

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME V

FIRST REGULAR SESSION

Senate

June 19, 1995 to June 30, 1995

FIRST CONFIRMATION SESSION

September 14, 1995

FIRST SPECIAL SESSION

House of Representatives

November 28, 1995 to November 30, 1995

Senate

November 28, 1995 to November 30, 1995

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

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RECOGNIZE MERCHANT MARINE VETERANS OF WORLD WAR II WITH FULL VETERAN STATUS
H.P. 1145

Tabled - June 28, 1995, by Senator KIEFFER of Aroostook.

Pending - **ADOPTION.**

(In House, June 28, 1995, Joint Resolution **ADOPTED.**)

(In Senate, June 28, 1995, Joint Resolution **READ.**)

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you, Mr. President. This Joint Resolution came to us late last night when the clock was ticking and we had other business to do. I thought this issue was something worthy of note and shouldn't just be stricken down with the gavel and no one really understanding what it did and what it says. I just thought it is important that we put on the Record that we do understand what this is and that we wholeheartedly support it. This, as you know, September 1995 will mark the fiftieth anniversary of the end of World War Two. The Merchant Mariners have never really been considered as veterans. There is an act in Congress now, dealing with recognizing those people who served in the Merchant Marines as doing a great service to this country and trying to honor those folks. My oldest brother served in the Merchant Marines and I know that he would be very proud to be recognized as a full fledged veteran of World War Two. I wholeheartedly ask for your support for this, and I want to thank the Senator from Aroostook, Senator Kieffer, for being quick on his feet and allowing me this time to get this done. Thank you.

Which was **ADOPTED**, in concurrence.

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted on were ordered sent forthwith.

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

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

On motion by Senator **FERGUSON** of Oxford, **RECESSED** until 11:30 o'clock this morning.

After Recess

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Unassigned matter:

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (EMERGENCY MANDATE)

H.P. 516 L.D. 706
(H "A" H-628)

Tabled - June 28, 1995, by Senator **HARRIMAN** of Cumberland.

Pending - **PASSAGE TO BE ENACTED.**

(In House, June 28, 1995, **PASSED TO BE ENACTED.**)

(In Senate, June 28, 1995, **FAILED OF PASSAGE TO BE ENACTED.** Subsequently, **RECONSIDERED.**)

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

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

The Senate called to Order by the President Pro Tem.

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

Senator **BUTLAND:** Thank you, Mr. President, Ladies and Gentlemen of the Maine State Senate. You know, as I left the house this morning, I hoped that we would be able to come together today, sometime today, and pass the State budget. For about the third week in a row I left the house before the children had a chance to arise, and was only able to observe their lifeless bodies. It really didn't hit home until the good Senator from Cumberland, Senator Pendexter, gave the prayer this morning of just how much I have been missing. I want to get a budget today. I want to go home tomorrow night. I want to play ball with the kids on Saturday. I would like to thank the good Senator from Oxford, Senator Hanley, the good Senator from Lincoln, Senator Begley, the good Senator from Androscoggin, Senator Berube, for the work that they have done for the past six months in the Appropriations Committee, working every day to craft a budget that suits the needs of the people of the State of Maine and that will garner enough support to be passed in both bodies. I also want to thank, once again, the Senator from Oxford, Senator Hanley, the Representative from Old Orchard, Representative Kerr, for the tremendous leadership that they have shown in the Appropriations Committee. The hearings have been on time, they have been very courteous, and I have gotten a lot of response from people who operate in that Committee room on a daily basis. I think the thirteen to nothing vote on this budget is a tremendous endorsement. I think the vote that was taken in this building yesterday, 153 to 26, is a tremendous endorsement for this budget. I am proud of the institution today. I hope that we will pass the budget and that we will have a legislative solution to this issue. This would be a tremendous accomplishment because there have been many forces out there working to insure that this does not happen. What is in the budget to recommend it to all of us? First of all, it insures that the essential services provided by the State of Maine are preserved. It begins the long arduous process of eliminating the gimmicks that have been applied to budgets in the past. I'm especially pleased to have begun the process of restoring faith with state employees. We have also taken strong and affirmative action on the sick tax. We have reduced the burden and the necessity to shift the cost has been reduced. We have also set a date certain for repeal. I think that is a tremendous step for the people of the State of Maine. We are providing the people of the State of Maine additional money for property tax relief. This budget includes a significant infusion of money for the circuit breaker program. It also provides a degree of income tax relief to the good people of the State of Maine. A cap on income tax revenues that initiates a long-term plan to impose fiscal discipline on state government

here in Maine, and also a long-term plan that puts money back into the pockets of hardworking men and women. Ladies and Gentlemen, I think that these are all issues that should unite us. They certainly outweigh the differences that we might have. I hope that you would all vote this morning to enact this budget, because it does so much good. I might add that the passage of the budget prevents another state shutdown.

For those who weren't around in 1991, during the last state shutdown, I can tell you that there are no winners in a shutdown, but there are a whole lot of losers, the legislature, and most certainly the people of the State of Maine. We need to pass this budget today to avert that possibility. I also hope that if this budget passes today, that the Chief Executive of the State of Maine, despite his promise to veto such a budget, will look favorably upon it and will sign it. Thank you.

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

Senator **CAREY:** Thank you, Mr. President, Members of the Senate. 99% out of 100% is an excellent score, and the Appropriations Committee, both in this body and the other body, are to be commended for the work that they put in. However, it was impossible for us to even talk about the 1% that is the most troubling item in this budget, the fairest of fair taxes that we have. Today is the day that some of the Democrats in this body, including myself, provide the votes that avoid a shut down. We may be joined by the lone Independent in this body, only she can make that judgement. For the second time in the past six years the Republican party has held state employees, and the people in the State of Maine who are serviced by those employees, hostage. The attempts to lower or strip benefits from employees, items that were attempted by the majority members of this particular body, that very fortunately failed, and thankfully, they saw the wisdom of their ways and abandoned those things. For that I am grateful to the Republican party. We, as Democrats, tried to amend this bill, to reflect some semblance of fiscal responsibility. Obviously, we were shut down because this has not happened in this budget. We hope that these shut down threats are not going to become the common place method of Republican negotiation tactics. We might have gotten further if only those people who are elected to both bodies of this legislature would have been participating, only elected representatives getting involved in the process. I want to thank you, Mr. President, for your efforts, and I want to thank the members of the Senate for the patience that they have had, those of both bodies, during these trying times.

