

MAINE STATE LEGISLATURE

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



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

Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session
April 4, 2005 to June 17, 2005

Pages 411 - 1350

LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 10, 2005

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Reduce the Size of State Government by 5%"

H.P. 483 L.D. 663

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-197)** (5 members)

Tabled - May 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, May 3, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 10, 2005, Reports **READ**.)

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. This is a proposal to reduce the size of state government, and therefore its cost, by 5%. The so-called meat axe, although it would carve out a relatively small piece. It was part of our discussion, our being the minority, when we did the Part 1 budget. There seems to be great interest out there in the Republican plan for dealing with the \$410 or \$447 million of borrowing that is in the budget. This will be, and has been, well advertised as being part of the Republican plan. Madame President, today we are solving some of the mystery. This is part of the Republican plan. It is worth about \$183 million, about \$90 plus million a year. It exempts General Purpose Aid to Education. General Purpose Aid to Education is not included in this 5%. It exempts debt service, a commitment which we obviously have to pay and make. Those two things are exempted. It's still worth \$183 million, about half of the borrowing in the current Part 1 budget. I urge that you vote against the Ought Not to Pass and let us get on with reducing spending. We all know we need to get there. Now is the time to start it, Madame President. Thank you.

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

Senator **ROTUNDO:** Thank you, Madame President. I wish to pose a question through the Chair for anyone who cares to answer.

THE PRESIDENT: The Senator may pose her question.

Senator **ROTUNDO:** Thank you, Madame President. Where specifically in the state's departments and agencies will this \$183 million be cut from?

THE PRESIDENT: The Senator from Androscoggin, Senator Rotundo poses a question through the Chair to anyone who may

wish to answer. The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I'm on my third round on the Appropriations Committee, which I very much appreciate. It has become apparent to me that we neither have the time or the skill on these across the board things to designate specifically what we're going to cut. We have, however, a large cadre of very highly bureaucrats in this state. They know that 5% is a minimal reduction. We need to reduce spending, Madame President. The answer to the question is not here. We don't, should not, have to designate where the 5% is going to come from. They can, in that building. They know the departments better. They know what programs are working and what programs are not working. I say let them do it. We pay them enough. That's what happens in the private sector. Easy. Easy to get there. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. I believe when proposals such as this are made that it is only responsible to specify where cuts would be made. It's so easy to pass the buck. I'm tired of it and I'm still waiting for a plan that was just discussed. I'm still waiting for that plan. I'm looking forward to hearing from the other side of the aisle, specifically as to where these cuts would come from. Our budget specified where cuts would come from and how we would come up with money. I'm waiting for the Republican plan. I am eager to hear it. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I always enjoy these across the board suggestions because they can't work. They are impossible to work. What is even more interesting to me this morning is to hear the good Senator from York, Senator Nass, suggest that bureaucrats do the budget. If that's the case, do we need the legislature? Is the legislature the problem? I thought that the voters of Maine had chosen this legislature, and those in the past and those in the future, to do the budget for the people of Maine, not a group of faceless individuals who do not report to the voters. They report to bureaucrats and they report to department heads. I've been here more years than some would want me here, but the one thing I've learned through this process is that we have a responsibility to put a budget together. Not someone in the other building. Not that I played a role, but my leadership has requested that members of the minority propose a budget, as I remember, by Friday. I'm looking forward to that budget because I want to see where the cuts are. Nursing homes? That is the largest single expenditure in the Department of Human Services. Parks? That is another part of the budget. I could go on and on. I'm looking forward to the individual cuts as they come forth. BETR? If it's not education, because let's not forget that education represents, along with the Department of Human Services, roughly 80% of the total expenditure of state government in this budget the we just enacted by majority vote. I'm looking forward to how we're going to make those cuts. I want

to see them, frankly. I might vote for some of them. Members of the minority and members of the Appropriations Committee didn't vote for the cuts I proposed any more than my Democratic friends did. I'm looking forward to those recommendations on Friday.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. Actually I'm going to ask for a roll call when I'm finished, which was the only thing I was going to say, but I just have to raise a statement. When we are elected to serve and we come here, it is the Chief Executive that does the budget. We take that budget, through our committee work, but we do not start from scratch. It is not something that we create from the beginning. Each of the departments works for the Chief Executive. They present their budget, work it out, present it to us and we work through it. I just wanted to set the record straight, but it doesn't begin here.

