

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
SECOND SPECIAL SESSION
JOURNAL OF THE SENATE

In Senate Chamber

Friday

December 20, 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
Non-concurrent Matter

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

H.P. 1402 L.D. 1985
(H "C" H-785; H "V"
H-804; H "W" H-805; H
"Y" H-807; H "BB"
H-810; H "NN" H-824;
"CCC" H-840; S "A"
S-479; S "C" S-481; S
"F" S-484; S "H" S-486;
S "J" S-488; S "N"
S-492; S "T" S-499; S
"X" S-504; S "Y" S-505)

In House, December 19, 1991, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "LL" (H-821), "NN" (H-824), "WW" (H-833), "BBB" (H-839), "CCC" (H-840), "III" (H-848) AND HOUSE AMENDMENT "UU" (H-831) AS AMENDED BY HOUSE AMENDMENT "A" (H-849) thereto.

In Senate, December 19, 1991, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "NN" (H-824), "CCC" (H-840) AND SENATE AMENDMENTS "A" (S-479), "C" (S-481), "F" (S-484), "H" (S-486), "J" (S-488), "N" (S-492), "T" (S-499), "X" (S-504), AND "Y" (S-505) in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "NN" (H-824), "BBB" (H-839), "CCC" (H-840), "JJJ" (H-854) AND HOUSE AMENDMENT "UU" (H-831) AS AMENDED BY HOUSE AMENDMENT "A" (H-849), thereto AND SENATE AMENDMENTS "A" (S-479), "F" (S-484), "H" (S-486), "J" (S-488), "T" (S-499), "X" (S-504), "Y" (S-505) AND SENATE AMENDMENT "C" (S-481) AS AMENDED BY HOUSE AMENDMENT "A" (H-856), thereto, AND SENATE AMENDMENT "N" (S-492) AS AMENDED BY HOUSE AMENDMENTS "B" (H-855) AND "C" (H-857) thereto, in NON-CONCURRENCE.

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act to Make Technical Corrections to the Laws Regarding Withholding Tax on Real Estate Transfers" (Emergency)

H.P. 1407 L.D. 1990

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence.

ENACTORS

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

Resolve

Resolve, Authorizing the Transfer of Corporate Rights from Great Northern Nekoosa Corporation to Great Northern Paper, Incorporated

S.P. 791 L.D. 1989

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

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

ORDERS OF THE DAY
Unfinished Business

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

The Chair laid before the Senate the Tabled and Later (12/19/91) Assigned matter:

Bill "An Act to Exempt from Sales Tax Snowmobiles and All-terrain Vehicles That Are Registered Outside the State"

H.P. 1406 L.D. 1988

Tabled - December 19, 1991, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on TAXATION suggested and ORDERED PRINTED.)

(In House, December 18, 1991, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.)

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

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. Would somebody please explain to me what this is all about?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson poses a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President. Ladies and Gentlemen of the Senate. Last year we passed a law dealing with the registration of a vehicle. In the process we inadvertently put a provision in there that has been detrimental to us from western and northern Maine in the viewpoint of

snow vehicles. Under the present interpretation of the law a nonresident of Maine who enters Maine for the purpose of snowmobiling has to pay sales tax in Maine before they can use their machines. Consequentially, what is happening is the nonresidents are no longer interested into coming into Maine to snowmobile. Last year, in my part of the country, they were coming from all over because it was the only snow available east of the Mississippi. This was done unintentionally and we need to change it. For example, watercraft that enter Maine do not have to pay the sales tax if they are owned by nonresidents. As far as the revenue involved on the amendment that I am going to be offering later on, it is not quite revenue neutral, but it is negligible. Thank you.

On motion by Senator **THERIAULT** of Aroostook, Senate Amendment "B" (S-506) **READ and ADOPTED.**

On motion by Senator **McCORMICK** of Kennebec, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED, as Amended,** without reference to a Committee in **NON-CONCURRENCE.**

The Chair laid before the Senate the Tabled and Later (12/19/91) Assigned matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Determine the Distribution Method of the Supplemental Reduction to General Purpose Aid for Local Schools for Fiscal Year 1991-92"

S.P. 789 L.D. 1986

Majority - **Ought to Pass**

Minority - **Ought to Pass As Amended by Committee Amendment "A" (S-478)**

Tabled - December 19, 1991, by Senator **ESTES** of York.

Pending - Motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **Ought to Pass** Report (Division Requested)

(In Senate, December 18, 1991, Reports **READ.**)

On motion by Senator **ESTES** of York, Tabled until Later in Today's Session, pending motion of Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **Ought to Pass** Report (Division Requested).

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator **McCORMICK** of Kennebec, the Senate removed from the Later Today Assigned Table the following:

Bill "An Act to Exempt from Sales Tax Snowmobiles and All-terrain Vehicles That Are Registered Outside the State"

H.P. 1406 L.D. 1988

Tabled - December 20, 1991, by Senator **McCORMICK** of Kennebec.

Pending - **PASSAGE TO BE ENGROSSED, as Amended,** without reference to a Committee in **NON-CONCURRENCE.**

(In House, December 18, 1991, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED,** without reference to a Committee.)

(In Senate, December 20, 1991, under suspension of the Rules, **READ TWICE,** without reference to a Committee. On motion by Senator **THERIAULT** of Aroostook, Senate Amendment "B" (S-506) **READ and ADOPTED.**)

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

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

Off Record Remarks

On motion by Senator **MILLS** of Oxford, **RECESSED** until 10:30 in the morning.

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

H.P. 1402 L.D. 1985

(H "C" H-785; H "V" H-804; H "W" H-805; H "Y" H-807; H "BB" H-810; H "NN" H-824; "CCC" H-840; S "A" S-479; S "C" S-481; S "F" S-484; S "H" S-486; S "J" S-488; S "N" S-492; S "T" S-499; S "X" S-504; S "Y" S-505)

Tabled - December 20, 1991, by Senator **PEARSON** of Penobscot.

Pending - **FURTHER CONSIDERATION**

(In House, December 19, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "LL" (H-821), "NN" (H-824), "WW" (H-833), "BBB" (H-839), "CCC" (H-840), "III" (H-848) AND HOUSE AMENDMENT "UU" (H-831) AS AMENDED BY HOUSE AMENDMENT "A" (H-849) thereto.)**

(In Senate, December 19, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "NN" (H-824), "CCC" (H-840) AND SENATE AMENDMENTS "A" (S-479), "C" (S-481), "F" (S-484), "H" (S-486), "J" (S-488), "N" (S-492), "T" (S-499), "X" (S-504), AND "Y" (S-505) in NON-CONCURRENCE.)**

(In House, December 19, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "NN" (H-824), "BBB" (H-839), "CCC" (H-840), "JJJ" (H-854) AND HOUSE AMENDMENT "UU" (H-831) AS AMENDED BY HOUSE AMENDMENT "A" (H-849), thereto AND SENATE AMENDMENTS "A" (S-479), "F" (S-484), "H" (S-486), "J" (S-488), "T" (S-499), "X" (S-504), "Y" (S-505) AND SENATE AMENDMENT "C" (S-481) AS AMENDED BY HOUSE AMENDMENT "A" (H-856) thereto, AND SENATE AMENDMENT "N" (S-492) AS AMENDED BY HOUSE AMENDMENTS "B" (H-855) AND "C" (H-857) thereto, in NON-CONCURRENCE.)**

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED**, as Amended.

