't think it is going to happen. But if you are willing, we will do that. Or we will come to an agreement that \$100 million in

taxes is necessary rather than \$300 million. Whenever the Senator from Penobscot, Senator Bost, or any member of this Chamber is willing to sit down with the Appropriations Committee, or whoever wants to talk, let's do that. Because I believe that even the economy is in terrible shape, and we should do something about Workers' Compensation, it would not be quite as offensive to me, the law we have, which is the most generous and the most expensive in the country, if we did something not to pass this kind of burden on the truck drivers of this state.

Let me tell you something. You must not forget, and I will repeat this over and over again, 50% of the people in this state who file income tax, make less than \$18,000 a year! When you pass this kind of tax increase, you are not taking it from wealthy lawyers and bankers, you are taking it from truck drivers. This tax increase is coming from working people. Men and women of this state, state employees, yes, but it is also coming from the little old man who works at the Farmington Land Fill. It is coming from every day people. When we raise the tax at this magnitude, we have to understand and remember who is paying it. Because if we are for the workers, and we like to talk about how we are, we must remember that they are the ones that are paying these bills, so if the Senator from Penobscot, Senator Bost, or any other member of this Chamber, or this Legislature wants to be serious about looking at how we can better balance this Budget without these tax increases, then this Senator stands ready to meet!

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. I will ask the question again. I can't believe I haven't gotten an answer, but perhaps I haven't articulated the question. I don't know how else to ask it. If a Budget is presented to you that does not raise new taxes, whether it is \$300 million, \$298 million, or \$288 million, will the Senator from Franklin, Senator Webster then consider separating the issue of Workers' Compensation from the Budget so that we may then pass this Budget and put people back to work?

THE PRESIDENT: The Senator from Penobscot, Senator Bost, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. It is fair for me to say that the Minority Party in this Senate, I can speak for them, I often can't, but this time I would like to, is standing ready and willing to get out of this impasse, whatever we need to do, we are willing to talk. We want to put people back to work, and go back home where we belong. If the Senator from Penobscot has any suggestions, including not tying these two issues together, we are willing to talk. But, we want to make sure, as I have said time and time again, that any massive tax increase is offset by something to keep this economy moving along, and try to bring it up. I am absolutely convinced, I am not an economist, and Representative Mayo from the other Body says that there is no relation. But I will tell you something, I see a relationship. But obviously, if there were no taxes,

there would be no drain on the economy. So we are willing to discuss any measure that the Majority Party offers, and we are willing to work in good faith.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question to the Senator from Penobscot, Senator Bost. Does the good Senator from Penobscot consider the elimination of tax exemptions a tax increase on business?

THE PRESIDENT: The Senator from Cumberland, Senator Gill, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Penobscot, Senator Bost.

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Obviously, to answer the question from the good Senator from Cumberland, Senator Gill, if you remove an exemption that is currently enjoyed by business or industry, it would be interpreted as an additional burden, and perhaps, an increase in taxes.

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The proposal that has been raised, has raised in me some interesting thoughts, and I look back to some of the experiences and information that I have gotten in the Energy and Natural Resources Committee.

I think that it is very important for people to know that we are giving some pretty substantial tax breaks to people that, in fact, have violated a number of pollution laws in the State of Maine. One example would be, that since 1986, the MERC Company in Biddeford, which has had \$300 thousand in penalties for environmental violations. In 1988, we granted them \$1,066,190 in tax credits for pollution control equipment. Scott Paper at S.D. Warren have had penalties of \$534,900 since 1986, and we have granted them \$1,050,840 in tax credits. Great Northern, violations of \$52,000, tax credits of \$225,500. G.P., \$746,000 in violations, tax credits of \$253,950.

I think there is another issue here while we are making connections, the issue of property tax, and where our actions really end up roosting. An example is, that according to DEP figures, more than \$85 million of assessed value, what is exempted from property taxes in fiscal years 1988, 1989, and 1990 combined, this figure, however, vastly under estimates the actual lost property taxes which depend on local mill rates, and the total value of the facility, not just the materials used. So, I think in fact, we have been very generous, and very often at the expense of the local tax payers. We talk about property tax concerns. That is one very legitimate issue that the good Senator has raised through this proposal.