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

Senator **RUHLIN:** Thank you, Mr. President, Honorable Senators of Maine. After the anxiety and frustrations of the last few days, I thought perhaps it is wise this morning to take just a couple of minutes and ponder a couple of things and think back and remember why we are all here. People come together to form governments, to protect society. We do it for the betterment of society. We do it so

that we, collectively, can help those who are in need. So we can educate for the future. So we can protect society and the welfare for a better tomorrow. So we can protect the property and the environment in which we all live. This is why state government is here, it is why it operates, and it is the most important function of government. When you look at that and consider that function, it is irresponsible to shut down and to close and prevent that function from happening. There is, and I commend the Appropriations Committee very strongly, and those who have worked with them, for a budget document that I think went smoother and better than any that I have seen in the now six terms that I have been here. I mean those compliments with great sincerity and with great thanks to those members. It is a difficult process to balance the interest of the entire State into one document. It took many long hours and I admire them for that effort. However, when all is said and done, we have to look at what that document, in fact, does. This document, compared to other documents I have seen, is one of the best ones I have seen. You have done your job well. I have only one argument with it. It's an argument that I feel very deeply about. I was brought up to study, to weigh back and forth this side and that side. I have done that in this event. Then, after doing that, to make a decision based on reason, based on rationale. I have done that. I have concluded that this budget document is, in fact, in one area extremely flawed. It sacrifices the financial responsibility of this State on the altar of what I call political ideology. It takes the soundness of reducing our debts and paying our bills today and now, and exchanges it for false, and I think, empty promises of some future largesse from the state that nobody that I am aware of has even asked for. It is with this, and with great regret, frankly, that I must tell you that I will not vote for this document today. I will not participate in a compromise. I spent a good part of yesterday approaching friends and people that I have great respect for on both sides of the aisle, attempting to work out a compromise. Those were great conversations and I thank all of you who have participated in those conversations. I think they were worthwhile. However, collectively, and I purposely use that word and hope you will listen to it, I saw no attempt to compromise from those who have taken and endorsed an ideological gimmick in the name of fiscal irresponsibility. Consequently, I cannot support this budget. I will not support this budget. I promise you that I will continue in my efforts to take this very flawed instrument of an income tax cap and do my best, not today, I will not prevail today, but I assure you that I will be here in the future and I will continue to work against this false message that you are sending to the people of the State of Maine. Thank you.

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

Senator FAIRCLOTH: Thank you, Mr. President, Colleagues of the Senate. A week ago, I guess it would have been Friday morning actually, at 1:30 in the morning, I sat in the Appropriations Committee room and saw a lot of people who had worked very hard, including the President Pro Tem and twelve others, who I think have put in Yeoman's work in

providing a budget to this state. I saw thirteen votes cast in favor of this budget, ranging from the good Senator from Oxford, Senator Hanley, to Representative Townsend. I was sitting next to a person who is a friend of mine who has been involved in state government for three decades, a person who I respect very much and a person who is a Democrat to their bone marrow. I said to this person, "What do you think of this tax cap idea?" His reply to me, it would be a violation of the rules to repeat his reply to me about his assessment of this tax cap. With all due respect to those who support it, although I cannot repeat his assessment, I share that view. I think the tax cap is essentially going to be a property tax increase if it comes to pass. But it won't come to pass this session as we know, it is something that we are projecting onto the future. I think it is terrible public policy. In fact, there are several other things, not just this, but other things in the total package that I don't happen to agree with. But then I said to this friend, "Do you think I should vote against the budget? Should I vote to kill the budget because the tax cap is in it?" He paused for a moment and said, "No." The decision is mine and I think I have decided that I would not vote against the budget on that basis. So, there are things in the budget which I think are good, which are very valuable, and which I agree with. So, I drew the conclusion that I would not be willing to vote to kill a budget with June 30th very close on the horizon. But make no mistake, I don't think the tax cap is good public policy, with highest respect to those who think it is. I think it is terrible public policy, and I explicitly will argue for its repeal at every opportunity. I have not decided whether or not to seek re-election to public office, but I will make very plain my intent. If I have power over elimination of this, and if it is feasible to eliminate it, I will advocate for the elimination of this tax cap. But, now, on June 29, 1995, I think it is the time to move on, though we have some differences of opinion about many parts of this budget. I think it is time to let the process go forward, and I think that, in this context, is the best service for the people of the State. Again, I commend the members of the Appropriations Committee for their hard work. Thank you.

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

Senator HATHAWAY: Thank you, Mr. President, Ladies and Gentlemen of the Senate. There are many of us in this chamber who are not happy or satisfied with this budget. Not because we are cutting taxes, but because we are not cutting taxes enough. There is no doubt in the minds of the people of this state that government spends too much money and government taxes too much. In this budget we should have had a sales tax reduction from 6% to 5%. That would have been a promise kept. If anyone is holding anyone hostage, it is our government holding our taxpayers hostage. This is not a government of protection, it is a government of the people. It is the people's money. It is our duty, not to protect the people, but to restore trust between people and their government, to restore their freedom, and above all, to keep alive the American dream. I think we are headed in a new direction in this State with this budget, because in the last two weeks the

conversation has been not how much are we going to raise the people's taxes, not how much of their money are we going to take, but how much are we going to cut their taxes and how much of their money are we going to let them keep. I pledge that I will continue to fight for the taxpayers of this State, that they may keep as much of their money as they possibly can because it is their money that they work hard for. We need to, again, instill in the lives of the people of the State of Maine, the fact that this is going to be a state of opportunity, a state where families can live and love and learn together, and where small business owners, who are willing to take the risk, can be rewarded for their efforts. I, for one, every day that I sit in this seat, pledge to the people of the State of Maine I will do everything I can to keep the American dream alive. Thank you.

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

Senator **McCORMICK:** Thank you, Mr. President, Men and Women of the Senate. I am not going to vote for this budget, and I am not going to do it because it shifts the cost of our bills to our kids, and I believe we are even getting into our grandkids. I absolutely would love to do a tax cut. If it were my choice I would do a property tax cut, and that is what we have fought for all year and have gained in this budget. A property tax cut for middle income Mainers and a property tax cut on manufacturing equipment, so at least we have that. But the tax cut proposed in the ITS system is nothing more than a partisan political gimmick, make no mistake about that. I believe that it is appalling that we have allowed ourselves to link a partisan issue, and election tool for 96, to the budget and have the budget held hostage so that one party can have an election issue in 1996. That's what this last week has been about and it is unforgivable. We are better than that. We have been better than that all year. We have sunk to that level in the last three weeks, because this issue came out of thin air. It wasn't on the table at the beginning of the budget negotiations. When all the demands of the other party were met, it was time to put the partisan election issue on the table, and that is what the budget has been held hostage for. The other reason why I am going to vote against this ITS program that the Republicans want so much, is because it is basically targeting a lot of that tax cut to the rich. It is not a middle class tax cut. It does not target that money to the people who need it most. If we were going to do that we would have put much more money into property tax cuts, because that's what my constituents talk to me about constantly and I know that's what your constituents talk to you about constantly. So, for those three reasons, I'm not going to vote for this budget. One, because we have got to pay our bills first, and cut taxes after that. Two, because we cannot continue to foist off the paying of those bills on our kids, and with every year that we engage in gimmicks like that we are doing that. Three, because I will be no part of linking the budget to a partisan election issue. We are much better than that. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you, Mr. President. As a member of the Appropriations Committee, I am rather proud of the budget that was presented to you. Those of you who know me, know that I can be rather stubborn and pick a point and try to hold it. I did. I also saw twelve other people sit around that table who had like ideas and concerns. What I was pleased about, mostly, was the fact that it finally came out of the Appropriations Committee unanimous. I gave, they gave. It was not a partisan issue. If it were, it would have gone seven to six, because as you remember, the Appropriations Committee is made up of seven Democrats and six Republicans. So the issue came back to us in a unanimous report to the House and Senate, saying as far as we were concerned, this is the best we could do at this moment. That pleased me. I went home and argued in front of the mirror that I lost what I lost, but I also smiled the next day and said we're getting closer to doing something that I think is going to allow us to run the state for the next two years. So far as tax cuts, you can argue that from now until doomsday. All I will point out to you, as I have pointed out to anybody who wishes to argue, in the last twenty years, in good times, in excellent times, we spent, we didn't do a thing with taxes for the middle class or anybody else, we spent. That's one of the real dangers of any legislature and that is why I am rather pleased at times that at least we are talking. If not this tax cut, even though I hope we get this one, there will be others and they will come. That is for the betterment of the State of Maine.