Senate at Ease
Senate called to order by the President.

House Amendment "JJJ" (H-854) **READ** and **ADOPTED**, in concurrence.

Senate at Ease
Senate called to order by the President.

On motion by Senator **MILLS** of Oxford, the Senate **RECEDED** from **ADOPTION** of Senate Amendment "N" (S-492). House Amendment "B" (H-855) to Senate Amendment "N" (S-492) **READ**.

On motion by Senator **MILLS** of Oxford, House Amendment "B" (H-855) to Senate Amendment "N" (S-492) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

House Amendment "C" (H-857) to Senate Amendment "N" (S-492) **READ**.

On motion by Senator **MILLS** of Oxford, House Amendment "C" (H-857) to Senate Amendment "N" (S-492) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "B" (S-515) to Senate Amendment "N" (S-492) **READ** and **ADOPTED**.

Senate Amendment "N" (S-492), as Amended by Senate Amendment "B" (S-515) thereto, **ADOPTED** in **NON-CONCURRENCE**.

On motion by Senator **BOST** of Penobscot, the Senate **RECEDED** from **ADOPTION** of Senate Amendment "C" (S-481).

House Amendment "A" (H-856) to Senate Amendment "C" (S-481) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **BOST** of Penobscot, Senate Amendment "A" (S-516) to Senate Amendment "C" (S-481) **READ** and **ADOPTED**.

Senate Amendment "C" (S-481), as Amended by House Amendment "A" (H-856) and Senate Amendment "A" (S-516) thereto, **ADOPTED** in **NON-CONCURRENCE**.

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "DD" (S-517) **READ**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Could the good Senator explain his amendment. I don't have it in front of me.

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill poses an inquiry through the Chair. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Senate Amendment "DD" is similar to the amendment I offered in regards to the moratorium on merit pay increases. Again, recognizing the opinion of the Attorney General and the possible conflict that would occur with the existing budget. The attempt here is simply to rectify any challenge to the constitutionality and at the same time to provide another million dollars in funding for the budget. This amendment simply deletes Part NN which refers to the moratorium on the merit pay increases. It is funded by taking

one-third of one percent across the board and departmental agencies exempting from those accounts general purpose aide to local schools, education in the unorganized territories, debt service, treasury, teacher retirement, aide to families with dependent children, aide to families with dependent children foster care, general assistance Maine health program, the intermediate care payments to providers, medicaid payments to provide for the Bureau of Rehabilitation, and Bureau of Rehabilitation vocational rehabilitation in that calculation. It is the same formula that was used last summer when additional money needed to be found to fund the previous budget taking exactly the same language and applying it here at one-third of one percent which the fiscal office says will provide the million dollars necessary. I have also removed from that any language in regards to travel and furniture. There is no reference to that at all. I have removed it completely from the bill. 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. It is my understanding that there is another amendment that will be coming along that addresses the issue of the million dollar hole in the merit pay. I would request that you vote against this amendment and I would request a division.

Senator **CAHILL** of Sagadahoc requested a Division.
THE PRESIDENT: The pending question before the Senate is the motion by Senator **CLEVELAND** of Androscoggin, to **ADOPT** Senate Amendment "DD" (S-517).

A Division has been requested.
Will all those in favor of the motion by Senator **CLEVELAND** of Androscoggin to **ADOPT** Senate Amendment "DD" (S-517), please rise in their places and remain standing until counted.

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

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CLEVELAND** of Androscoggin to **ADOPT** Senate Amendment "DD" (S-517), **PREVAILED**.

Senate at Ease
Senate called to order by the President.

Senator **ESTES** of York moved that the Senate **RECEDE** from **INDEFINITE POSTPONEMENT** of House Amendment "UU" (H-831) as Amended by House Amendment "A" (H-849), thereto in **NON-CONCURRENCE**.

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

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As we are well into our third day of this Special Session to deal with the matter of closing the FY 92 budget. I can't help but think of the frustration, the tension and the anger we have all gone through in the last year. In fact, this last year we have really operated in a crisis mode. I like in our actions of the last twelve months to the unraveling of the fabric of Maine's society. We are doing it in a very piece meal fashion. I don't see the rhyme or the reason. I see us picking at the threads here and there with no plan and no strategy of priorities. Instead it is this

thread can go and then we can pick that one and that one. What we are doing is tattering and tearing the fabric of our society. With no plan and no clear set of priorities we will soon have nothing but a pile of strings that are disconnected and meaningless. I ask you where are our priorities as a legislator, as a legislature, as a government of the State of Maine? Are they our children? Are they the elderly? Are they the sick, poor or the environment or a quality of life? I see us over the last year sliding down a steep hill by the seat of our pants nearly out of control. Ladies and Gentlemen we have had this fiscal crisis for 2 1/2 years. It goes back to June of 1989 when we made our first round of cuts to the tune of sixty million dollars. You will remember coming in two years ago and looking at was identified by the Pete Marwick study as a sixty-five million dollar shortfall in December which turned out in February to be two hundred and ten million dollars. Then a year ago last November we had no problem, then we had a problem. Into December and January and we cut one hundred and seventy million in March. Then another seventy-six million in May and then we death with this current biennium budget to the tune of one point two million dollars worth of cuts. Well here we are in December and we are going back at it. I heard yesterday in the debate that took place in this chamber with many interpretations about what good government was. What responsibility is? What are our priorities? We also talked about the inpowerment that needs to take place to the committees of jurisdiction in this budgetary process. Ladies and Gentlemen we have an opportunity here to do something and to do something very positive. I am afraid that if we take the unanimous report coming from the Appropriations Committee that we are going to be going back in and we are going to be fixing and fixing and fixing and fixing for the next three months. House Amendment "UU" as amended offers us an opportunity to bank the cuts that we can all agree on. We are talking about forty-one point eight million dollars and out of the discussions that have transpired out of the last two and a half days and the amendments that have come forth have been many very interesting ideas of how we can save a few hundred thousand here and a million there. We have been talking with constituencies who are saying now that maybe we can take a hit, but not quite as big. Maybe we can make the sacrifice. I maintain to you ladies and gentlemen of the Senate that we have to ask ourselves a question. The question is could this budget it is a glass and is it more than half full with a fifty-three million dollars in cuts that we could agree to in House Amendment "UU" or is almost half empty. If it is more than half full, then over the next month we can add responsibly to the cut by taking a look at what has been offered to us until it is full and it is balanced and balanced properly. Otherwise what we will be doing is balancing the budget on paper now and yes it might be full now, but when we come to the Second Regular Session we will find ourselves having to take some out and add some more as needed and take a little bit more out and we will play that game for three months. This is the earliest in the 2 1/2 years of budgetary crisis that we have faced. This is the earliest that we have seized the tiger by the tail. Last year it wasn't until March and we didn't finally resolve the FY 91 budget until May. Two years ago it was in April. Ladies and Gentlemen we have an opportunity to end