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

Senator **CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I always find it interesting that each one of us gets up and talks passionately how we are here, and how we were elected to serve the people of the State of Maine. Frankly, we all talk pretty convincingly about it. I could make a similar speech. My own parents having raised five children and worked in shoe shops and textile shops in Lewiston/Auburn. I am not unfamiliar with those hardships of life myself. But I don't want to speak about those on the floor. Because as I stand here and speak today, 10,000 people are out of work, who are state employees who want to work. The same people that were supposedly saying that we want to help. The same time that we make these flowery speeches on this floor, 1.2 million people in this state are not receiving the services that they are paying taxes to receive, and that they need, and that the businesses of this state are not receiving. I frankly don't think that the people of this state give a dam about our speeches on this floor, nor the campaign record that we have back home. The people of this state want us to act, and they will judge us on how we act, not on what we say. What we are required to do is get this state back to work, get a Budget approved so that we can implement that. We may disagree on how it is done, but that is what we must do. So I suggest to each one of you here that we should not talk about the poor people, and the working people, and the business people, and what we ought to do, and what we ought not to do. What we say here is Record. What we need to do is to get together, quietly, and as sensible, reasonable, intelligent, and responsible people, who differ on opinions, but know how to come to agreement and do it. We almost did it the other night. We can do it again. If we really do believe that we want to help all these people we talk about, we will do less talking here and more talking behind the doors, put aside our differences, and make our actions speak louder than our words.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to the good Senator from Cumberland, Senator Gill. When the state offers a tax exemption to business, who pays for that?

THE PRESIDENT: The Senator from Kennebec, Senator McCormick has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Summers.

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. When we offer tax exemption in business, who pays for that? That is a real good question. I will tell you who pays for it! People that are out of work pay for that when we don't offer business the incentive to continue to produce, to continue to offer jobs. In my District alone, since the first of January to the 27th of June, we have lost 224 jobs in Saco! We have lost Wood Structures, Inc., those are working people. Lisa's Pizza. The Men's Shop. Saco Defense

laid off 100 people. What are we talking about here? What is happening? We are talking about trying to do something here, let's try to better the business climate. You act like it is bad for business to run profitably! You act like it is bad! I think that what you are failing to realize when people make money, they pay taxes. If we don't have any taxes, the state employees don't have any jobs, because nobody is going to be working to pay taxes! This is ludicrous! I can't believe what I am hearing here! I heard dissertation yesterday about Supply Side Economics. What to heck is going on here! Is there something wrong with people working in the boat yards. They pay taxes, too. I just don't understand how you can fail to link these tax increases. You know if you want to do something to really put the state in a fiscal mess, you go ahead. I don't know if the Senator from Penobscot, Senator Bost is serious about this, his amendment is on my desk, he has got to be off base on something like this. If you really want to screw things up, you leave Workers' Compensation the way it is, and you will drive business completely out of this state. I don't know what else to say, Mr. President.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To respond to the question that was put about who pays those taxes, the few people who have jobs pay more taxes.

While I am on the floor, I would like to say that I appreciated the good Senator from Penobscot, Senator Bost saying that he could hold his head up high. I can hold my head very high! I am very proud of what we have accomplished in the Legislative Session up until the last couple of weeks, which means nothing now, because we weren't allowed to finish the session accordingly. We have offered many opportunities to keep this going, and we get refused. Every door that we have tried to open has been slammed in our face, to keep these negotiations open and going. I resent that. My head is held up high, Senator Bost! Along with yours. I think it is ludicrous! I wish we had the amendment legitimately before us. Not just placed on our desks so that we could peruse it. If we had it legitimately before us, I think that you would have a lot more debate then what has been going on at the present time, because I believe that it is a slap in the face, and it is an invitation for business to leave the State of Maine. We are not about throwing business out, and we are not about inviting more business in! Maine needs jobs! This whole process that we are going through is a job situation. I want the employees back to work. But I want more jobs out there! I think you are wise in not presenting that amendment, because the headlines would not read very well up in the Bangor area. This is a threat! It is a warning to business that they had better step in line and march behind you, Senator Bost! I am sure that they don't appreciate the threat, and they don't appreciate the warning. Sometimes one line is not the only line to be in.