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

Senator **PARADIS:** Thank you, Mr. President, Men and Women of the Senate. My vote this morning will reflect the reality that exists out there, however, I am ever cognizant of the total schizophrenia that goes on in this chamber. When legislators, over and over, repeat how much we are overspending, how much we are wasting, how much we are laying an unfair burden on our people, many times I feel very much like the bigger the bully and the louder the voice, the better connected, the more greedy, will belly up to the Appropriations Table and get a disproportionate share of what I feel is the measly state revenues that we have. Government does support our educational establishment. It does support some type of an infrastructure, much better in some areas than in others. We also provide an incredible amount of medical problems, and one of the hardest things I had while growing up was the one thing that our parents could not control. They could work three jobs and work very hard to put food on the table, but the medical was the crisis that they were always trying to avoid. Again, I'm sorry we have come to this place, however, I want us to remember that when we go back to our districts and we face the 215,000 children we have in this state, that we are going to continue working to try to make this state a great place. It is the best place in the whole world and we got that way because people, like us, sat around years ago and every day inched closer and closer to a better society and we are all better for it. I am concerned, rural area that we are, with our issues of great poverty, the 16% unemployment in Frenchville and Fort Kent, and the 13% unemployment in Van Buren, we are going back to face that. We have to be ever

cognizant of those realities and we should be a little bit careful about going backwards instead of forwards. But I have an issue, and I have a concern that from what I have been hearing while I have been down here, that is going to be blowing our budget totally out of proportion if we don't get a hold of it. It is the problem that we have in our urban areas with the violence and the youth crimes. The poor people of the rural areas will have to pay more and more for the correction system to incarcerate these young people from the urban areas. So, these people from urban areas are saying we have too much government, I say look at home and try to put a lid on it because this is a timebomb in Maine. We are the safest state right now, I would like us to stay that way. Thank you.

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

Senator LORD: Thank you, Mr. President, my Learned Colleagues. I have always been told that politics is the art of compromise. Being the fact that I am the oldest one in here, they always say that as you get older you get more cranky and stubborn. There's a lot in this budget I didn't like. A lot of it goes against my philosophy. When they say this party got more than this party, it's been compromise. This is the first time in the eleven years that I have been here that I have seen the Appropriations Committee with a thirteen to zero report out. It shows that they compromised and they worked together. I'm telling you right now folks, this is the way we should be doing it. I could go against this budget every time it came up, but I felt I went through one of these shut downs and I didn't want to go through another. So, I'm voting for this budget. Thank you.

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

Senator HARRIMAN: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to start my remarks by extending my heartfelt appreciation for everything that the Senator from Oxford, Senator Hanley, has done in his Chairmanship of the Appropriations Committee. I know, from having sat beside him, where the Senator from Franklin, Senator Benoit, now sits, we spent many hours in the last session discussing the state of our affairs and where our State was going. When he was named as Chair of the Appropriations Committee it was widely assumed that things would not go well. I want to personally compliment you, Senator Hanley, for your accomplishments and that of your entire Committee. So, the remarks I am about to make are not, in any way, reflective of what has occurred in the Appropriations Committee, but they are very reflective of the reason why I have worked so hard to have the honor of sitting in this seat. I was here July 5, 1991, when state government was shut down. Two of my young children were with me when we left the press conference in the cabinet room. When the door swung open my oldest daughter, Jocelyn, was the first one to leave the room when all of the protesters started with their bull horns and their whistles and their placards. It was as a result of that experience that day that I vowed that I was going to do my part to serve in a citizens

legislature to restore trust, integrity and mutual respect. That was reinforced in December of 1991 over dinner, when we were discussing with our family the major adjustments in our lifestyle that my entire family would have to make for me to serve here. Through that discussion my daughter became very upset. When we finally got her composure I said, "Jocelyn, what's the matter?" She said, "I don't want my father to go to that terrible place where they say those mean things." I have never forgotten that. Every day that I am here I work as hard as I know how to make sure that the people that we all seek to serve, particularly our children, as so eloquently mentioned in the prayer this morning by Senator Pendexter, know that we want to do the things that will make sure that their future is bright. So, I set out today to stand up for principle. For the principles that I have asked my family and the constituents who I represent, and I made some promises. I asked them to send me here to restore trust, to keep our promises that our sales tax would go back to 5%, that we would reduce the size of the legislature, that we would work to get rid of our meals and lodging tax on people who pay their own way in a nursing home, the only vote in this chamber that got two-thirds this session, to address legislative perks, to make measurable, dramatic improvements in shifting our community based mental health services to the community, to stop shifting money from other accounts, like the Highway Fund, to implement the recommendations of the Governmental Restructuring Program. It has often been said that if you don't stand for something you are going to fall for anything. Today, I need to stand on the promises I made, not because this isn't a good budget, because it's the best we are going to get, and it does have property tax relief, and it does fix the hospital tax, and it sends a clear and convincing message to the State employees that things have changed. But, in the end, I need to stand up for the promises I made. They are not in this budget, and therefore, I can't support it. Thank you.

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

Senator CASSIDY: Thank you, Mr. President, Men and Women of the Senate. I have been sitting here listening to a lot of the comments from both sides of the aisle this morning, and the first thought I had was I told them yesterday I just arrived here yesterday, but I didn't spend the entire day for nothing. I have learned a lot as I have been here these last few months. Something I learned many years ago, involved with municipal government, indeed, friends, family and jobs, life is in fact a compromise. If you don't know that compromise is the name of the game in this building than you must be a slow learner. Some of the things that were presented to the Appropriations Committee by both parties, obviously were wishes that we hoped we could get. I respect the work that that Committee has done to hammer out those options and come up with something that we could all live with. I think, also, that what we are forgetting is some of the gains we have made here in this session. As a freshman this year, and my other colleagues who also just arrived in this chamber, and also you folks who have been here for a while, realize that we inherited a lot of gimmicks. We inherited a sales tax that was supposed to be

turned back four years ago. We inherited state employees with furlough days and all the rest that I won't mention. I think we have made some tremendous gains. I know when I ran in my campaign, and we have also heard in the Executive branch, we are going to do the things that we can do to correct as many of these as possible. What we have done this year, we have eliminated furlough days, we have eliminated the payroll push so people will get paid on time, to the tune of \$9 million. We have eliminated other gimmicks that were imposed upon us as we got here. Obviously, I wish we could take care of every single gimmick that we inherited. It would not be practical. It would not be financially possible. I hope that the next 118th Legislature will be able to go back and keep some of those additional promises and to keep this move to give the money back to the people that we promised. I hope that next session, when we finally vote on a budget, no matter who is standing in this chamber, that we may possibly be able to turn that sales tax back to 5%.