this Special Session this afternoon and to go home to our constituents and say that we tried. That our Appropriations Committee did a tremendous job under extremely difficult circumstances. We have more than we have to do not only for this fiscal year, but for the next fiscal year. We are going to do that job and we are going to do it responsibly and then when we come back here in January we will have changed the process, but we will have clearer idea a consensus of what our priorities are for this state and for its people. I urge you people to vote in favor of this motion to recede. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to reconsider and vote on House Amendment "UU" again because actually by voting now we are voting on amendment "UU" that we made a major stand on yesterday. It was a major break through I think in getting this process moving toward a solution. Yes, we can go home this afternoon. We can go home this afternoon with a budget. With a budget put together tailored from what was given to us from the administration. The budget that is the best that we can do under the circumstances. Certainly even the cuts that are in House Amendment "UU", I wish they would have landed on a better set of cuts, but with this amendment that we are discussing even the cuts there are painful, but we need to go beyond we have gone beyond I don't think I can add anything to what I said yesterday about the dire straits we are in. What we have to face in January. We must have a budget. This budget the 92 budget put back together as best we can. We must make up the one hundred and four million. We must not put off the pain. We must not give people the false hope that we can do this in a less painful way and then go on and do another one hundred and fifty million for 93. There is just no way to go about this in any partial form now. We must do the full journey now and then we must go on from there. I believe that if we hold firm to the very strong vote that we had against this partial budget that we had yesterday that we go back and send it out. We have done our job. We let the other body do their job and I believe that in the end that we will have the budget that we need and we can go home tonight feeling that we have done the best job we can with the material that we have to work with. We can come back refreshed to face another tremendously grueling session in January. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator ESTES of York that the Senate **RECEDE** from **INDEFINITE POSTPONEMENT** of House Amendment "UU" (H-831) as Amended by House Amendment "A" (H-849), thereto in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor of the motion of Senator ESTES of York that the Senate **RECEDE** from **INDEFINITE POSTPONEMENT** of House Amendment "UU" (H-831) as Amended by House Amendment "A" (H-849) thereto, please rise in their places and remain standing until counted.

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

7 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion of Senator ESTES of York that the Senate **RECEDE** from **INDEFINITE POSTPONEMENT** of House Amendment "UU" (H-831) as Amended by House Amendment "A" (H-849) thereto, **FAILED**.

The Chair moved that the Bill be **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor of **PASSAGE TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

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

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

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

Off Record Remarks

On motion by Senator **DUTREMBLE** of York, **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
Non-concurrent Matter

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

H.P. 1402 L.D. 1985
H "C" H-785, H "V"
H-804, H "W" H-805, H
"Y" H-807, H "BB"
H-810, H "NN" H-824,
"CCC" H-840, H "JJJ"
H-854, S "A" S-479, S
"F" S-484, S "H" S-486,
S "J" S-488, S "T"
S-499, S "X" S-504, S
"Y" S-505, S "DD"
S-517, S "A" S-516;
H "A" H-856 to S "C"
S-481, S "B" S-515
to S "N" S-492)

In House, December 19, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "LL" (H-821), "NN" (H-824), "WW" (H-833), "BBB" (H-839), "CCC" (H-840), "III" (H-848) AND HOUSE AMENDMENT "UU" (H-831) AS AMENDED BY HOUSE AMENDMENT "A" (H-849)**, thereto.

In Senate, December 19, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "NN" (H-824), "CCC" (H-840) AND SENATE AMENDMENTS "A" (S-479), "C" (S-481), "F" (S-484), "H" (S-486), "J" (S-488), "N" (S-492), "T" (S-499), "X" (S-504), AND "Y" (S-505) in NON-CONCURRENCE**.

In House, December 19, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "NN" (H-824), "BBB" (H-839), "CCC" (H-840), "JJJ" (H-854) AND HOUSE AMENDMENT "UU" (H-831) AS AMENDED BY HOUSE AMENDMENT "A" (H-849) thereto, AND SENATE AMENDMENTS "A" (S-479), "F" (S-484), "H" (S-486), "J" (S-488), "T" (S-499), "X" (S-504), "Y" (S-505) AND SENATE AMENDMENT "C" (S-481) AS AMENDED BY HOUSE AMENDMENT "A" (H-856) thereto, AND SENATE AMENDMENT "N" (S-492) AS AMENDED BY HOUSE AMENDMENTS "B" (H-855) AND "C" (H-857) thereto, in NON-CONCURRENCE**.

In Senate, December 20, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "NN" (H-824), "CCC" (H-840), "JJJ" (H-854) AND SENATE AMENDMENTS "A" (S-479), "F" (S-484), "H" (S-486), "J" (S-488), "T" (S-499), "X" (S-504), "Y" (S-505), "DD" (S-517) AND SENATE AMENDMENT "C" (S-481) AS AMENDED BY HOUSE AMENDMENT "A" (H-856) AND SENATE AMENDMENT "A" (S-516), thereto, AND SENATE AMENDMENT "N" (S-492) AS AMENDED BY SENATE AMENDMENT "B" (S-515) thereto, in NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **BOST** of Penobscot, the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED**, as Amended.

On further motion by same Senator, the Senate **RECEDED** from **ADOPTION** of Senate Amendment "C" (S-481) as Amended by House Amendment "A" (H-856) and Senate Amendment "A" (S-516) thereto.

On further motion by same Senator, the Senate **RECEDED** from **ADOPTION** of House Amendment "A" (H-856) to Senate Amendment "C" (S-481).

On further motion by same Senator, House Amendment "A" (H-856) to Senate Amendment "C" (S-481) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "B" (S-520) to Senate Amendment "C" (S-481) **READ** and **ADOPTED**.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. By brief way of explanation the reason that this amendment is before you because a technical conflict between an amendment that was offered by the Senator from Androscoggin, Senator Cleveland and the amendment which I offered before this body, Senate Amendment "C" yesterday. This takes care of that technical problem. It also incorporates the House Amendment which was added yesterday to this amendment. Very simply. Thank you.

Senate Amendment "C" (S-481) as Amended by Senate Amendments "A" (S-516) and "B" (S-520) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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 Technical Corrections to the Laws Regarding Withholding Tax on Real Estate Transfers
H.P. 1407 L.D. 1990

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 0 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication:

**COMMITTEE ON HUMAN RESOURCES
ONE HUNDRED AND FIFTEENTH LEGISLATURE
December 20, 1991**

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

We are pleased to send you this copy of the final report on the Low Cost Drugs for the Elderly Program. The report is a staff study completed by the Office of Policy and Legal Analysis for the Joint Standing Committee on Human Resources pursuant to Legislative Council authorization.