I believed up until yesterday, that we had people who were reasonable, and people of good will and good faith in this Body. I am losing heart rapidly. There are still a few in this Body who are willing to

work. Who are willing to try to negotiate us out of the problem that we are in. They have been flouted along every way. I can't believe that you would allow elimination of exemptions to businesses, and therefore, increase their taxes when the economy is in such a state, and you would be willing to bring video gambling into the state! I can't believe that is the trade-off! I certainly don't want the State of Maine to be known for that alone, and because we don't have jobs, we had to rely on something that was not what I wanted for myself, or my children, or my family, or my friends to rely on for income!

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I always appreciate the comments from my colleague from Cumberland, Senator Gill. She suggested that all doors have been closed to her. I would suggest that she and anyone else in this Chamber who voted "no" to extend the session by one day, and then voted "yes", just a few minutes later to bring us into Special Session, had almost doubled the cost of a Regular Session, I would say that is a loose interpretation of open and closed doors.

I believe it was about two and one-half days ago, it was about 3:30 or 4:00 in the morning that I stood on the floor, we were all exhausted. We wanted to get home. Timing is everything down here. My timing was off. I chose at that time to read into the Record, which I will now not do, but I read into the Record the \$375 million that we grant annually to corporations throughout this state, hoping that the message would be clear. The message is, that we have worked hard to preserve those very tax exemptions that are enumerated in the amendment, which I am now not offering at this time, I will make that clear again. And that we have done so because we both, Republicans and Democrats, recognize that they are fundamental in many respects to the livelihood of those very businesses. I recognized that. As I have said on the floor on previous occasions, despite continued attempts before my Committee this past session to rescind agreements with business and industry on many of these exemptions, we resisted that. These are tough times. But that is not the exclusive domain of my Committee. Each one of the twenty-two Joint Standing Committees did their part this past session. Every time a Bill came before this Legislature with the slightest fiscal implications, we found cold hard reality facing us, that the Budget is driving the policy. You saw scores of Bills with noble intent die in Committee. I am not so certain that in some instances that is wasn't a good thing. These are tough times, and this Body is a reflection of those tough times. Obviously, the intent of discussing Senate Amendment "B" is lost on a few members of this Body. The clear intent at this point is to make clear to the people of this state that the issue cannot be over simplified. It cannot be characterized as an issue of business versus labor. It cannot be characterized as an issue of Democrats versus Republicans. It must be characterized as the difference between doing what is right and doing what is wrong. I believe the longer we stay here, and keep the citizens of this state at bay, losing faith in their government as each minute passes, I think that is irresponsible.

If discussion surrounding the considerable efforts that this Legislature has made in years past and continues to do in this Legislature to preserve many of the incentives that we grant annually to business, if discussing that promotes this sort of dialogue, and allows the good Senator from Franklin, Senator Webster to say on the floor that he is willing to continue to work, I think that is positive. That is what this is all about.