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

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. When we're talking about specific cuts, I order specific cuts in my own business at times. I give it to the people who work for me. I rely on them to go out and make the cuts without micro-managing them. We, as a body, are no different than a school board either. We put out the guidelines and expect that the people that work for this state carry out these guidelines.

I had an interesting experience on the way to work this morning. I came across a road crew working. It was a small project. There were three people holding signs and doing what they were supposed to do. There were two people driving machinery and doing what they were supposed to do. There were eight people standing around watching. A couple of those had trucks that were going to be loaded up, so we can exclude those from the ones that were standing around. I would allow that there ought to be one supervisor there, but that still leaves five others left standing around doing nothing. Is it my job to stop, take names, start asking questions and micro-manage their job to find out where we can save some money? The answer is no. The job comes from the heads of the departments. That trickles down to the heads of the smaller departments and so forth. This is how we control spending. I'm not going to be able to go through the entire budget and come up with a line item suggestion of cuts that ought to be cut on everything there is. Our job, I feel, is to give the directive and let the people that work for the government do this. It's interesting to note, in the reorganized country of New Zealand the department heads definition was changed. I might add this was just for hiring practices. This was not at the whim of the party in control, because their job was guaranteed regardless of whom was in power if they were doing their job of maintaining an efficient government. They were actually given bonuses to find cuts in areas where savings could be made. I read that article with great interest and would applaud that. One of the gentlemen was a

department head in charge of 28,000 workers. When they reorganized their department, he was the only one left. 27,999 were pushed out of government jobs and into private jobs where they put the work into private institutions instead of having the government do it. I would hope that we would run that government, not necessarily the New Zealand way, but as a more responsible business way. Thank you, Madame President.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. It's been a while, it's taken me a while to understand this budget thing and I'm not sure I still understand it, but I'm still not sure I understand my checking account and how I can have so many checks left and not much money in the account. I do know that each of us has been assigned at least one committee. The prime job is not the time we sit here debating, it's what we do in that committee. Seventeen of us go through that budget, line by line, to appease the committee of jurisdiction. We question, sometimes not so pleasantly. We argue amongst ourselves. We come back and go to plead our case to the Appropriations Committee. I know that in two committees of jurisdiction, Marine Resources of which I am a member and Insurance and Financial Services which I chair, we went through those and made plans back and forth. We went to the Appropriations Committee, and in one case, we were unanimous that this could not happen in our budget. It was not right and it came off. That's where our job was. That is where the budget started. Not in the majority. Not in the minority. It starts in our committees. We worked these are committee people. We are the people that were supposed to be the experts on just that one little part of the budget. Unfortunately, some of that is turf war because you want your committee to get everything you need because it's really needed. Your committee and your committee and your committee all want everything.

I also remember that last year we passed, albeit slowly, OPEGA. OPEGA was supposed to take care of some of these issues. We were going to do an in-depth investigation to find all the facts. I have the good experience two years ago to go to the Harvard School of Business for one of their executive, local, and elected officials. The definition of leadership that they gave is that a good leader delivers the bad news at a rate that their people can understand. I thought about it. At first I thought it was sort of hokey. At first it doesn't make a lot of sense. When you go home, you'll start thinking about it. You see, we do deliver bad news to our constituents. A bill didn't pass, we didn't get all the money we wanted, or whatever. I maintain that this, and I agree with my colleagues, our job is to take that budget that the Chief Executive hands us, craft it, and massage it the way we need to. You should have done that in your committees. That was our job. We also should make sure we've filled out those forms for OPEGA and that you let them know where all the fat is. We owe them that. If there is so much fat, don't keep it a secret. Let us know. In the meantime, we need to move on and an across the board cut doesn't make sense. If I want to continue on with my checking account and my bills, I don't say, 'Well, I think I'll just cut fuel oil by 5% this year.' I couldn't. I couldn't cut fuel oil this year. In fact my husband delivered the good news last night, \$300 and something to fill our tank up. You can't just make across the board cuts. You may have people in those nursing homes, you personally, and that cut doesn't look so good when it's your

family. Let's be real. Let's do what we are supposed to. Let's work in the committees the way we're supposed to. Let's let OPEGA do the work and let's move on and do the people's work. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I was excited there for a few minutes early on because I thought we were going to be seeing a budget from the minority, but apparently not. It seems that while we have these grandiose plans to cut budgets by 5% across the board, there are those who would like to allow others to take on our responsibilities, our constitutional duties, and allow some faceless bureaucrat in the other building to do our jobs. It's been suggested that we ought to let New Zealand do that. It's been suggested that just the Chief Executive has the authority to do that. I understand it's also been suggested that we allow, basically, the entire budget, or pieces of the budget, go out to the people in what some have referred to as a politician's veto and let the people vote on individual items in the budget. We have the responsibility to govern. We have the responsibility to pull budgets together.