Sincerely,

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

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

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

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

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

H.P. 1402 L.D. 1985
(H "C" H-785, H "Y"
H-804, H "W" H-805,
H "Y" H-807, H "BB"
H-810, H "NN" H-824,
"CCC" H-840, H "JJJ"
H-854, S "A" S-479,
S "F" S-484, S "H"
S-486, S "J" S-488,
S "T" S-499, S "X"
S-504, S "Y" S-505,
S "DD" S-517, S "A"
S-516; S "B" S-520
to S "C" S-481, S
"B" S-515 to S "N"
S-492)

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

This being an Emergency Measure and having received the affirmative vote of 19 Members of the Senate, with 10 Senators having voted in the negative, and 19 being less than two-thirds of the entire elected Membership of the Senate, the Bill **FAILED OF ENACTMENT.**

(See action later today)

The President requested the Sergeant-at-Arms to escort the Senator from Cumberland, Senator **CLARK** to the rostrum to assume the duties of President Pro Tem.

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

The Senator called to order by the President Pro Tem.

Senator **PRAY** of Penobscot, having voted on the Prevailing side, moved the Senate **RECONSIDER** its action whereby it **FAILED TO ENACT:**

EMERGENCY

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

H.P. 1402 L.D. 1985
(H "C" H-785, H "V"
H-804, H "W" H-805, H
"Y" H-807, H "BB"
H-810, H "NN" H-824,
"CCC" H-840, H "JJJ"
H-854, S "A" S-479, S
"F" S-484, S "H" S-486,
S "J" S-488, S "T"
S-499, S "X" S-504, S
"Y" S-505, S "DD"
S-517, S "A" S-516; S
"B" S-520 to S "C"
S-481, S "B" S-515 to S
"N" S-492)

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We have been at this for a long time and we have come down to the absolute final vote. We have had it this way and that way in one house or another. We have had a variety of options and opportunities to make changes in the original proposals presented to this body as tailored by the Appropriations Committee. I gave you the motivating factors a couple of days ago why it is imperative that this budget in this form passes now. I guess if I am going to pick one of the motivating factors and elaborate on it it would be the harm that is going to be done to those that are not voting for this to the very people they want to help. The people they want to protect. The harm that I believe will come through the broad axe curtailments that must be done in a deficit situation. We have never been in these kinds of situations before and there are many and varied hurts that are going to happen, but it is mostly going to take the two groups that are going to be hurt. Our cities and towns and schools are going to be hurt. The Governor is going to curtail revenue sharing and general purpose aid. If he can't by some injunction of the court get the savings he needs in revenue sharing he will then take it out of general purpose aid which would be even worse.

Our cities and towns as much as we want to protect them. As much as I would, especially in my city which has been racked with property tax problems. It will be hurt, but maybe it would be better off. We are just looking at those little pieces maybe it would be better off to take the curtailment. We don't get a lot of school aid. Throughout my city and throughout your towns there are other people who are going to be hurt. It is going to be devastating and permanent. There is no way we are going to come back here in January and fix it. There are small agencies that serve the mentally ill, the mentally retarded, the aged, the children in need, foster care and all those people are going to be hit and hurt. They can't take it. They live on the margin. I think we just haven't got the feel for it yet. Once we get the feel for it then we would realize what a precarious situation we are in. That to me is the most urgent need we have to pass this budget on. On top of the fact that we have this major process that we have to tackle in January. To have this hanging over us and somehow then we are trying to catch up because we begin to hear about what we have done. Oh the Governor did it, but we are the responsible part of Government now. Right now. Right here. It is in our hands. We will be trying to scurry to try to put this all together somehow and we will be totally taken up and distracted in January. We will not be able to get on with the work that we need to do, but backing up those small agencies, the people in individual cases, day care, retarded and the elderly they are going to be not only not served, but I believe those agencies that serve them will quickly go out of business because they do not have the capitol to withstand. I ask you not to protect the appropriation process. To heck with the appropriations process. The process is legislation. The process is this legislature working for the people of the State of Maine. The people that we are elected to serve. We have to weigh it out and balance it out. The only way that we can do

our job is right now to vote in favor of this budget. As much as you hate it, we must and I think you will. Thank you.

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

Senator **DUTREMBLE:** Thank you Madame President. Ladies and Gentlemen of the Senate. For the last three days both the other body and this body have been trying to find a resolution to the present crisis that we are facing. Right now as the good Senator from Cumberland, Senator Brannigan has pointed out we are faced with a choice and that choice is the budget that is before us or the curtailment. Those of us who wanted to cut the general purpose aid and revenue sharing for this budget made the attempt. We made several attempts. Those who wanted to restore certain provisions of the budget made their attempts in both bodies. My objection, if you remember, had been that there hadn't been an opportunity for all the members of the Legislature to participate while being in session. Well for three days we have participated. For three days we have all presented our views. We have presented our amendments. We are now back here on Friday night and we are at the same point we were when we started. We made our attempts and did the best we could. We fought tooth and nail to try to get GPA restored and revenue sharing restored and the cards just weren't there. The only option that is there to me is whether or not I am going to go with this twenty-eight million dollars in both of these amounts or the curtailments that could really destroy my communities and schools. I don't like either choice. I guess there is a worse and a worse here. I have to go with the worse choice. There is one that is even worse and the responsible thing for me to do right now is to vote on the option that is before us. The alternative just simply won't do. Thank you.

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

Senator **MCCORMICK:** Thank you Madame President. Ladies and Gentlemen of the Senate. We are at the brink as the good Senator from Cumberland has pointed out. I believe that the reason why we are at the brink is taxes. I believe the reason why the other body failed to pass this bill is because it was saying it did not want to transfer the state's budget problems to the cities and towns in the form of cuts to revenue sharing and general purpose aid to education. I believe that the reason this bill failed in this body is the same reason. Taxes. That is my reason. I cannot vote for this budget because it will increase the property tax and I find that highly ironic. I find that I am taking the stand in the midst of a context that was created by this Governor and this leadership of both parties that say no new taxes. I find that highly ironic. The taxes are the reason why this budget is failing. Principal is the reason why this budget is failing. I will not vote to raise taxes on middle class and low income people. This budget does that. We have floated amendment after amendment to lessen that impact. They have all failed because no one in leadership anywhere in this building will consider a compromise. We are at that point now. We have an opportunity now and I ask that the leadership of both parties and the Governor get together and compromise. Now is the time to do it.