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

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to stand and thank the good Senator from Penobscot, Senator Bost, for not offering this amendment at this time. I had made some notes last night, but when Senator Bost rose last night to make his comments, I listened very intently and took some notes, but decided that I do not want to be mean or fight, I want to reach an agreement like the rest. I went outside and a couple of people came to me and said, "Do you ever notice that it is just women Republicans that the criticism comes back to"? I just want to say that I hadn't even thought about that before. But last night, these are the notes that were said about me that I am embarrassed to say. The good Senator from Penobscot, Senator Bost said, "He was embarrassed to be here last night. That is was not easy to be in this Body." That may be true. But I am elected to come here and make tough decisions that I will embellish on in a minute. But I am not embarrassed right this minute. I am not a bit embarrassed. I am embarrassed that we haven't been able to work things out, but I am not embarrassed that we are here having this dialogue. The good Senator said that when I made the statement that I truly believe the enemy is all of us, I think we are all to blame, and I think that we should stop pointing blame. But the good Senator said that he did not want to be included. Finally the good Senator asked if I, as a negotiator for the Republican's on the Workers' Compensation Package, had been an observer or a participant. That was the criticism thrown at me. I would like to reply at this time, because I think that this is good timing, and no one ever knows what is going to come out of my mouth, ladies and gentlemen. If you say I am a puppet of Senator Webster, or I am a puppet of Governor McKernan, that is not true. My husband, the poor thing, is sitting in the Chamber, and he never knows what is going to come out of my mouth, either. But there were times that I was an observer. There were times when I was a participant. The Bible that I try to live by every day, says that there is a time for a purpose. There are times for everything. I used the judgment that I believe that I had to know when to observe, and when to participate. That is all hind sight. I am standing here on face. God help me, saying right this minute I know a Workers' Compensation Bill has been drafted. I have the Draft. I believe with very few negotiating people working that out, that we could have that Bill on our desk. I believe that we could have both the Budget and the Workers' Compensation Bill before us if we could all work together. If we could all work together, I believe that we could be out of here very, very soon, and not have to continue this. I will try to draw together something that I never thought in my life I would say, and I am standing before you as one that has said all along that I

could not vote for taxes and go home. I am taking a very big step of faith to say to you, and to pledge to you, that although I do not like it, I do not want to, I promise you that I will vote "yes" for the taxes, and I will even vote for that first as long as the Workers' Compensation Bill is beside it, and we can vote for that next. Because you know what? We all win. We have helped everybody. We have all worked together. I offer it for what it is worth.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. One of the items that has caught my attention as Chair of the Legal Affairs Committee, was that the video machines were mentioned again, and even though this amendment is not before us, I don't believe that it included that to begin with, so I just wanted to make that clear. I do find it a little ironic that as we have gotten down to the last part of the negotiations on the Budget, that all of a sudden I have had a lot of people stand up and say how terrible they thought it was that we would ever consider having video machines in the Budget. I would just like to say, when we had a chance to vote on that issue, there sure wasn't very many Senators in this room, and it would have been nice to have seen them stand up at that time when they thought it was such a bad thing.

It was just mentioned that it appeared that suddenly all the criticism was coming onto the women Republican Senators in this Body. I don't want to stand up and defend the good Senator from Franklin, Senator Webster, but in the time period that I have been in the Senate, I have found a good deal of criticism headed his way quite often in this Body, and I feel comfortable in saying that he gets more than his share of criticism in this Body. I think that most people would agree with that.

I would also like to try address what was mentioned if this amendment was offered, that it would be a threat to this Body. If you want to take a look at this session and talk about threats, where threats have been made, and why we are here today, and why we are at the process of being where we are now, I think that it is fair to say that one of the biggest reasons is that we were told and threatened back at the beginning of the session that if we didn't go along with the Workers' Compensation Package and get what the Governor wanted in his Workers' Compensation Package, they were going to shut government down. If you want to talk about threats, and threats being made, I think we have seen it, and I think it is one of the major reasons why we are here, and in the place that we are in today. That is one threat we have seen.

I would like to for a moment get back to discussing what we have before us, which is the State Budget, and the Budgets that we have been killing. When we talk about what is good for business in the State of Maine, and what we need for business in the State of Maine, I would ask you to take a look, especially what is considered the second largest industry in the State of Maine, which is tourism. I think you should ask yourselves, by not having a Budget before us, what that is doing to that industry. State Parks are being closed down. Liquor

supplies dry up, all of things that are effecting the second largest industry in this state. I hope that the people would start thinking about what is good for jobs in this state and the economy, and start thinking about why we should be back there and we should start working toward that.