Let's understand what has happened here. The Chief Executive did provide us with a budget. We reacted to that budget. The Appropriations Committee spent hours and hours and hours making adjustments, and in a bi-partisan fashion, accepted many portions of the budget. Then the other side decided to leave the table when we couldn't get to those final remaining issues, and not proposing an alternative, but deciding just to oppose. We have yet to see what their alternative is. We haven't seen it in our committees and we can only speculate what it might be based on some glimpses we've gotten from other organizations. We're told that is not what leadership has proposed. We get other glimpses that maybe it's a few road crewmembers in the Transportation Department. I'm wondering if, potentially, it's just 5% across the board, which means that we're looking at a 5% cut in education spending. You have to keep in mind that the bulk of the money that comes into the state runs right through the state and goes to municipalities. So we talking about a 5% cut in education. A 5% cut in revenue sharing. A 5% cut in aid to the roads to our communities. A 5% cut to our local economic development efforts. What we are asked to do is ignore what's in front of us today, and the hard work that people have done, and take door number two. I'm not quite sure what's behind door number two. Carol Merrill isn't going to show us what's behind door number two just yet. We just have to punt and leave it to somebody else to decide where those cuts are going to come from because it is either undetermined or it's a secret. I'm not quite sure which it is yet.

There are parts of this budget, as there is with every budget, that I wasn't comfortable with and many of us were not comfortable with. The beauty of budgets is that there is always another budget coming. There is always a supplemental. There is always Part 2. There is always the next biennial budget. So anything that we can correct in future budgets in this budget, we will do. We're always looking for ways to improve. I suspect that this future budget will have some things in it that will improve the budget we're under right now and there will be some things in that budget that we don't like either. Clearly we're open to the idea. We'd like to see the Appropriations Committee, through their

leadership and through their work together, which I think has, by and large, been harmonious, to continue working on improvements to the current situation and to the future situation. You know to pass this proposal at this time just throws everybody in disarray. What does it mean? The unknown is out there. Schools won't know what they are doing. Municipal budgets won't know what they are doing. Local businesses won't know what they are up against. One of the things that I have learned from the business community is the biggest fear is the unknown. They have business plans. They like to move forward. They don't like the mystery and the changes that occur here. We try to remain consistent. I have supported many of the economic development programs, against my better nature at times, because I think we do need that consistency. The BETR money is there. Those paper mills can make their investments, understanding that there is going to be that money coming in. If we pass this bill, might we move BETR to 95%? That's essentially what we are talking about here, 5% cuts. Now these businesses are thinking, 'Gee, what is going on in state government? They flex, they move, they jockey, they jump back and forth. We don't know what's going on.' We've passed the budget. We can move forward. If we're looking for improvements, let's do it where the improvements can be made. Let's do it where those lines can be looked at individually and with the appropriate people in the room in the Appropriations Committee. Thank you, Madame President.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I don't know what the purpose is of some of this debate, frankly. The majority apparently believes that if they keep saying that there is no plan long enough people are actually going to believe that. That does work sometimes. Maybe it will work for the majority in this case, Madame President. This is not about nursing homes, not about parks. This is 5%. Let me say it over and over again. We said it in the debate about the budget. I'll say it again. We have exempted, in the amendment, General Purpose Aid to Education. Education is not in this. Education will not be reduced by 5%. Debt service will not be reduced by 5% under this proposal. Debt service will not be affected. I hope I don't need to say that any more, Madame President.