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

Senator **FOSTER:** Thank you Madame President. Ladies and Gentlemen of the Senate. This is a filibuster. We do need time, but we have taken all the time that we have. The time is now. As members of this legislative body, we do have to have priorities. As we went through the budget any money that we found we put toward reducing revenue sharing and GPA. We have reduced the amounts as originally proposed. The programs that you as a legislator are responsible for because people at the local level are not responsible for our mental health institutions, our court systems, our prisons, our abused children, and our children in need. They are not responsible for some of the things that we felt we could not cut anymore and when we finished we were able to reduce the amount to sixteen point five for education and twelve for revenue sharing. While keeping our commitment to the people of this state that look to their Senators and Representatives for the help that they get no where else.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise at 10:26 p.m. on Friday, December 20, 1991, in an effort to address those amongst my colleagues and friends in this chamber to reconsider their sincerely held position when they voted against enactment of this budget document. For those of you who know me, you know that I have been a strong advocate of utilization of government to provide progressive social change in our society and to allow those most disadvantaged to have an opportunity compete in our society. We should know that when we remove government those who suffer first are the most disadvantaged. Those who do not have power in our society. The Senator from Cumberland, Senator Brannigan spoke movingly and eloquently a few moments ago about those people. One really has to wonder in the face of a impending curtailment order, an order which the Governor has no choice but to execute. One really has to wonder how those people will survive. Certainly we face a hobbsism choice this evening. We either vote for a budget which as was pointed out moments ago would increase further the burden on the progressive property tax structure or we fail to agree and thereby trigger even more to the county in cuts and aspirate further the effects on the property tax.

We have to look at the greater good. We have to decide what is in the interest of all the people of the State of Maine not the people in our neighborhood or the people in our district on this occasion. I truly believe that if we fail to adopt a budget we will inflict mortal damage upon the capacity of this institution to be a catalyst for progressive social change in our society. It is one thing to have a humorous glance at a Bangor bologna man poking fun at the state's politicians it is quite another to completely eviscerate the capacity of this institution. I spoke perhaps to often in the humid wee hours of July of this year. My opposition to the tactics of some of my friends and colleagues who chose because of their sincere views on an insurance issue to vote against our state budget. It was my position at that time that those members violated a basic trust that we had to provide for governess to maintain government. We did not as elected leaders

have the right to remove government from the people. How ironic it is that in the space of five months other members in the other caucus for the best of intentions and the most sincere of motives are doing precisely the same thing. I have not heard one lucid explanation from those who oppose this particular fiscal algorithm, which we call the budget. I have not heard one lucid presentation of how we are going to achieve the requisite number of votes in this body and the approval of the Chief Executive Officer of this state to pass an emergency budget. I submit to you men and women of this chamber I have not heard that lucid explanation because there is none. We have heard passionate entreaties that if you just give the committees of jurisdiction a few weeks or a month they will be able to craft innovative strategies to save twenty, thirty or forty million dollars. I don't believe that. I believe that we could at best achieve incremental change. The Committee on Appropriations and Financial Affairs has met for ten of the twelve months here trying to find ways to reduce the expense of state government. Given the time pressures upon us, we don't have the luxury of taking further time, but more importantly we don't have the right to remove government from the people and make no mistake about it no matter how one detests the use of the property tax to finance essential services. If we opt, we will be in fact firmly opting for government by curtailment allotments if we do not pass the budget. We will be presenting harm upon those in our society who can least afford to bear that cost. The cost will be tremendous in human suffering and misery. How ironic it is that the men and women around this chamber who have spent their private and public life advocating for those people. Inadvertently, no doubt, but surely they will if they do not join the reluctant voices to pass this budget. They will be inflicting harm upon those who they care the most about. I submit to you, men and women of this chamber, we have no rational alternative. We have to vote for this budget and then come back in January and attempt to restore funds you believe are essential, but this process must go on. I implore you to vote for this document. Thank you.

PRESIDENT PRO-TEM: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Madame President. Ladies and Gentlemen of the Senate. During the course of these three days I have arisen many times with others to offer amendments to improve the budget that is inadequate, unfair and harmful. I did this to make it a little better. I think we have offered many times responsible and fair compromises to the Governor. So we may meet the responsibilities before us. It is clear that this Governor is uncompromising. It is clear that this Governor would rather subject to the people of this state to yet unknown harm and injury. As I sit here and discharge my responsibilities, I find that I must represent the people back home and though with my soul and heart I know what we are about to do is not fair. I do not have the right to pose this type of harm on those individuals back home. I must find the strength within me to do what the Governor cannot do and that is to be fair to the people back home. I will vote for the budget because it is what we must do, not

because it is right. I do so with great pain, but my responsibility is not to myself it is to those back home who must bear the burden of my action. If the Governor cannot be responsible, I will try to do my best. Thank you.

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

Senator **PRAY:** Thank you Madame President. Ladies and Gentlemen of the Senate. I wasn't intending to speak, but the comments of the Senator from Androscoggin, Senator Cleveland I think echoes the way that I feel probably from day one of dealing with this budget crisis. My way of thinking is I think this is kind of a Friday the 13th and the house at the end of Elm Street. This is about our sixth showing or review of the budget since 1989. In early June that year we dealt within a thirty-one point four million dollar revenue shortfall. For a person who comes from the area of the state that I come from, a person who has served a number of years on the Labor Committee representing a labor community and part of my district the impact on working people in this state is a serious concern to me. The person who has participated in collective bargaining legislation for the University of Maine. I have set on the Labor Committee for close to ten years obviously you are always concerned about the rights and protection of workers. When we deal with all those pieces of legislation we talk about fairness the fair balance between labor and management. The ability of both sides to be able to sit down at a table and negotiate fairly. We would talk about the give and take of the bargaining process which is something as we have dealt with the budget we haven't always had. I did not work for, obviously or vote for the man who is the Governor of this state. I have had a fair amount of differences with him and philosophically disagree with him, but at the same time I respect his right to have his opinion. It is not the way I would operate or that I would wish that anybody in that office would operate, but nevertheless he is the Governor and he has certain rights, privileges and prerogatives to him. Thus the lonliest of obligations and responsibilities falls more heavily on those of us who serve in the legislature. We have time and time again over the last several years faced financial crisis and after financial crisis. The legislature has been asked to give and give again. We have had to make some tough choices and some tough decisions.