It keeps being mentioned that people cannot vote for this package because of the \$300 million worth of taxes in this package, which I can assure you that nobody here wants to vote for, and how people are willing to negotiate with the Democrats if they want to take this \$300 million out of that Budget. Well, I would also suggest to people that they go down and talk to the person that suggested those \$300 million in taxes in the first place, and talk to that person about their suggestions for getting rid of those \$300 million worth of taxes, also. Stop trying to make it a Majority Party issue with the taxes. I think that would also be fair to do.

The point of the matter is, that we are elected to come in here, to go to our Committees, to come out with our Reports, and honor our commitments that we make with those Reports. For some reason that has broken down this session. It is a shame. It is a historical shame. I think that we should get back to what we are supposed to be doing, which is honoring our commitments, going forth with our Reports from our Committee's, and passing those Reports, and I would hope that is what we do today. Thank you Mr. President.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to clarify one point. I was the one that used the word threat and words threat and warning. I used them, because I was using them not dealing with this Body, those words were meant that they were a threat and a warning to business. Senator Bost from Penobscot had asked that the business community use their influence on the second floor. As he spoke those words, it seemed to me that by not presenting this amendment, by placing it on our desks, and by his speech, he was asking business to do something, and he was using this as a threat and a warning to them, that they had better do something. I resent that.

While I am up on my feet, I would like to know, since the Senator from Penobscot, Senator Bost came in with this proposal in a draft form on our desks, I notice that we now have a printed copy. I would like to inquire how much the printed copy cost when he knew that he wasn't going to present it in the first place?

Off Record Remarks

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

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Let me be absolutely clear, it is my intention to criticize and ask questions of two Senators, one of each gender within the Minority Party, equally, absolutely equally.

I would like to start with some of the comments made by the Senator from Cumberland, Senator Gill. I hesitated at first to comment on them because they were so ludicrous and absurd, that they were hardly worth my breath. However, I cannot hold back any longer on some of those kinds of comments. When the good Senator from Cumberland, Senator Gill, talks about doors being slammed, people unwilling to negotiate, she doesn't know what she is talking about. She has not been involved in this process! She has not been a participant! She is only hearing one part of the story, and has not been willing to listen to the rest of the story. She is personally talking about the integrity of people I believe she respects. People like the good Senator from Cumberland, Senator Conley. The good Senator from York, Senator Dutremble. The good Senator from Cumberland, myself, Senator Esty. When we talk about good faith, I think that she believes that those three people have acted in good faith in all of their actions in this Maine Legislature. How can she say now that we have not acted in good faith, when she doesn't know! How can she say doors have been slammed, when at 11:55 two nights ago, when we thought we were working, the Governor thought we were working, Senator Dutremble, the good Senator from York, who spoke with Joe Edwards thought we were working in good faith, but that door was slammed! Last night we thought we were there again. We pleaded! I begged! I thought we were close! We thought we were okay, but we couldn't make a decision, this group of thirteen without checking, and checking with everybody else to see if it was okay. So criticize politically when you haven't been involved, and you can't make up your own mind without checking on things. Come on! We have acted in good faith, you know that so far! Have some faith! Have some good faith in people that you trusted for three years on my part, and longer with the other people. Don't talk about doors slamming when you don't know the whole story!

Let me talk to another good Senator, the good Senator from Franklin, Senator Webster. I hope that he can address these questions without leaving the room, or picking up the telephone. The good Senator from Franklin, Senator Webster, has talked about the tremendous work ethic of the Maine people. Has talked about the efficiency of 180 cases of shoes made per day in New Hampshire, and double the effort in Maine with good Maine workers. Great work ethic! Are these the same Maine workers who are complaining about sprains and strains and are cheating the Workers' Compensation System, and are using fraudulent practices with regard to accidents, stress related injuries, all those kinds of things? Which Maine working people are we talking about Senator Webster from Franklin? The group with the tremendous work ethic? The group that is somehow taking advantage of our system? It can't be both ways, that is question number one. Question number two. I am also very concerned. Every single person in this Legislature is very concerned about business, and I am not sure if the business name was mentioned or not that has a \$48 per \$100 cost. I think that is