The other comment I heard about state employees, I think both caucuses realized that this isn't the year to put this budget on the backs of state employees, that they have sacrificed a lot in the last four years. They have had the burden of a lot of the things that have happened. I don't think it was anyone's intent, once we sat down with all of the proposals that we had and made our priorities, it was plain that this was the time we were going to look at other areas and eliminate as many gimmicks as we possibly can and yet still provide the service that we owe the people of this fine state. So, I want to say to you, we all have issues. If you remember, Tuesday night I had an issue, I worked and fought as hard as I could for my district, and the people in my district. Wednesday morning, when I came through the door, I was working for the people of the State of Maine. I fought that battle and I did what I could, but it is a time when we have to put our personal interests behind us and work for the folks of this entire state. I can't imagine there is one of you sitting here listening to me this morning that agrees 100% with this budget, but as I started out, life is a compromise and I'm very proud to vote for this budget this morning. I hope that as we continue for the next few years that we will be able to correct some of the inequities that we still have. I am very happy to vote for this and I hope that you will all join me. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator HALL: Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Senator from Washington, Senator Cassidy, stole half my speech, so I will just concur that I agree with his statements. I have said right along in my caucus that I could not vote for this budget. School funding was my big issue why I couldn't. I felt that I had a little argument the other night. I didn't feel satisfied afterwards. I felt it was too late, number one, but the issue was debated. Last night, as I lay in bed thinking I would drop right off to sleep from exhaustion, I couldn't sleep. Midnight came, one a.m. came, and I said, boy, I won't be worth anything tomorrow. What I was thinking about was the past six months. I was making two lists in my mind. What did

I come to Augusta for in January to accomplish? What had to be done, the necessary items that had to be done. I couldn't go home unless the items were completed. The hospital tax came to mind. To lose a hospital in my district would be the most devastating thing that would happen to my people. I think we have taken care of that problem. I am very grateful for that. After we find out whether we get a few waivers or not, we will know for sure, but I truly hope we have taken care of that problem. No tax increase was foremost on my mind. I really didn't think that was going to be an issue with this legislature. I thought everybody had the message from the people. I think you did. There is no tax increase and I am grateful for that. The people in Maine should be extremely grateful. I didn't want to balance the budget on the backs of the state employees. They have paid very dearly. I said from the beginning if you can't afford to take care of the people who work for you, then eliminate some of those people and take care of the ones that are there, that are loyal and dedicated. We didn't do that before, I was determined to do it this time. That has been taken care of, I am very grateful for that. I had many minor issues, as all of you did. I started thinking about all of the little battles we had. It's always much more fun to win and get your point across. The list was lengthy when I put down my victories.

The things I didn't get, that list is small. It's a big one, school funding. But we are all from Maine. We all know how to tighten our belts, Lord knows we have done it a lot. My constituents will do it because they have to. They will dig as deep in their pockets as they can. Our children will get an education. They may not have all the classes that all the children in Maine have, but they will get an education, and we will do it. So, when I added up both sides, knowing that compromise was the name of the game, I feel like a winner. I feel like I have won and for that reason, ten minutes before we came into this chamber at noontime, I was asked how I was going to vote on the budget. I said I can vote for this budget, I surely can. But, it was only since last night that that decision came to me. I will vote for this budget. It is a good compromise. Boy, I would like to see a lot more. I don't think we have done enough for the economy in this State. We need to do more, but it's a beginning, and I will be here next year to follow through.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator LONGLEY: Thank you, Mr. President, Colleagues in the Senate. People who win battles often lose wars. I'm not winning this battle. Maybe that means I won't lose the war. I won't be voting for this budget on principle. I do it with some hesitation, but I have been turning to the quote at the end of my book a lot this week. It talks about leadership, and it reads in part, "We are not called to be popular. We are not called to be safe. We are not called to follow. We are the one's called to take risks. The ones called to change attitudes, to risk displeasures. We are one's called to gamble our lives for a better world." I'm not here to be popular. I'm here, probably, to take a risk. Of the \$240 million plus in unpaid bills, we have managed to

get at about half of them. The other half will be put off for another day because the priority is, rather than over \$100 million of unpaid bills being paid, we are going to go for a few extra dollars in people's pockets. That's wonderful, I don't deny that that's important. I see a higher principle. Pay the over \$100 million in bills left over. I'm new in this State House, and the stories I could tell. The press and public tend to see this public gathering, and there has been a lot going on in the hallways. I'm a teacher, and I'm returning to the classrooms with very interesting stories for my government classes. I'm not going to go public with them, I am just going to keep them for my students. I will just simply say that this budget will become law over my dead bill. Thank you.

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

Senator CLEVELAND: Thank you, Mr. President, Men and Women of the Senate. There has been much attention focused on this body, particularly the Senate Democrats, over the last several days. There are some who have characterized us as obstructionists, as stubborn, as unreasonable and unwilling to compromise, to having some special agenda. For those of you who report this news to the people of Maine, I want to make it perfectly clear that nothing could be further from the truth. The Senate Democrat's position has been from day one, a position of principle. It would be nice if a budget could be as simply added up in columns of what I gained and what I lost, and if you have a few more on the side that you gained then it's okay, it's a compromise. But life, and this budget, is not that simple. There are parts about life that you have to weigh more heavily than others and some of the crumbs and trinkets that you get on the other side don't come anywhere near balancing out some of the major implications in this budget. I agree that a good job was done on most items in an honest effort, but there is that one item of the income tax cap that is a huge implication for this State. So, Senate Democrats have stood on principle, recognizing that this hasn't been an issue about politics, it hasn't been an issue about bickering, it hasn't been an issue about not trying to find common ground, that has never been the case. It has been the case that we needed to raise the issue, so the public could understand it, so the public could recognize the implications and hopefully, that our colleagues would understand the sincerity of our position and perhaps come to understand that there may be some common ground. Unfortunately, we haven't been successful in that effort. Everyone that I talk to, except for those who are ideologically committed to this tax cap, find no merit in it, that it doesn't make good public policy, that there is enormous dangers in this implication of adopting this tax cap now and limiting our income three years from now when we don't know what the economy will be, what the state of this government will be, what the needs of the people will be, to arbitrarily limit that income and then not use it to pay our obligations, but to give nominal checks back to the public and that somehow being useful. We have been told by the State Treasurer and FAME that this tax cap will most likely downgrade our credit rating, which will result in millions and tens of millions of dollars in additional cost to the people

of Maine. The people who are experts on Wall Street and in finances have said that in writing to us. The documents exist and they have been distributed to those of us who make decisions. We know that by arbitrarily cutting income we will not be able to meet, in an expeditious way, the payment of the bills that we haven't been able to do. That we won't meet the infrastructure needs, and that our roads will deteriorate. The public buildings will continue to not get the attention that they need. If you need any information about that, come to my town. The spans on our bridges are collapsing. We have had to close them down for a month for lack of maintenance and repair, yet we see that it is not a necessity to attribute money to those particular needs, but rather we are going to shift the problem to the local property tax. The effort here is clear. Those who somehow believe that government is irresponsible and doesn't meet the needs of its people and is unable to make decisions in a way that they would like, simply wish to cut off the revenue so that those decisions will be made, absent the merits of them. They don't wish to identify where those cuts are going to be made in this budget. They wish to cut of the revenue and then force the decision on future budgets, regardless of the outcomes and consequences because the money simply won't be there. Without telling people honestly, these are the outcomes, these are the consequences, this is what you give up for that small check that you are going to get. They don't wish to address that honestly and straightforwardly. I think it's unfortunate to do that.