Let me offer one thing. Vacant positions, there are 500 vacant positions in this budget. At \$60,000 each, that's \$30 million a year and \$60 million in this budget. Let's not talk about nursing homes or parks, let's talk about vacant positions. That's pretty specific. That's across the board. That could be part of the 5%. The budget has gone up over 7%. Not if you listen to our Chief Executive, but the reality is that it's gone up over 7%. All we want is 5 of that back. Vacant positions, not nursing home, not parks, not GPA, not debt service. The problem, Madame President, is that we have not met our responsibilities to control spending. This budget has \$447 million of borrowing to keep the lights on. That's the problem. This will help resolve that. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Arrostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. First let me just respond to the good Senator from

Lincoln, Senator Dow. If that had been me this morning, and that were, in fact, employees of the Department of Transportation to which he was referring to, I would have called the commissioner. If there is a problem, the problem, in my opinion, always begins at the top. If there is an issue, it should be reported. That's part of our role, to protect the voter's rights at the same time. I can assure you that I've done it over the years and will continue to do it.

Let me just quickly point out a couple of things. In reference to the budget, the budget is prepared by the departments and referred to the Chief Executive in August. Subsequently, the Chief Executive usually cuts, and this is true of whatever party the Chief Executive happens to be, 20% or 30% from the requests of various departments. Subsequently, the Chief Executive says, 'This is what I'm going with.' It goes to the legislature and then to the Appropriations Committee. I've never seen, in my career, the legislature enact the Chief Executive's budget. Never. It is always the legislature because, frankly, under the system the Chief Executive proposes, the legislature disposes. Nothing has ever changed and nothing probably ever will.

When we look at where we are today, and I want you to look at the amendment that is now on the bill, the good Senator from York, Senator Nass, is correct. It's 5% across the board. That sounds great, but excluding debt services and education. What portion of the budget is education? What portion of the budget is debt service? Combine those two figures and I'd be willing to bet you're talking 25% to 30%. I suspect it's probably more. I haven't had time to compute it. Education is about \$1.1 billion or so. Take a look at that. It's 5% of the remainder. Are we talking 20% of the rest of state government? That's what it says. That's what this amendment does. It sounds great to say 5% of the budget, but the minute you take things off the table it's never 5% of what's left. If that is what we're talking about, then it isn't any \$180 million. You can't eat it both ways.

I just want to conclude with two thoughts. The budget that was passed, even though it was passed by majority, whether Republicans liked it or Democrats liked it, it is now the legislative budget. We now own it. That is the structure under which we operate. Let me put it in another way. If I were a member of the minority, and I've been there, I would want to put forth to the voters of Maine what my plan is if I were to be in control. I'd want to show them my budget, what I would do for the people of Maine, if I were elected. If, in my opinion, the minority wishes to become the majority, they need to show the people of Maine what their plan is.

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I want to comment to the good Senator from Aroostook, Senator Martin, we're trying to be the majority. We have been for a long time. We're still trying. I appreciate his experience in this process. It far outnumbers my years. I appreciate the work of the Appropriations Committee and everybody on Appropriations. There is nothing like a good partisan discussion when you're hungry.

Madame President, I heard a reference to door number two today from the good Senator from Kennebec, Senator Gagnon, who likes to make these references. I would assure him that this is 'Let's Make a No Deal'. Behind doors one and three you will find the same thing that you find behind door number two. Today,

according to our latest figures, we are \$14 million behind the budget. We are, however, \$114 million ahead of the revenues of the last biennium. We understand what's behind doors number one, two, and three.

I heard a reference today that local businesses, schools, and I would add, even towns want to know what they are up against. I would say, Madame President, from my perception, these entities know what they are up against. The budgeting process is a complicated and arduous process. I have not had the privilege of serving on Appropriations. I will not pretend to be an Appropriations member today. What I would offer is this, it seems to me, from one person's perception, that we have worked through many issues in the last four years far more quickly than was necessary. It's one person's perception that we needed to have available to us the opportunity for negotiation. It seems to me, from one person's perception, that we needed more time. I'm aware of deadlines. We all are. The question remains. Did we take enough time? Today I offer to you, Madame President and members of this chamber, we have a budget. We will have another budget shortly. I'm not sure if it will be before Friday. Do we have a budget that was negotiated in earnest? Thank you, Madame President.