outrageous! I think that something needs to be done about that. We are doing something about that. My question is, when told of that outrageous cost, did the good Senator from Franklin inquire as to which insurance company was charging that exorbitant rate? Did he inquire as to why that was an exorbitant rate? Was it due to an incredible amount of safety violations? Was it due to an inordinate amount of injuries on the job? Was it because they were on the other hand a very safe company, but stuck in the residual, nonvolunteer market? Did he ask those questions of the person who he talked to about that business? If he did, did he call the Superintendent of Insurance and say, "What can we do about this to improve those safety violations, those incredible amount of accidents"? Or, did he call and say, "Are they are stuck in this residual market? How can we get them out if they are a safe company? What can we do to get them into a competitive volunteer market?" Or did he just use it as an example without following up for his constituent to try to find out what he could do?

Well, I have posed two questions, and let me briefly remind the Senator from Franklin, Senator Webster what they are. One had to do with our work force. Are they abusing the system? Are they the cheaters that they have been accused of being, or are they the ones who have the tremendous work ethic as described by Senator Webster from Franklin? Question number two is having to do with his action regarding his business and his constituent. Thank you Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Esty, has posed questions through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have served in the Legislature now going onto twelve years. I have always been proud to be a member of the Legislature, and particularly proud to be a member of this Senate. Up until about forty-five minutes ago, I think that the debate has been very upbeat. I think that we have regressed, and I think that we all should be very ashamed. We are not debating the issue here. We are debating personalities. We are debating pieces of legislation and proposals in a punitive manner. I hope that it stops, and I hope that it stops now, because I don't think that this does anything for this Senate Chamber. I don't think that it does anything for the State of Maine. I am disappointed in all of you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Today is Friday, July 12th, which is a day which would otherwise be uneventful, but it is a day that for three months I have looked forward to very much, because it was one of the few occasions in my life when I would have a chance to spend an evening with my wife and two daughters in Bar Harbor. We had planned that for some time, and obviously, I once again am not going to be able to address my family obligations. It is a point that concerns me to significant extent that I am not able to articulate. I can articulate my

position on policy issues, but I am unable to convey to you just how much I miss my family.

I, too, am disturbed by the tenure of the debate tonight, but I understand why people have spoken with such candor, and emotion, and frustration. It is because we are involved in a highly dysfunctional process. We are being asked to do that which is not practical or realistic, and that is to develop a major restructuring of a Workers' Compensation System which effects hundreds and perhaps thousands of Maine people, which is remarkable in its complexity. Only a small amount of attorneys in our state feel comfortable in discussing the complexities of this issue. It has been difficult for Legislators to grapple the doctrinal underpinnings of Workers' Compensation, and to explain coherently to their colleagues the practical application of our system. We can do this, but we have to do it in an atmosphere of calmness and mutual respect which, in fact, is at the very root of our legislative process. People are not behaving perhaps the way that they did in January, February, and March, but that is because we have been asked to engage in this lengthy process, now two weeks into the month of July. It has taxed all of us emotionally, physically, and financially. Some members legitimately question their job security because they have gone well beyond the period that they had committed to legislative service, and many others are showing the strain of working 18 and 20 hour days for the past month. Perhaps comments were made which could be interpreted as manifesting a lack of respect for each other. That is unfortunate, because I know, and I cherish my relationship with all members of this Body. I know that all of you feel the same way. When and if we are ever fortunate enough to return to our families, and our jobs, and our communities, and have put this Budget to rest, I think that we will in kinder and gentler notions reflect upon our common goals. We do have a deep and an abiding love for the State of Maine and for its people. That, in fact, is why we go through this insane process. We have in the past succeeded in overcoming tremendous obstacles. I believe that we will do that again at this time. But, I would remind my friends and colleagues in this Chamber as I have frequently now for the past week, the reason that we have been able to arrive at consensus is because we have a process, we have a set of values that have been crystallized into an Institution, the Maine Legislature, and we have a process which we abide by. We now have abandoned that process. We see that agreements and consensus, which really are the product of painful compromise are now coming apart. All of us have different philosophies. Although I usually speak in deliberative tone, I have very strong feelings and bonds to working men and women, as I am sure that all of you do in this Body. It pains me to no end to know, and I do fully appreciate because of my background and my own life experiences, the actual impasse, the proposed changes in Workers' Compensation will have upon people. People, as we all know, are not instrumentalities of commerce, they are human beings. They wear out. It is painful to watch a worker in a shoe mill in Lewiston work for thirty years, work to the utmost and just be able to pay the rent. People cannot afford homes these days, they pay rent, and try to eke out a basic existence. You see people over time, their bodies crippled, their hands gnarled, and a whole host of other physical ailments which render them partially or