We have to do things that we in principal stood against and felt that was not right. We have had to take action that slipped the opportunities of life and the quality of life away from the people that we represented. We have seen the disarray of affairs and questioned the very fiber of democracy. It is a lack of faith in Government. It is a shame that that has occurred because I honestly believe that government is a representative of the people. I think the members of this chamber from the philosophical right to the philosophical left believe strongly in their hearts that they are representing their constituents and they do so with justice as they vote. Obviously they were called upon to do the same time and time again in the budgetary situation in the last couple of years. It does not make the task of any one of us any easier, but the proposal before us this evening is not the proposal that all of us would like to have written. Some probably would have taken more cuts, the Senator from

Franklin, Senator Webster has been very clear from his first days of elected office of how he felt government should operate. I disagree with him, but I respect his right to feel that way. He has always been up front and candid about it. He has always expressed that and I have no problems with that. The difficulties and concerns is not how we philosophically feel or what we would rather have. It is a question of what we do have before us. The Senator from Cumberland, Senator Brannigan and the members of the Appropriations Committee have expressed how hard it has been for them to bring together a proposal on the guidelines that were outlined to us. In our party we have caucused on a number of occasions. We have talked with the concerns of our party members and tried to represent them in the appropriations process. We need to recognize and the Senator from Cumberland, Senator Brannigan has pointed out that eventually at some point we have to take a look at what is left and make the tough choices. The Senator from Androscoggin, Senator Cleveland has expressed how he is going to vote and why he is going to vote. I want to compliment him because that is a courageous stand. It is very difficult to feel as strongly as that Senator does about his interpretation and definition of fairness and how government should operate. He also has been very candid and up front. He has worked long and hard with the Appropriations Committee. He has been spending twelve, fourteen or fifteen hours a day here. He and the staff sometimes much longer than that.

The Senator from Androscoggin, Senator Cleveland consistently come up at every free opportunity to watch and learn the process. He tried to influence it in the way which he felt. I know how hard of a decision that had to be for him to go from the previous position he had and the concerns that he expressed. It does not lessen his concern for those people that he represents. I myself, as I had said earlier, would much rather have a different type of proposal before us. I do not feel that is an option that is open to us. It is not available to us. We do not have the luxury. We do not have the flexibility to have it the way that we want to. Thus we have to deal with the reality of the situation. I am concerned that we have dealt with fiscal crisis after fiscal crisis. I am concerned that the people of this state have not seen the severity of it. We have a negative cash flow of over two hundred million dollars that before the end of the fiscal year maybe sixty days before the end of the fiscal year that the State Treasurer will have to start withholding funds for payment of other bills so he can pay back the monies that we have already borrowed. That is to be added on to the deficit. We are already facing the second share of the fiscal year. If we fail to do anything here today, an additional two hundred million. The cuts are going to come hard. Some have said we need to cut deeper. I think there is an opportunity here not available today but out of this whole thing an opportunity to restructure and reformulate. To make government more efficient, to provide better services to this state.

I think it is ludicrous that the Department of Education has the size administrative budget that they have here in Augusta and it is only scratched in this process that we deal with today while we cut monies back home in our various districts. In the session that is coming in the next few weeks we will

have the opportunity as we deal with the next round of cuts more severe because we have already taken all the so called fat out of government. We are into the muscle and bone. The pain is being felt in schools and municipal halls throughout this state. It is being felt in households of those who are less fortunate, unemployed and underemployed of this state. Those who have lacked the hope and opportunity that many of us in this chamber have had the opportunities to enjoy because of how well our parents have done or how well we ourselves have done. There are tough choices to make. It is difficult obviously at this particular time of the year for all of us to be here. We all would rather be some place else. We all wish that it was a better time. We all wish that we had greater opportunities available to us to fully debate other numerous options, but they would go on for days and days. I do not find it a pleasure to be here. I do not find it enjoyable to stand before this group trying to solicit support to enact this document so that we can go to the next crisis. That is not an enjoyable position. My ten year in the Legislature I have seen alot of opportunities come and I felt that we have done alot of good for the people of this state. The expansion of revenue sharing when the inventory tax was taken away, the expansion of revenue sharing when the Federal Government abolished its revenue sharing program. The additional monies that we have given to education for our schools from a time period of when municipalities paid a hundred percent of the cost of education to now where we provide more than fifty percent of the cost of education. From a time when communities built their own schools to where the state now provides a major amount of those monies. Transportation, in some instances, to areas of this state that didn't have those opportunities. Is there some inequities in the system? Absolutely. Communities that are being mistreated by the current formula. A formula that divides in the 1960's that is out of date, unfair and unequivocal in the hopes and aspirations of our young people. We need to change it. I don't have the solution, but collectively we have the opportunity there as well. Does this document increase the burden of property taxes? Absolutely, it does. I have set here in this chamber all my public life in the Legislature and have worked for property tax relief from day one. I have worked on the Legislative Municipal Summit which was a quiet year that had a genesis in my office to foster a better relationship with the municipalities to how we could alleviate some of the pressures on communities. It is not a pleasure to stand here and say that now we should take monies away from these same people that for the purpose that we have worked for for so many years. We do not control the economy. We in the Legislature do not have the full control over the estimation of revenues that we should have. This is not Republican vs. Democrat, but institution vs. institution to make intelligent decisions. I would hope that, and I know that each and every one of us will have to go home to our district and our constituents as the process is supposed to be and explain to the citizens who chose us as to why we made these tough choices. I stand ready to do that. I know that it does not agree with all the people who have been calling and writing me saying no cuts in education. No cuts in monies to municipalities and increase the property tax. Don't shift and if I had other options as the Senator from

Kennebec, Senator McCormick earlier said the tax exemptions and taxes should be on the table. I have said that from day one. Leadership has not been opposed to that in its entirety. Some of us have felt that this should have gone on for discussion along with everything else. Those fell by the wayside as options were taken away from us. Tonight we have two options left. This document or the failure to enact anything and probably adjournment minutes after that occurred. We will be back here on January 8 with a larger problem and less time to correct that problem which means an increase in severity to the cuts that have to be made. Obviously difficult decisions alot of things that people on both sides of the political spectrum should have done differently. The legislative process and the democracy is that we discuss and eliminate various proposals. We have voted on numerous amendments for the first time in my ten year that I have seen Senate Amendments with double letters, let alone triple letters elsewhere. It has been an open debate and those proposals have been offered for various options in which some survived and others didn't. Now the pending question is enactment. Either we succeed or we fail, that is the question that is left before us now. Thank you.

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

Senator **WEBSTER:** Thank you Madame President. Ladies and Gentlemen of the Senate. I felt an obligation to rise to speak to you from Senate District 4, which I represent. I have served in the Maine Legislature for twelve years and for twelve years I have stood for a number of things. One of the things I have always done here and I am very proud of that is I have voted the way I believed was best for the people I represent. I plan to do that today. I think it is important that I explain to you at least a couple of the reasons why I think this budget should fail. As you know, I have a little different type of profession then some of you and I am a little unique in elected officials and I have tremendous contact with people. I left here in July and started cleaning oil furnaces about twenty-five or thirty a week in houses. I started talking to little old ladies, people with money, people with nothing, people who are renting and you name it I have talked to them. I like this job and I enjoy it. One of the things I like about the job I do servicing and repairing oil furnaces is I have people contact. It is good for me as a politician, if that is what you want to call me because I get input from the public. People I represent have been telling me for twelve years they want government spending cut. They didn't want government programs and many of you who are going to oppose this would probably oppose it for opposite reasons why I do. That is fine. That is what is interesting about politics. Everyone has there own reason for why they do whatever they do.