It's also clear, as though the talk about compromise, that there is a new strategy employed here now. That strategy is a willingness to shut state government down if the requests that are made by certain parties aren't met, regardless of the outcome. That's an operative tool for negotiation, and that's a fair way of negotiation on some parts. I don't accept that. Unfortunately, in addition to this being bad public policy, it continues the precept that it is acceptable in this state, among these leaders, to negotiate under threat to others. I have been told by many of my colleagues here, including those among the Republican members, that we are going to ultimately do the right thing. The Democrats are going to cave in because you always do. We are going to hold tough and we are willing to do it. I don't know if that's true, but that's what I have been told. There are also others who are not willing to tell the truth to those who have supported this budget. The truth is that they have no intentions of living up to their commitment in this budget to limit tax income. They have said, "What's your problem? You know we can undo it with a majority vote later, and we will." I don't operate that way. I want to be honest. I want to tell you, if I make a commitment, that I am going to keep it. Unfortunately, there are those who wish not to do that. I think that discredits our process and discredits government. But as long as we continue to have a strategy in this State that shutting it down is a legitimate negotiation process, that is somewhat like the thief on the street putting a gun to your head and saying he would like to negotiate for your wallet. Would you like to give it to me or not. It doesn't give you a great deal of options. That's where I find myself today. To choose between the willingness of some to shut this state down, and the

immediate harm that will do, versus the longer range harm that is clear will be the result of this tax cap. For those reasons, I am prepared to raise myself to a higher level and not do the immediate harm that this will do, and support the budget. But, I want to make it very clear that there be no misunderstanding on my vote. My vote in no way, in any manner, in any characterization, supports this income tax cap. If I am in this institution, casting votes, I will cast them to repeal that at every opportunity and as soon as I can. But I will not force the people of the State of Maine to go through a shut down on this issue, because, unfortunately, that is the strategy that is being used. I don't know how much longer I am going to be in this institution, and I have enjoyed being here, but I hope that I will see a day soon where we have political leadership in all branches of this government that have the courage to take this threat off the table and to return to the reasonableness, the civility, the common sense, and the courtesy that we have shown in the past in coming to legitimate compromises in a legitimate process, not under threats and intimidation. I hope that day comes soon because it will be a good day for the people of this State.

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

Senator **BEHOIT:** Thank you, Mr. President. May it please the Senate. Let's get positive. A moment ago, the good Senator from Lincoln, Senator Begley, admitted a minor character flaw. He said he had a little bit of a stubborn streak. Senator, it doesn't make you a bad person. I commend you, and the members of the Appropriations Committee, your colleagues, for a job well done. Thank you. The good Senator from Oxford, Senator Hanley, thank you. Your colleague, Senator Berube, thank you. I indicated earlier in the week that I plan to have a letdown when this session is over and I get back to Rangeley, because I have been on a high down here. I may have to have some counseling to get me through it. One of the reasons is Senator Berube. I have enjoyed working with her throughout this session. I admire her. I have admired her for years. She is one of the reasons why I am going to suffer through a letdown. I also see Representative George Kerr in the chamber, thank you George, for your work, well done. I have been in state government for over thirty years. I have served in all three branches. This is where the action is, number one, in the legislature doing things for people. When I vote on the budget to approve it today, it will be the apex of things I have done in state government. I want to put that in perspective. It will be a high point in my work, notwithstanding that as a young lawyer for the state in the AG's office I had occasion to have a case against one of the attorneys now on O.J. Simpson's defense team, F. Lee Bailey. I beat his pants off. You would think that would be a high point for a young attorney, at a time when F. Lee Bailey was springing people out in Michigan and Florida, and came to Maine to try to do the same in a murder case. But, when I vote for this budget today it will top that. I want to close by saying thank you, in this budget, for ridding us of the sick tax. Can you imagine a government funding itself on the backs of patients flat on their back in the hospital,

doing that for even a day, even a minute, even a second. Shame. Well, I will have my head up because that's going to be gone soon. Thank you. So, I want to speak on a positive note today because I feel very positive about what has happened here. Looking back on the session it has gone quickly. I will miss my colleagues here. I think we have done some good work. See you in the short session.

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

Senator **ESTY:** Thank you, Mr. President. While it is true that this budget is about tax cuts, about support for education, about property tax relief, and other issues, and that it is not, at this point, about which party won or not, it is not, at this point, about who compromised or not, and it is not, at this point, about the political ramifications involved. I believe, simply, that in the big picture, the passage of this budget is about continuing the progress we have made in restoring faith in our government. Showing people, by our actions today, that we can discuss and debate, agree and disagree, but reach decisions together, is what this is all about. By passing this budget today it will be a strong statement that we put people's interests first. I will be voting to pass this budget because I think that passage keeps us going down the road of restoring trust and rebuilding faith in state government. Thank you.

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

Senator **FERGUSON:** Thank you, Mr. President, Ladies and Gentlemen of the Chamber. As the junior Senator from Oxford, I would like to extend my congratulations to you, as the senior Senator and leader of the Appropriations Committee. Also, the other members of the Appropriations Committee that worked long and hard. I have been in politics, and aware of politics, probably as long as anyone in this room. As I search my memory, to my knowledge there has never been a thirteen zip vote out of the Appropriations Committee. This may have happened back along, but I am not aware of it. So, I would like to extend my congratulations to you and the other members of the Committee. It is a compromise budget, it's a budget that I will be voting on and I sincerely appreciate your hard work. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you, Mr. President. I, too, will be voting for this budget, but I need to tell you, I am going to be voting under duress, simply because of the one little thing. I, too, want to add my congratulations to the Appropriations Committee. I think they have done a remarkable job and I think our hat should go off to Senator Hanley of Oxford, the Chairman of the Committee, who has led the effort. I think he has done a commendable job and I mean that very sincerely. I agree very much with what Senator Cleveland, from Androscoggin, said. I also agree very much with Senator Benoit, from Franklin. It's not a bad day, it's a good day. I want to just confine my remarks to the business judgement of the tax cap that I very much oppose,

because I think it is bad public policy and I think it's bad business for the State of Maine. If I can just give you a couple of figures, and I won't bore you for long, but just to compare. If, in fact, everything works the way it was intended to work, a couple filing jointly four or five years from now may save \$1,000 by an income tax cut that this policy would implement. In the same period of time, that same couple in that category, with a \$100,000 joint return will be paying \$10,000 just for their share of the unfunded liability on the State Retirement Account. I believe I can support those numbers if anybody wants to question me, I have support to back it up. In five years they are going to save maybe \$1,000 on their income tax, but they are going to be spending \$10,000 for their share, in that same period of time. If, for example, that couple lived on for thirty-one years, earning that \$100,000 a year, their share of paying down this unfunded liability will be in the neighborhood of \$100,000. They will be working a year of their lives, with a total gross income for that one year, going to pay down their share of this unfunded liability. I'm concerned about this because I'm a little embarrassed and a little ashamed, because two years ago I voted to extend the amortization schedule for ten years on this unfunded liability thing. I was told at the time that it was going to cost us \$2 million over the thirty-five years, but we won't go that long because next year, which was last year, we are going to find a way to fund that and get back to the twenty-five year amortization. It didn't work. This year there were several bills that didn't get out of Committee that dealt with that issue. That issue looms large in the lives of Maine people. We are not taking care of that. If we are talking business and economics, we shouldn't be talking about cutting our revenues \$1,000 and on the other hand paying \$10,000 to sweep something under the rug and put it out to our grandchildren to pay later on. Huge dollars, \$4.5 billion is the cost of extending that for ten years. If we use the surplus, and if we put a spending cap on that income tax revenue, as outlined in this budget bill, and used the surplus money on these projections, we could eliminate that extra ten years on that amortization schedule and save our taxpayers \$4.5 billion. That makes sense. I tell you, I'm voting for this budget today, but I too am going to join Senator Cleveland and others in doing all I can to reverse this tax cap problem. I would like to suggest and advise anybody in this body who is going to go out of this chamber today, promising their constituents that in a couple of years they are going to start seeing a reduction in the rate of their income tax, to be very careful about that because it is very apt to come back and bite you. I don't think you should be promising people something that you are not going to be able to deliver, and I don't think you are going to be able to deliver this.