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

Senator **BROMLEY:** Thank you, Madame President. I just wanted to go on the record with one correction. It was suggested that we ought to cut 5% across the board like private industry does. When I was in private industry that was not the way we cut. In fact, when I worked for Hannaford Brothers, one of Maine's major corporations, and we had to go through a budget cutting exercise, my department was getting more than 5%. I was complaining about that. I said, 'Why don't we just across the board, cut everybody the same?' The answer, from the very wise president, was because that would reward the bloated budgets. It wouldn't reward the lean and efficient departments. I know there is nobody here in this body that would want to do that. Just on the basis of sound budgeting, like private industry does it, I would object to this particular proposal. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President. I appreciate the 5% and I would agree with you somewhat. I'd point out that at least they made cuts. It has been mentioned that the greatest fear we have is the fear of the unknown. I say the greatest fear is what we do know. The people of the State of Maine already know that Maine continues to be one of the highest taxed states in the country. The Tax Foundation has ranked Maine number one for the ninth straight year and Maine is also ranked number one by CNN Money Magazine. Maine taxes take 13% of our income per \$1,000. Almost double the 7.4% of New Hampshire. Maine's income tax is the fifth highest in America. Our top rate of 8.5% starts at a much lower level than many other states do also. Maine people pay \$1.6 billion in property taxes every year, the highest in America. As a percent of income, \$1,233 for every man, woman, and child in Maine. Maine has one of the highest gasoline taxes in America. For the ten gallons of gas you put in your car this morning, \$2.20 went to taxes. We continue to have one of the worst business climates in America. One of the main

reasons is the high tax rate. New Hampshire is rated the fifth best in America. We work 113 days to pay Maine and Federal taxes, almost 1/3 of the year. We spend about 40% more for taxes than we spend on our homes. Our government, and not our home, is our biggest investment. People in the State of Maine are getting that money for us. Should we do something to improve their situation? I say it is time to do something to improve their situation and start getting our spending under control.

We do have budgets that we pass year after year, but the next budget doesn't correct the last one because we just moved from the second highest taxed state in the country to the highest taxed state per \$1,000 of income. That's a number one I'm not proud of and it's a number one that is a burden to businesses in this state. It allows many businesses to reconsider whether they are going to stay in the state or the many businesses that are moving around to reconsider whether they want to come into the state. I will continue to support measures that reduce the overall tax burden for the State of Maine. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. I'm all for improving our government. I just want to know what the plan is. I just want to know how the proposals are going to come forward to do that, to achieve that. I believe that my constituents and I believe that people of the State of Maine want to know what the plan is. Let's get back on track. Let's tell the people how that's going to be achieved. Let's get the plan on the table and then let's move forward and decide if that is really the way to improve the state. Thank you, Madame President.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. There are a number of things that get tossed around during these types of philosophical discussions. I spent a little time in the Taxation Committee and I was always prickliest when people would use the term number one taxed in the country. Statistically, if you look at the numbers and if you look at the total revenues taken in by state and local government, we're somewhere near the middle, closer to the middle of the pack. In terms of total taxes that we take in, we're closer to the middle. Where it is accurate is at the tax burden. In other words, how much money you have left over after you get done paying taxes. I think Connecticut is also very high in terms of total dollars taken away and what money is left. What's nice about Connecticut is that people make about three times as much money as we do here. I just want to point that out because there are two sides to the equation when it comes to tax burden. It's what the tax is, which we've been really focused on for a number of years and are trying to relieve taxes. We've done more to lower taxes in these last ten years or so than ever. I remember the Homestead Exemption. L.D. 1, for example. We did a number of things to try to deal with that issue. In fact, there is a proposal, I think, that the Chief Executive has put forward that the Taxation Committee is looking at right now that has to deal with the income tax. That will be a very interesting debate and interesting discussion. I think that's worthwhile. There are other aspects to the tax burden and that is, basically, what people make