totally disabled. Perhaps we cannot understand the words very well. But we understand when we see the people in need.

This process which involves a restructuring of Workers' Compensation, has to be done calmly, and has to be done with compassion and human understanding. I submit to you, my friends, that the process that we are undergoing now, does not readily lend itself to calmness, to liberation, or to compassion. I have received a number of calls from businesses in my community, urging me to adopt Workers' Compensation Reform. In fact, I have told people throughout this session, and I tell them every day, that I am committed to a responsible and meaningful package of Workers' Compensation Reform. I do not believe that we will generate such a package in the present environment. In fact, I think that if this process goes on much further, we will further erode the faith and the respect the men and women of our state have reposed in us by electing us to this Institution. We will create grievous errors which will necessitate further painful legislative compromise next year or the year thereafter.

It appears to me, based upon the number of phone calls that I have had, and the communications that I have had with people who I consider myself friends in the business community, I believe that for whatever reason, some, and perhaps even many people in the business community have lost faith in the Legislature, or lost faith in the Democratic Party, for some reason, not to adopt what they view as a Workers' Compensation Package which will reduce the cost of their insurance. That I think is very painful. Because I mean what I say, and all of us mean what we say. We are committed to a responsible package of Workers' Compensation. We first of all have to deal with the issue before us, which is to adopt a Budget. I am committed to adopting a Budget first, and then considering other issues of importance such as Workers' Compensation. Let me say this. Apparently some in the business community no longer respect us personally, or respect the process. But we do, we do respect each other! We do have a deep and abiding faith in the process. The issue which we must confront now is, are we going to abide by this process, because we know best what the process can do. Are we going to abide by this process, and let it produce a bipartisan Budget, which is a product of mutual sacrifice by all concerned parties, and then let us go forth together and produce a unified package on Workers' Compensation? Or are we going to listen to those voices who, for whatever reason would say, "Disregard our process which has evolved over the past 170 years. Disregard that! Disregard your respect and your friendship for each other, because my particular issue comes first."

I think when all is said and done, and my goodness, a lot has been said, and something done, although not enough, the issue does come down to that. Are we going to respect each other as friends, and as colleagues, and as individuals committed to the public trust? Or, are we going to assist others, for whatever reason, would advance the erosion of this process, and the destruction of our mutual respect and friendship for one another? I think that the issues come down to that, Mr. President. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am prolonging this debate because I think that it needs to be prolonged, because I think that we all need to sit, and listen, and think about our positions. We need to think about why we are in that position and what we are going to do about it. We need to think about all of the workers' of this state. Let's never forget that the 10,000 or 15,000 state workers' of this state do not represent all the workers'. They are only part of the pie. Let's stop and think about the employers and the businesses of this state, and what we do about keeping businesses in this state. Let's stop and think about the recession, and about the fact that we live in the Northeast, and about the fact that the Northeast is the hardest hit at this time. So when you use Maine as an example of losing jobs and businesses, and you tie it strictly to Workers' Compensation, I think that you are probably wrong. That may be one of the factors of many, and that we have a lot to do to work together to keep business in this state, to work together to make sure that we give the services to the people of this state that they deserve, and that we want them to have as a high level society, and as the proud Mainer's that we are. Because if it were you or I standing on the edge of that water, watching those boat people go down, there isn't one of us that would not try to save them. I don't believe for one minute that there is one person in this Body, Republican or Democrat, who would not say, "Save them from drowning". This state is drowning, and we have really got to do something about it. We are not going to do it by accusing each other, by slamming each other, and by saying impossible things and taking impossible positions. We have to find a way to work together.