One other item I want to talk about. I heard the Senator from Cumberland, our Senate President, say that the Governor promised to veto this budget. Well, maybe he did. I heard him on the radio, ten days ago perhaps, explaining to the public and explaining to the newspeople that you've got to realize that if the budget passes, it's going to be a two-thirds vote. It isn't a very big threat for me to say I'm going to veto the budget. I'm going to have to consider it, I heard him say. I didn't hear

him promise that he was going to veto this budget. I doubt if he will and I don't think he will be going back on his word. I think he has a perfect right, and a perfect opportunity, and a perfect privilege to consider vetoing any bill. I think it's a misnomer and a misrepresentation, as far as I know, that he made a promise that he would veto this budget. I don't think so and I would not like that to be on the Record if that's not right. If I'm wrong about that I will apologize, it's not what I heard. Again, I will be voting for this budget, under duress.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator O'DEA: Thank you, Mr. President, Men and Women of the Senate. Like the Senator from Somerset, I too have some grave concerns about some of the things that are in this budget. The tax piece comes to mind. In fact, while there are several things in the budget that concern me, it is the tax piece that I find most troubling, for the reasons that Senator Cianchette indicated. As I got thinking about how this whole tax issue has been framed, I got to thinking about taxes a little bit and about how none of us really enjoy paying taxes. Nobody likes to pay taxes, but there is a difference between not liking to pay taxes, or not wanting to pay taxes, and not being able to afford to pay taxes. When I listened to the Senator from Piscataquis, Senator Hall, talk about things like school funding, I know that there is a difference between talking about school equity and pupil equity and fair school funding, and talking about it and paying for it. There are some people here who like to talk about it, and who support school equity and pupil equity, but who don't want to pay for it. Our day will come again and we will fight that battle again. The issue today, though, vis a vis taxation, is not, as my friend from York, Senator Hathaway, has laid out, a choice between taxation or freedom, taxation or a good quality of life. It is taxation and, two hundred years or so ago, when our forefathers fought the battles they did, they did it so that when we had taxation we would also be represented and have a voice in the process, so that taxes weren't merely arbitrary and capricious, but so that they actually did something that benefitted us. This morning, when I left my house, I drove a half mile down the road, past the flagship campus of the University of Maine, underfunded a little bit still in this budget but we did pretty well, and I drove through a town with good municipal services, I drove past the State Police barracks in Orono where a trooper was giving an interview to a member of the media, talking, I'm sure, about their plans to chase drunks around on the highways this weekend and keep us safe. I drove south, past Bangor Mental Health Institute, where some of our least fortunate citizens reside, and where we have a lot of dedicated employees and I drove down and I saw all of these things from a well paved road, all of these things that we do with our tax dollars, and all of these vital services that people take for granted in large part day in and day out. All of these things that we pay for with our tax dollars. Today, when I cast my vote, I will be casting my vote to further support education, even though I don't think we are doing as much as we could, to further support a sound infrastructure, to further support the state employees who do the work

that not many of us would really want to do, and I will be standing with people on both sides of the aisle to continue that. I, too, will stand again with Senator Cianchette and Cleveland, and others, to repeal a piece of this that I don't think is appropriate. But that's a battle for another day. Today we have to decide whether or not we will continue the services of state government and move on with a budget document that is, in large part, quite sound. I would, once again, thank all of those persons who have done yeoman's work in putting this budget together. I would thank you and I would urge you to support this document. Thank you.

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

Senator **BUSTIN:** Thank you, Mr. President, Members of the Senate. I rise today, not to urge you to change your minds on the pending issue, and not to justify my own position, but to speak about the crossroads that we face and how we arrived here. From the outset of the 117th Legislature two things were clear. One, that Maine's continuing economic difficulties would force us to make hard and painful choices on the budget. Two, that the division of responsibility between the two major parties, and an Independent Governor, would make the process of decision and accommodation all the more difficult. There is nothing any member of this legislature could have done to avoid these two problems. These were the cards we were dealt. There was another problem which has become a major factor in our budget deliberations, for which we, the members of this Legislature, bear full responsibility, the threat of a shut down of state government. I know we live in times when freshness and novelty take precedence over experience, but allow me the luxury of pointing out that this business of threatening shut down is a recent and odious development. In the 1970's we had a state government which was divided exactly as ours is today. We had a Republican Senate, a Democratic House and an Independent Governor. The differences in philosophy were profound and the personal relationships were often strained, but there were no threats of shut down. All sides knew it was their job to set aside their differences and find a real center ground at which agreement could be reached. It was done without holding a gun to anybody's head. All that changed a few years ago when the McKernan administration, and a minority in the Senate, forced a shutdown of state government over workers' compensation. The shutdown did not accomplish its purpose. The deep reforms of workers' compensation grew out of a Blue Ribbon Panel which was proposed by a Portland newspaper and the then President of this body, Charles Pray. But while the shutdown did not accomplish its sponsor's goals, it didn't leave the landscape unchanged. It demoralized the people who work for our state. It left the public more angry with, and estranged from, their own government and their chosen representatives. It sent the wrong message to people outside our borders who might travel here, or move business here, or set our bond ratings. The message we sent with that shutdown was Maine is no longer a place where civility and common sense govern human events. Maine's political landscape suddenly looked surprisingly familiar to Washington D.C., California and New York. The McKernan administration shutdown made a joke out of

our new slogan, "Maine, the way life should be." Sometimes when people look back on that fight they refer to it as a budget battle, but of course it wasn't. A non-budget issue got linked to the budget. One group of the legislature said if we can't have our way we are going to wreck everything. A demand was made that we write new tax policy in the budget. Once more we found the budget linked to an issue that had little or nothing to do with spending in the next biennium. Once more the press was filled with threats of shutdown. Some were quoted in the newspapers as saying the public really did not care anyway. You all know that my job is working for a public employee labor union, and from that unique perspective I must tell you that I find this whole business ironic. The very people who gasp in horror at the notion of public employees being able to strike, and thus deny the public their valuable, life-protecting services, are willing to force a lockout the moment they can bring up some new political issue to promote. It is no secret that members of my party have been divided over how to respond to this manufactured crisis. To our credit, we did not give into the temptation of responding in kind. For example, I hate what this Productivity Task Force will do to state employees and businesses in Augusta, but I did not attempt to organize a group to say we will shut down state government if we don't get our way. No, we Democrats divided into two camps. The Democrats in the House decided the lesser of two evils was to give into the threat of shutdown. Democrats here in the Senate have worried aloud about what tolerance of this behavior would take Maine in the future. So, today we have to make the final decision. A Governor who campaigned on the promise of passing budgets well in advance of the new fiscal years sits downstairs wondering if he will have to manage a shutdown. His naive promise of simple common sense ran aground on the realities of the new politics. I have served too long in this body to be naive. I committed to voting for the income tax stabilization fund in the budget if it were taxable income only. That agreement was broken when we changed to the adjusted gross income. Still, I would vote for this bill if it would avoid a state shutdown. So, because I believe the votes are there to pass this budget I ask your indulgence in allowing me to not vote on this bill, however, if it came to the last vote, and it were not going to pass, rest assured I would change my vote.