in this state. People don't make a whole lot. We're known for our productivity. You know, that's a cute term. We can pay people pretty crappy wages and get a lot of work out of them. Maine is considered a high productivity state. I tend to believe that Maine people do work a little bit harder and they have a little better work ethic than everyone else in the country. The bottom line is that our people generally make less money. That adds to the tax burden problems, whatever taxes they have to pay. That's unfortunate. We need to keep talking about this. The point is that this is what we're here for. We can dwell about all of these things. We can throw out these things designed primarily for people to catch headlines and for the press or whatnot. If you listen to all the rhetoric, at times you want to just go outside and slit your wrists. This is such a terrible place to live. The reality is that it isn't. We all know that it isn't. This is a great place to live. People in Maine are being commended for their productivity, for their heartiness, and they expect the same from us. We are going to roll up our sleeves, I suspect, after this partisan debate is over with, after we're done and the stuff that most people outside of this building find particularly boring and annoying, and we will go back to the Appropriations Committee. We have a Part 2 budget that we all must work on. We have a tax proposal that we all must work on. Hopefully, we can come together. We're not just looking for other ways to divide and that we are trying to move the state forward. I hope that is what we can do, Madame President. Thank you.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. We wouldn't be here having this particular debate, or even in this special session, if the process had worked the way our founding fathers intended it to work. Instead that process was subverted for the purposes of passing a partisan majority budget. It strikes me as disingenuous for the majority to impose an artificial and arbitrary deadline, shutdown negotiations on the budget, run through a partisan budget, and then imposes another arbitrary and artificial deadline for the minority to present a detailed budget. Since when is that how our state budgets are done?

With respect to the issue before us, L.D. 663, are we listening to the people of Maine? Do we understand what they told us last fall? We have a spending problem in this state. We have a responsibility to address the spending side of the equation. I'm one of the members of this body who has been willing to come to the middle. I rose in this chamber and endorsed and voted for a change in our tax structure to help address this problem. That was shot down. Now we're talking about looking at the spending side of the equation. Are we going to shoot that down too? We have a serious problem.

The people of this state are prepared to see a smaller leaner government. I think many of us on both sides of the aisle know that in our hearts. We know it from the conversations that we have with our families and with our constituents when we go home. We can start with vacant positions. You heard the good Senator from York, Senator Nass, tell us how much that alone will do. Why are we carrying them over in the budget? They are vacant. It is superfluous to state government, yet we insist on keeping them in the budget and creating a larger structural gap as we go on. The people of Maine have given this legislature the opportunity to get it right. I can assure you they are watching us.

I also think I can assure you, with a straight face, that they are not impressed. We are going to leave it up to them to take matters into their own hands. Is that really what we want? Do we need to drive them to that point?

When we talk about cuts there is always somebody that will jump up and talk about throwing elderly people out of nursing homes. That is an old tactic. It is a scare tactic. Whenever you talk about cuts, be sure and target the most egregious and the most objectionable thing you can think of and talk about that to ensure that people will rise to the opposition. How about carving out priorities? Sure, we're going to be asking something tough of our state government. Within your budget for your department you are going to be required to carve out priorities. I wouldn't want to leave it to some faceless bureaucrat. I heard that term from the other side of the aisle. We need to have the proposals come back and make sure that we can live with them. We need to take action. I think probably the thing that's most objectionable to some people is that this is going to require an environment that we have negotiate and work together in. That's what we are supposed to be doing anyways, but it's not happening. I intend to oppose the pending motion and I'm under no illusion that my side will prevail. I hope that there will be enough likeminded people in this chamber who will reject the 'just say no' mentality, one side or the other, and come together. We have a responsibility to the people of this state. I do believe we are fulfilling it. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President, for your indulgence. I promise to be brief. I would just like to bring up that a couple of members from the other side of the aisle have said that they wished negotiations could have continued for this budget. I share in that wish. We do have a Part 2 budget coming up. There is a wonderful opportunity for us to come together, to think about this issue and many others in terms of where we can find ways to reduce spending, and to reduce some of the borrowing that people have objected to. Just as a final note, me being new to the Senate, I had no idea when I saw this on the supplement that we would be re-opening the budget discussion. This has been very entertaining and a learning experience for me.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. Just a couple of comments, since we seem to be discussing the budget process in the context of L.D. 663. Just a few things I wanted to clarify. Accountability has been very important for us in Appropriations and one of the things that we did when we looked at the budget, Part 1, was to look at the vacancies. We had a bi-partisan group that looked at them and actually determined that there weren't saving there that they could determine at that point in time. There was an amendment to the budget which asked OPEGA to look into the vacancies and to come back to us with information about how can save money if, in fact, there is money there to be saved. I didn't want to leave people with the impression that we were not holding ourselves accountable in some of these areas that have been discussed. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#97)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

EXCUSED: Senator: DAMON

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

All matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

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

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

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 4:00 in the afternoon.

After Recess
Senate called to order by the President.