I have a suggestion for you. I don't know if it will work, but I have a suggestion. But first I want to answer some of the things that have been said, and preface those remarks by saying something in the line of what the Senator from Androscoggin, Senator Gauvreau has said about how to reach decisions, and what are doing here, and the level of discussion. Take some issue with the good Senator from Sagadahoc, Senator Cahill, in saying that the level of discussion has lowered and sort of making us all feel like two year olds. Well, I'm sorry. I am not a two year old. I believe that the discussion is something that needs to be discussed. The good Senator from Cumberland, Senator Esty, I suspect, grew up in the same scrappy family I grew up in. When we see our siblings doing something stupid, or something that is going to get them in trouble, or something that is going to cause them harm, we are going to scrap with them right down to the floor to get them to stop. I don't think that is lowering the level of discussion. I think that is caring. I think that is caring about what the people of this state need and want, whether they are employers or employees, Legislators or business people, union workers or state workers, I think that is what it is all about.

Let me tell you about the tax structure. To answer a question that was posed. Yes, of course tax exemptions cost people money. Who do they cost? Everybody who pays taxes. The businessmen along with the worker. That is how those exemptions are paid.

I will tell you something else. \$375 million that we pay to industry for those exemptions is probably a drop in the bucket of what we should be giving businesses to encourage them to be in this state, I will tell you that. I will tell you that I would be the first to vote on it if I had the money. The very real and very important decisions, the needs of businesses, the worker, the person who is less fortunate than ourselves, the person who can work. We need to weigh them very carefully when we make these decisions. I can tell you about the story of the pipe layer, and the inspector who went to inspect that site. The inspector called the supervisor over and said, "This is a very unsafe condition. Would you want to go down there and lay that pipe in that condition? Do you see how unsafe it is?" The supervisor said, "I would rather pay the money for the Workers' Compensation and pay the higher premium. It would cost me less to do that then it would make it safer working conditions." That is ignoring safe working conditions for the workers. I don't think that is what this state is made of, nor do I want this state to be made of that. I think that we can do a lot, lot better.

I will tell you a story of a senior citizen, I don't think that he would mind if I used his name because he has been up here many times on this second floor, chastising me and asking me this and that, his name is Ernie Lake. He calls me up, and he writes me letters, and he comes up here and talks to me. And he said, "Beverly, when I go to New Hampshire, I pay 8% sales tax on meals and lodging, does anyone know that? I don't mind if you raise the sales tax to 8%." So when the good Senator from Franklin, Senator Webster goes back to his area, and he is so proud that people are telling him that he is fighting for them so that they don't raise taxes, let me tell you, that isn't all the people of the State of Maine, because I just gave you one example, who if he could, I am sure would, address the Senate today and tell you exactly the same thing. I will tell you about my rednecked family, who don't like to pay taxes and don't want to and say, "Beverly, raise the sales tax". Yes, the good Senator from Cumberland, Senator Titcomb has to get votes from those very people, she knows them, she's smiling. They are rednecks, and I love them dearly. But they said raise the sales tax. This is one Senator you can't tell that some people in the State of Maine do not want taxes raised in order to get us out of this mess. They do. They don't want much, they don't like it much, but they will.

For my suggestion, I don't know if this is of any value or not, but let's at least consider it. I presented this suggestion before, that we have an independent arbitrator picked by both sides, and get a group together to solve the Workers' Compensation problem. I used that same scenario from my experience as a Field Representative, where I know that you have to get all eyes together at the same table in order to make a decision. I suggest that the members of leadership and the Governor get together, pick an independent arbitrator, and solve the Budget issue, and then after the Budget is signed, the Workers' Compensation issue.

Which was, **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.

On motion by Senator **GAUVREAU** of Androscoggin, **RECESSED** until the sound of the bell.

After Recess

Senate called to Order by the President

On motion by Senator **THERIAULT** of Aroostook, **RECESSED** until Saturday, July 13, 1991, at 11:00 in the morning.