I have had many calls from state employees and non-state employees this morning who have asked me to not vote for this budget. I have told them exactly what I have told you. I would vote for this budget if it would mean avoiding a state shutdown, despite the fact that they are telling me that they would live through a state shutdown instead of taking this tax cap, because they understand what that tax cap will mean for state government in years to come. I understand the philosophies that deeply divide us, despite that, I appreciate the many opportunities all sides, and I mean this sincerely, have had to work out compromises in this budget. It has been very heartening to me to work with members on the other side of the aisle in this body on coming to these compromises. I think we can do it on many issues. I am very pleased with the responses we have gotten. It is only when we get to the income tax stabilization fund, and the differing deeply held

philosophies that divide us that the negotiations broke down. I'm sorry for that because I know the potential is there in both legislative bodies to work toward compromise on many issues before these bodies today, and for the remainder of the 117th Legislature. Even though this budget will pass without my vote, in my heart I still believe that in the future Maine people will find the means to make us do better. That is where I will dedicate my time, that is where I rest my hopes for the goodwill and the common sense of Maine people. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. This budget that we have here today proves one thing to me, it proves the old adage is incorrect. You now can have your cake and eat it too, only you have to leave the bill for somebody else to pay. Once again we are going to leave here without paying our state bills, and by including a large gimmick in a state budget. We are going to have to rely on the courage of the next legislature, and the courage of our children, to do something we could not do here today. I have heard a lot of talk about the education funding and the people who are losing education funding in this budget. Because of this tax cap in the budget, believe me, you haven't seen the start of loss of money in education funding. In the next budget, and the following budgets, you are going to see more red ink going back to municipalities. It's the only way we can do what is planned here. To my Democratic colleagues in this body, I know it has been some tough decisions for you to support this budget. You have had to compromise on some strongly held principles. Maine Democrats came to this legislature to do three things, to pay the state's bills, and that was repeated over and over and over again by the good Senator from Androscoggin, Senator Berube, who has been a courageous leader for us. Pay your bills, we haven't done that in this budget. Cut property taxes. We have done a partial property tax cut. Once you do those things, let's go on and see what we can do to get a tax cut. Unfortunately we failed on the first, we only got partial success on the second, because a small group has forced this into the budget, we are going to do the third before we have done the first and the second. I realize a lot of you have had to put up with threats, intimidation, and ultimatums, and I realize you are doing this to keep the state open, to keep government functioning, and I admire that. We can take home some pride in the fact that we have pushed for, and I believe it's going to be there in part two, the personal property tax credit for machinery, which is something Maine businesses want and we can be proud to have fought for. But I know it's not an easy choice, but it's time that we moved on and passed the budget. Two years ago I had a great deal of optimism for this body. Under the leadership of President Dutremble we brought an end to what I saw as partisan bickering, someone who sat down in Appropriations day after day after day, and thought not of being a Democrat, not of being a Republican, but thought of being a leader. He said to the Appropriations Committee, "You're not breaking apart into your partisan caucuses. We are not breaking down like we did before. We are here to do the people's business and

we are going to do it." He did that. Unfortunately, I haven't seen that kind of leadership in this legislature. I haven't seen the kind of leadership that puts the state's interest first over partisan political interests. My hope is that we will see that at some time in the future. Maybe it will have to be done by our children, maybe they will be the ones to have the courage to do what we cannot do. I know this budget is going to pass today and it is not an easy thing for you to do. I have heard comments about what we are doing about the sick tax. I want to remind people that the sick tax came out of a Republican administration, as did the \$300 million in tax increases. Let no one forget that, I will never forget that. I'm proud of the people who stood for fiscal responsibility. You are doing the right thing. If this budget passes we are going to have to have the courage to do the right thing in the future and pay the state's bills and get our house in order. Thank you.

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

Senator **FAIRCLOTH:** Thank you, Mr. President, Colleagues of the Senate. There has been some discussion today about what Governor King did or did not say about stating he would veto a budget with a tax cap in it. While certainly the political tacticians and commentators are legitimately going to discuss that issue, I think it is of secondary importance to the fundamental public policy statement that the Governor has been very consistent about. That is that the tax cap is bad public policy. He said it throughout, he said it even up to last night. He said that when the opportunity comes he would like to see that tax cap repealed. He doesn't want to see the state shut down, and I happen to agree with him in that choice, because the political gun is held not to his head or to our head, it is held to the head of the people of the State of Maine. I don't know that anybody wants to see that. Whenever the opportunity comes, I think we need to follow that lead to eliminate this bad public policy. It may be in this session, it may not be. It may be in a future session, but this tax cap is a property tax increase and we need to follow the Governor's lead to eliminate it whenever we have that opportunity. Thank you.

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

Senator **AMERO:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I was not going to rise to speak on this budget today because I have had plenty of chances during negotiation sessions to put my words in. But I have to respond to the language that I just heard from the Minority Leader in this chamber. I think so much credit goes to the two presiding officers in the Senate and the House. To our Senate President, and to the Speaker of the House. They are not people who grab media attention. They don't speak in the kinds of language that the TV cameras like to hear, but they get the job done. They do the work behind the scenes. They have brought these two bodies together. I think they deserve the credit. I also want to extend my congratulations to the co-chairs of the Appropriations Committee who have both done a

wonderful job, unlike the lack of leadership that I have seen from the second floor. I do not think that appearing in the press on a daily basis is a way to develop leadership in this state. I am proud today to be a member of the legislature and to show that we, ourselves, can come to a legislative solution to this budget despite the fact that we did not have any leadership, in my opinion, from the second floor. I am very proud to be a member of this body. I am proud to be voting for this budget. Like all of you, there are things in that budget that I don't like, but I am going to vote for it because I think it is the best thing for the people of the State of Maine and I do believe that it will restore faith in the people of this State in their government. Thank you.

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

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

Senator **CAREY:** A very small remark, Mr. President, in answer to the Senator from Cumberland, Senator Amero. We didn't get too much leadership from the second floor because the Governor, who sits on the second floor, was looking for a legislative solution.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. I want to add my congratulations to you and to the others you have heard today, which you richly deserve for the service that you, and Representative Kerr, and your entire Committee have given to our State. Let me think that the hard work is behind you now, I want you to remember that you and I are going to be talking about clams before the sun comes up. The income tax credit is a bad use of revenue. If we had a true concern for the taxpayers in this State, we would have been doing more to decrease the monumental debt load under which we are struggling. Once upon a time, I was the woman who was going to elect the Senate President, appoint all of the Committee Chairs, elect the State officers, and possibly cast the deciding vote on hybrid wolves. It is with great gratitude that I welcome the good Senator from Cumberland, Senator Pendexter, into this body to spare me that pressure, and also, by the way, it is her intense and blistering advocacy for her issues that makes the rest of us be the best that we can be, because it is our only hope of getting out of here with our skin on if you are on the opposite side of an issue from her. I do admire her tenacity and dedication to her causes.

Today I have the luxury of holding a vote that is not going to change the outcome of this debate. Not only that, my party is not going to be mad at me no matter what I do. So, I'm able to vote against this budget because of my very strong feelings about the tax stabilization plan without having to accept the consequences of the state shutdown. I'm able to do that, but I'm not going to. If my vote had been the deciding vote, I would have cast it several days ago when we took our first vote on this budget in favor of passage. To me we were by no means at a point

where I felt we should precipitate closing down the state. Because I have the opportunity most of the time, when you are not having your little fits of temporary insanity, to visit both of your camps, I thought until very recently, until within the last twenty-four hours, that there was room for a bit more change to be made to this budget that would have helped more people come to it less reluctantly. But, I realized at some point yesterday that that was not going to happen and so, although it is tempting for me to make a statement and oppose this budget because I know that that vote wouldn't matter, I feel the right thing for me to do is to vote now to support this budget, because that's what I would have done a few days ago when it might have mattered. There is one more step in this process when we are through this morning. That is that this bill will go to the Governor's desk for his signature. I think it is very likely that it will be signed and when it is, my brothers and sisters, I ask you to yield not to temptation to make political capital out of that signature, but rather to greet it with the respect it deserves. Thank you.