I want to tell you a story. When the budget problem first came about I was in a woman's trailer. Quite frankly, most of us would not want to live there. The woman said to me, "Well Charlie, I know how you are going to vote." I said, "How do you know how I am going to vote?" She said, "Well for ten years you have been voting against fuel. Whether it is Maine Displaced Homemakers Program and Maine Health Care Program. I have stood here and said it or in the House and said you know this is a good idea, but I don't think the factory workers in

Maine, the everybody people out there who are paying the taxes who are making \$20,000.00 a year are going to be able to afford this. I believe that and I am sincere about that. For ten years I have been saying that and all of a sudden we got to the point for whatever reason we cannot afford the obligations that we have committed ourselves to. She said, "Obviously if you didn't vote for those things all those years you wouldn't vote to cut education which is your highest priority until some of those things are eliminated." I want to commend and I mean this sincerely. I want to commend the Appropriations Committee. I think they did all they felt they could do to get a unanimous budget and I am extremely impressed. I would like to speak for my caucus and say we are all impressed with the job that has been done by the Senator from Cumberland, Senator Brannigan. I think the committee was sincere in what they did. For me it is a matter of voting to cut education which is in my opinion important function of government and to allow the continuation of programs that I don't agree with. It is very simple. I cannot do that in good conscience. I stand here as I have always stood here and did what I believe is right and it is not right to maintain programs that my people do not want and cannot afford that are going to be eliminated later.

I will give you an example. I don't want to get into debate about this but it is the simple fact if we did the same thing with the Maine Health Care Program as we did with the Maine Assessment Program and put that money forward that alone would avert almost all cuts in education. Granted this Legislature might not buy that, but I feel that would be more appropriate and a better way to deal with this. I represent very high receiving schools. Almost all the schools in my district are over fifty percent and some of them as high as seventy-five percent. I am very concerned about them. If I was not convinced that this Legislature would make deeper cuts in government in the short term and within the next thirty days I would look at this differently. I am convinced this Legislature can make cuts if it has to. If it is forced to. I know that people worked hard, but I just cannot in good conscience vote for these kinds of cuts in education when I believe it is going to be so harmful to the people that I represent in the education system. This is a tough vote for everyone. You can do whatever you want and I am sure you will, but it seems to me that at some point we have to decide what government can afford to do and look at it in a different way than in the past. I think we have had enough shell games and finding hidden money. The simple fact is you don't have a taxpayer base to pay for the government that has been created here after ten years of spending. You just don't have it. I told the Governor this the other night on the phone. Several weeks ago I was in a different trailer cleaning a furnace and she said to me, I am beginning to wonder why I work. I work in a shoe factory gluing shoes together. I have done this for thirty years.

I make five dollars an hour and you know I am getting tired of working. The man across the street from me has been here less than six months with three kids and never had a job. He is on welfare. The neighbor cannot work. He has a bad back, but a month ago he put new shingles on the roof of his house. A woman has three kids by three different boyfriends and is pregnant by a fourth. Maybe that doesn't

happen, but people out there believe it does and I believe it does. Maybe it doesn't happen as much as people say it does. The simple fact is this lady is frustrated wondering why she is working. Why she is paying taxes to the government. Why she should continue doing that when we can't make the kinds of decisions that she has to make every single day. I installed an oil furnace at one thousand dollar furnace that cost me eight hundred dollars. I installed it on time which I don't have because this guy had no heat. This happened to me a month ago. It is going to take me until March to do that. I felt sorry for the guy and I felt it was the fair thing to do and I am sure I will get my money. It is one of those cases where this guy has no job. He is unemployed and frustrated. He doesn't like the tax structure here and he can't find a job and I am wondering why. Ladies and Gentlemen of the Senate I think the reason why is because this legislature has not made the right decisions. This is not the right thing to do. I am absolutely convinced that we need to go deeper and cut spending and until we do that I am not supporting it. Thank you.

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

Senator **MATTHEWS:** Thank you Madame President. Ladies and Gentlemen of the Senate. I rise tonight to explain my opposition to this budget and I have not been silent. I have listened to the discussion in this chamber on both sides of this issue. I feel the need to rise again to echo my concerns with this budget. I have never in my will be ten years of service in Augusta not voted for a budget. You are not looking a member of this Senate body who has a history of opposing the Appropriations Committee. I admire all of those members. The Chair, the good Senator from Cumberland, Senator Brannigan, the good Senator from Penobscot, Senator Pearson, and the good Senator from Hancock, Senator Foster these Senators are good friends of mine. There couldn't be a team of three from this body better suited for that awful task. My frustration tonight is that I have seen in my estimation a process here in the last few years where I term the legislative process being bullied not by the leaders of this body, but by an individual who I have the respect and admiration for the office of Governor. The Chief Executive that I believe really does not have the kind of understanding of the legislative process or the governmental process. We are a separate body which is equal with the executive. We are here duly elected by our constituents. We take the same oath to uphold the Constitution of Maine. We do the very best that we can. I have over the last few years seen this process become one of tactics of you will do it my way or no way. The Appropriations Committee both Democrats and Republicans working hard through the night months on end to get to the final process. This is not my way. It is unacceptable. Here is my position, there is no give or take. Let me remind the members of this body it was not to long ago that we heard that message last summer.

It is my way or no way. I understand what is going to happen or what may happen if we don't pass a budget tonight, but ladies and gentlemen of this chamber that if you think this Senator doesn't understand what it mean to lose one's job or have to face tough adversity you are sadly mistaken. In fact my district will be going through more and more cuts in the private sector. Jobs that I believe and am

proud of fighting for here. I am going to be faced with alot of people in Winslow, Waterville and Skowhegan who are going to be out of work come the new year that have already reached their limit with property taxes when they had their job and it is nice to see every now and then that the good Senator from Franklin who I will miss after the session. Senator Webster and I do agree on the educational issue and do agree to some extent about property tax. How are these people going to pay these higher property taxes with no job? I really love this country and this process of democracy. There is no better system on the face of this earth and we know that, but if this process means anything to me it means that the door is never, never, never closed and the gentlemen on the second floor should find some room at the Inn and open his door. It is a good time of the season to do that. The process should never end, but it has. I spoke with the good Senator from Androscoggin, Senator Cleveland who I have a great deal of admiration and respect for way back in November about my feeling regarding the budget and what we were being pushed to do by the Chief Executive and my opposition to it. It took a great deal of courage for that same Senator to say what he did on this floor. It is in my experience and I have served under two Governors and I remember when we had another Governor here by the name of Joe Brennan and one of his aides coming up to the House and saying to me, Zack the Governor has learned your name and thinks alot of you. You have alot of guts, but he wants to know why you keep giving him so much trouble. I am a democrat and I didn't always agree with Joe. His door was never closed and if someone disagrees with me I hope you will rise and correct me. It is unfortunate and it is a slap in the face of the process in my estimation. I find this, I can't call it a compromise because I think the position laid out by the Governor was so awful to start with that members of the Appropriations Committee had to do what they could and it is still awful and unfair. Education and the municipalities and the predicaments that they are in that we all know. The issue of property taxes and the unfairness in this budget. These are the reasons, ladies and gentlemen, that the Senator from Kennebec, Senator Matthews finds himself in opposition to this proposal and I think it is sad that we do not have a Governor willing to negotiate willing to work with willing to compromise willing to do the things that we call democracy here in this great nation. I find that unfortunate. This is the season of hope and I still believe very much in hope. No matter what happens here tonight this is the season of hope and hope springs eternal. I don't think anyone in this chamber would let the kinds of things that have been laid out by our Chief Executive without going the extra mile. I don't believe that in my heart. I never will. Thank you. **PRESIDENT PRO TEM:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Madame President. Ladies and Gentlemen of the Senate. First of all I would like to take a moment as other members have to commend the work of the Appropriations Committee. I think we all agree that the job they have done as difficult as it has been for them is admirable. I respect and applaud all members, Republicans, Democrats, House members and Senate members for a job well done. I think the members of this Senate