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

Senator **LORD:** Thank you, Mr. President. For five terms I sat in the House. I saw a budget underneath a Democratic Governor. I have seen budgets from a Republican Governor. It is the House and the Senate who passes the budget. Just remember that.

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

Senator **BUSTIN:** Thank you, Mr. President. After my remarks I had meant to say something, and I was remiss in not doing that. What I wanted to say was how much I appreciated the hard work that the good Senator from Oxford, Senator Hanley, has given in this budget process. I may disagree violently with him, and I am going to be Mother Bustin now, but I think that we can agree to disagree and still be agreeable. I think that Senator Hanley has proven to me that he is straightforward and honest. What I have appreciated most is that. I can deal with that and that is what I expect to give to you and what I expect to get from others. He has exemplified that and I do thank you for the service you have given.

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

Senator **BUTLAND:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. This debate here this morning has been very instructive. I have learned a lot of things and I would like to share those things I have learned with you. I have learned that this budget is an extremely partisan issue in that it has sprung about in spite of a lack of leadership. I think that those statements ignore the fact that we have a thirteen to zero Committee report, and that yesterday 153 members of this floor voted in favor of the budget. Quite frankly, I have never seen the spirit of bipartisan compromise run so deep. As far as my leadership or my leadership style, when I was 23 years old, unlike most of my contemporaries who were back on the block smoking and

joking and coking, I was aboard a Marine Corp base, and I was a Second Lieutenant. I was responsible, and it was a privilege to be responsible, for 75 young Marines. I knew that I was responsible for them, but I also knew that I would not succeed if I couldn't delegate the authority to get the job done. When I sent Senator Hanley from Oxford, Senator Begley from Lincoln, and Senator Berube from Androscoggin County to the second floor to serve on the Appropriations Committee, I told them that I had faith in them and that I would not babysit them. If you need me I will be there. I think that's the way responsible government works.

I have also learned this morning that somehow this income tax stabilization cap was introduced under the cover of darkness at the eleventh hour. It ignores the fact that it was introduced to the Taxation Committee back on February 28 of this year. I have also learned that the only way to provide property tax relief back home is to open up the spigot in the State Capitol, which unfairly assumes that the people at the municipal level, the municipal officials and the taxpayers are a bunch of witless, helpless, dolts. I can assure you that that is not the case. Before I came to the state legislature I served as a member of my town council. Local government is the best government because it is the closest to the people. It is the most accessible and it is the most responsible. Property tax relief starts there and to say that the only way that you can have property tax relief is to have an unlimited check in Augusta is wrong. I have also learned that there has been a tremendous unwillingness to compromise on this. That's patently untrue and unfair. I obviously was dreaming when I was sitting through those sessions as leadership and people from the Appropriations Committee came together to forge a compromise. I have also learned that I can't read. As I read, again, the letter from the Chief Executive of the State of Maine, when he says, "Finally, I must make one thing clear, so that there is no misunderstanding. I will not sign a budget with these far-reaching tax cuts in place." Whether that is a threat or a veiled threat, I took it to mean only one thing. I have also learned that we are here today to have our cake and eat it. I remember two years ago, sitting in this same chamber as we debated the budget that had the \$100 million from the extension of the unfunded liability of the Retirement System. We took that money, \$100 million, because we needed it. We had to spend it. We couldn't cut. Now we understand from the Senator from Somerset, Senator Cianchette, that the tail on that is \$4.5 billion. If that's not the definition of having your cake and eating it, I don't know what is. The final thing that I have learned here today is that there is a difference amongst our philosophies. Some would say that the Republicans have a simple, ideological fixation with tax cuts, or that we have manufactured a crisis. I have heard that said today. It appears to me that for some people the natural state of affairs is that everything is taxable and that taxes can never go down.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you, Mr. President, Colleagues in the Senate. I don't doubt that all of

us have tried to do our best and I don't doubt that some of us are better at it than others. I want to just say, on a constructive note, that the big reason I have to vote against this budget, in addition to not paying its bills is that the way it affects the property tax and school funding among the 33,000 people I represent, number one. Number two, in delegating, I really wish that this Senate would have had a representative from some place other than southern Maine, as my caucus delegated me that responsibility. Thank you.

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

Senator **PINGREE:** Thank you, Mr. President. I know we are all anxious to vote and I will be very brief, but, like many of my colleagues, I guess I want my thoughts on Record before I take this vote. Like most of you, I want to commend all of the people who worked hard. I think all of us who are willing to be in public service make a tremendous sacrifice. We put in a lot of hours, we spend a lot of time away from our families, and I appreciate that. I particularly appreciate the members of the Appropriations Committee, whether I agree with you or not, I know how hard it is to reach a compromise in a Committee and I know the number of hours and the late nights that you put in and I appreciate that. Particularly our member of the Democratic Caucus from Androscoggin, Senator Berube, who we all know spent a lot of time in the hospital and came back to work very hard. I do appreciate that. I also want to thank my Democratic colleagues, who I believe are sacrificing their vote today to make sure that we do not have a state shutdown. We all know that lack of faith in government is our biggest problem today and that shutting down the State is not okay and we need to move on from this moment. I am voting no, and I am voting no because of the fiscal irresponsibility of the income tax stabilization fund. There are some good things in this budget. I am pleased that we are doing something about property tax, but as I have said before on the floor, and I won't say it at length, this does not address the problem of paying our bills. It's the wrong tax to cut. It's a shift to the wrong places. It's the wrong thing to do. It is another gimmick. It is a future liability, not a cut today. I believe it is a seed of another broken promise to the people of the State of Maine. Worst of all, I think that I can see it all two years from now in the next political campaign, because I believe that this is not real. It is political posturing and it is campaigning for re-election on the people's time. I am opposed to this budget. I appreciate the fact that we won't be shutting down the State of Maine today, but I cannot vote for this budget.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUTLAND, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HATHAWAY, KIEFFER, LORD, MILLS, O'DEA, PARADIS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT PRO TEM, Senator HANLEY

NAYS: Senators: BUSTIN, HARRIMAN, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, PINGREE, RAND, RUHLIN

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 9 Senators having voted in the negative, and 26 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

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

Senate at Ease

Senate called to order by the President Pro Tem.

Off Record Remarks

On motion by the PRESIDENT PRO TEM, RECESSED until 3 o'clock this afternoon.

After Recess

Senate called to order by the President.

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

PAPER FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Improve the AFDC Program" S.P. 548 L.D. 1496 (S "B" S-348 to C "A" S-322)

In Senate, June 28, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-322) AS AMENDED BY SENATE AMENDMENT "B" (S-348), thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-322) AS AMENDED BY HOUSE AMENDMENT "D" (H-650) AND SENATE AMENDMENT "B" (S-348), thereto, in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, the Senate RECEDED and CONCURRED.

COMMUNICATION

The Following Communication:

THE MAINE SENATE OFFICE OF THE PRESIDENT

June 29, 1995

The Honorable May M. Ross Secretary of the Senate State House Station #3 Augusta, ME 04333

Dear Madam Secretary:

Pursuant to my authority under Resolve 1995, Chapter 16, I have appointed Senator Phil Harriman of Cumberland to the Paper Industry Council.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Jeffrey H. Butland President of the Senate

S.C. 282

Which was READ and ORDERED PLACED ON FILE.

ORDER