deserve to take a moment and applaud themselves. I think the way that the business has occurred in the Senate in the last three days has been professional. It has been a tone of showing our ability to get along and when I left here in July, like many of you, wondered if we would ever be able to get together and smile, laugh and have a good time together again. I think time does heal some of those wounds. I don't think we will ever forget, but I think it does. I want to commend each and every one of you for your patience for the past three days.

I would like to talk a little bit about property tax. I remember when I was first serving in this Legislature I, as the Senator from Penobscot, Senator Pray was on that property tax band wagon. It seemed fairly early and I would say that when programs were passed. What about the property tax and someone would come up and patronizingly pat me on the head and say oh you poor little coastal towns. I remember the education reform package a number of years ago and I was one of thirty votes in the other body against that education reform package. A Republican came up to me after that vote and said you just put the nails in you coffin. You will never be able to get elected again because you voted against education. It is not that I am against education, but it is what that education reform package recommends doing is going to have a direct impact on our property tax. Once again I got that oh you poor little coastal communities. I remember being on the mandate band wagon before that was a popular issue to be on. I remember six years ago sitting in the seat that is now occupied by the Senator from Lincoln, Senator Holloway offering an amendment when we were debating how to give the windfall money back. The amendment would send the money back to revenue sharing so that we could apply that toward property tax relief. I got five votes. For me to stand today and implore you to vote for this budget is not an easy thing for me to do. It is not easy to recommend cuts in general purpose aide and revenue sharing and while the towns and schools will never forgive us I hope they will at least try to attempt to understand the fiscal crisis that is happening at the state level of government. I hope that they will understand that the Legislature and several Governors have been fairly generous to education, revenue sharing and municipalities when times were good and there was alot of money to spend. I know that we used to argue where to spend all the money. It wasn't to many years ago it was where to spend all the money. Now the debate has shifted and perhaps it has shifted for the best. Perhaps some good can come out of that because I think it can make those of us that are elected on both ends of the aisle at all levels of government redefine their priorities and decide what it is the people of the State of Maine want their state government to do. I believe that the Appropriations Committee in the sixty-five days that they have been in Augusta have taken a look at the budget and dissected it and compromised within the committee and I believe contrary to some fellow members that they have been extremely open to the individual membership. They have taken our ideas. I saw them. There were a page of ideas with no names attached just ideas from the membership. They have discussed them. They have rejected some and adopted some. I feel the process has been more open then I have ever seen it. I hope it continues to be open. I think it is that kind of openness that we are going

to need in order to get through these fiscal constraints as we begin to redefine state government's priorities. I think as tough as these cuts are Appropriations recommended them to us because they felt they had to preserve this safety net of our very most needy individuals. While property tax, CPA and revenue sharing shifts are difficult they felt that their number one priority were those very neediest of people. I am voting for this budget today in response to the Senator from Kennebec, Senator Matthews because the alternative is just as you said.

The alternative is more curtailments and those curtailments are going to take more money than this budget out of education and from our very neediest individuals. If we don't enact this budget, the Governor has no other choice. I don't think he is an unkind individual. I know that he is in his office this very minute. Sometimes members of our party wish his door wasn't quite so open. We wish he wouldn't call on us quite so often. I guess it is from each individuals perspective. Yesterday I couldn't get out of the door because of the staff people from the Governor's office appeared to talk to individual members. It wasn't just Republicans they were talking to. There were Democrats involved. I think the Governor is a very open individual to this Legislature. I think he has been handed an extremely difficult situation. We can argue all night who is responsible for this situation, but the fact is the economy in the State of Maine is in shambles. I don't believe it is going to get better in the future. The Governor is doing some things that no other Governor in recent history had to. I think he is a caring individual. I think he cares deeply about all of here in the Legislature. He was a legislator. I think until you are a legislator and go through the pain and agony of some of these cuts you don't realize. I think he does. I will defend him in this case. If he is wrong, I will stand up and say I think he is wrong. In this case I think he has been very open and he has entertained the Democratic leadership on numerous occasions today, this week and through out this budget discussion. I guess I have to take a little bit of opposition to those comments. Not to belabor this issue, I know that everyone is tired I would once again ask you to vote for this budget today. It is painful and it is not something any one of us enjoy doing. It is what we as responsible members of the legislature must do so we can get on to the next phase. If you don't think we have cut enough, just wait until January. This is not the end of the cuts just ask the Appropriations Committee. We are going to have another hole in January. It is easy to be a legislator during the good times. It really tests you metal during the hard times. Thank you.

Senate at Ease
Senate called to order by the President.

The following proceedings were conducted after 12:01 a.m., Saturday, December 21, 1991.

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

The Chair ordered a Division.

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

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

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 7 Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President 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** reported as truly and strictly engrossed the following:

Emergency

An Act to Exempt from Sales Tax Snowmobiles and All-terrain Vehicles That Are Registered Outside the State

H.P. 1406 L.D. 1988
(S "B" S-506)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 0 Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease
Senate called to order by the President.

On motion by Senator **MILLS** of Oxford, **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:

COMMUNICATIONS

The Following Communication:

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

December 16, 1991

The Honorable Charles P. Pray
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Pray and Speaker Martin:

We are pleased to send you this copy of the final report on Resolution of Conflicting Enactments. The report is a staff study completed by the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes for the Joint Standing Committee on Judiciary pursuant to Legislative Council authorization.

Sincerely,

S/Sen. N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair
Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

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

ORDERS

Joint Order

On motion by Senator CLARK of Cumberland the
following Joint Order:

S.P. 792

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

Which was **READ** and **PASSED**.

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

The **ADJOURNMENT ORDER** having been returned from
the House **READ** and **PASSED**, in concurrence, on motion
by Senator **ESTY** of Cumberland, **ADJOURNED** to the call
of the President of the Senate and the Speaker of the
House.