

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

STATE OF MAINE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber

Tuesday

February 11, 1992

Senate called to Order by the President.

Prayer by Bishop Joseph Gerry of the Roman Catholic Diocese in Portland.

BISHOP JOSEPH GERRY: Let us pray. Blessed are you O Lord our God. All your creation bespeaks your goodness and kindness, and all earthly powers are to serve you. Help the Senators here in Augusta to fulfill their responsibilities worthily and well. For in honoring and striving to please you at all times, they will reverence every human person, respect and protect your creation, and labor for the establishment of a society of peace and justice and freedom for the people entrusted to them.

In a society that grows ever more complex, the questions that will seek their resolution are themselves more and more complicated and constantly more varied, daily trying the wisdom of Solomon to achieve just responses. Mindful, as our founding fathers declared over two centuries ago, that you have endowed every person with certain inalienable rights, among them the right to life, liberty and the pursuit of happiness, we ask, Almighty God and Father, that in the process of discharging their duties to protect these rights, you bestow upon them a full measure of prudent reflection, an abundance of wisdom, courage, compassion and ever constant vigilance.

We ask this Eternal Father, in the confidence that you, the God of Justice and Mercy, will hear and answer our prayer.

Reading of the Journal of Thursday, February 6, 1992.

PAPERS FROM THE HOUSE
Non-concurrent Matter

JOINT ORDER - relative to creating a 19 member Joint Select Committee on Governmental Restructuring.
S.P. 841

In Senate, January 9, 1992, **READ** and **PASSED**.

Comes from the House **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The Senate **ADHERED**.

Sent down for concurrence.

Joint Orders

The following Joint Order: H
.P. 1636

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill, "An Act Making Supplemental Appropriations for Fiscal Year 1991-92" to the House; and be it further

ORDERED, that when the Joint Standing Committee on Appropriations and Financial Affairs reported out "An Act to Make Supplemental Appropriations and

Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws," H.P. 1547, L.D. 2185, and all its accompanying papers, that this Act contain no further supplemental appropriations for fiscal year 1991-92.

Comes from the House **READ** and **PASSED**.

Which was **READ**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Before we pass this Joint Order I would like to ask a couple of questions and have them answered on the record, if you will indulge me. First of all this is a different way of doing business than I think most of the Senators in this Chamber are used to. I would like to ask a question of someone from the Appropriations Committee. Why is it important that we report out the Supplemental now? What is the reason for doing it instead of putting it together with the regular big budget, the way we usually do? What is the intent of the Appropriations Committee to put in the Supplemental Budget? Is it going to be the Supplemental Budget that was presented or will there be added on items or items taken away for that? How long do they expect it to take? One member of the Appropriations Committee told me today they were working on the schedule and the plan was to make the Appropriations Committee work evenings and weekends until they are through. I would like to have these questions answered before we support this Joint Order.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not sure I can remember all of the questions that were posed. I do remember the first one which seemed to be the most fundamental of them all. Why are we making a major departure by picking up the budgets in two different parts? I would respectively submit to you that it is normal that we put them together. Ever since I have been in the Maine Legislature we have always had a Part 1 and a Part 2 Budget. Part 1 Budget was the fundamental budget to keep government operating on a regular basis until the end of the fiscal year. Part 2 or Supplemental Budget which was add ons was always a different budget considered at a later time and it was called a Part 2 Budget. Being proposed here is to continue that tradition that went on for decades of having us address the continuing operating budget and then the add ons later on. That is my recollection and I know it is accurate because I went through it many times. I think that is the normal operating procedure and it seems to me it makes sense that you ought to talk about what it is that keeps government operating right now and the other issues separated off in another Bill.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the Senator from Penobscot, Senator Pearson's answer to that question. It seems to me that there was a suggestion last year that we look at breaking the two budgets out and the response to that was we really need to look at the whole picture. We don't need to take these as two separate items, we need to look at the whole picture. We have a very difficult next 6 weeks before us, Ladies and Gentlemen of the Senate,

and I don't think anyone denies that. I think Appropriations has their work more than cut out for them and I certainly don't envy them their task. I would like to know if anything has changed, why shouldn't we continue to look at the big picture as far as the Budget is concerned? I would like to repeat again a couple of other questions that are on my mind. One is the contents, what is the intention of the Appropriations Committee to include that? Is there a time frame? I know we had talked that February 28, 1992 would be the day we would report out the big budget. Are we still sticking to that time frame and, I don't mean wasting time because I know you are all working very hard, but is it a good use of our time to break out supplemental and the other part of the budget? Can't we do it together? Wouldn't we be able to do it more readily in a better or quicker time frame? Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would not normally have gotten up when I did. I did not notice the Chair was approaching his seat from behind. I do want to step out of line a little bit and address one of the questions that the Senator from Sagadahoc, Senator Cahill has posed. What is the time frame? I would like to know the answer to that particular question myself. It seems to me there are certain things that you know are givens that government has to have which we normally call the Part 1 Budget. In regard to the rest of it, it has been my experience over the years, that the Chief Executive's Office of the State will rush in at the very last minute and give us all kinds of different changes. I don't know how many changes are coming and I don't know how many departments are now in the process of changing their priorities and their figures. I would suggest to you that maybe the Assistant Minority Leader, Senator Cahill might know that information better than I would. If she does I would like to know because it would give me a better idea of what the time frame would be.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to thank the Senator from Penobscot, Senator Pearson for taking those questions earlier. They were his questions really. He has the better historical perspective and was in charge during the last go around as well as many before it. As far as inclusions, if the question is what do we intend to include in the 1992 spending section which we is being asked to split out here. There are three parts to this proposal the Governor has given us. One is a proposal for Supplemental spending for 1992, one is a proposal for Supplemental spending for 1993, and the other is cuts to the 1993 section of the budget. What is being asked in this order is that we handle the 1992 proposed spending separately. We are willing to do that and intend to do that. We have no intention, that I know of, of including anything in there but what has been proposed by the Governor or proposed by departments that were given to him. We would say the time frame to do that piece would be right away and then we would get on with the cutting piece and other supplemental proposals for next year. Our time frame is still the first of March or the end of February, however, that is going to be a

stretch. We intend to do that as rapidly as possible. We would like to get this out of the way first. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to thank the good Senator from Cumberland, Senator Brannigan for better explaining what this proposal would do. I was concerned, as were others in this Body, as to whether we were going to pass some type of emergency spending proposal which would be supported unanimously by the Committee or whether this was an attempt to try to run a separate Bill. It is my understanding, having listened to Senator Brannigan and others, that this would be essentially for emergency needs agreed on unanimously by the Committee. Is that right? Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not sure about anything that is unanimous anymore. I have no idea whether it will be unanimous or not. I certainly hope so. As far as emergency needs, if you are using the word emergency as you use it with the Legislative Council probably yes, if you use emergency as you would with the Fire Department probably no. If you have looked at the budget there is a section for 1992 recommended spendings, we will take a look at that and choose or not choose to do those. Some of those are emergency FEMA money and those kinds of things, not only emergency in nature but also needed soon. That is what we would be presenting to this body and the other body right away. That will leave us with the cuts and the 1993 recommended spending. Hopefully that will be unanimous but I couldn't guarantee anything. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate your indulgence on this issue. I am not trying to be difficult to get along with. I did have some very serious questions to ask about this process. I am somewhat relieved by the answers from the good Senator from Cumberland, Senator Brannigan and answers from the good Senator from Penobscot, Senator Pearson. I don't know the time frames either, believe me I don't know and that is one of the reasons I am trying to get some of this down to help people plan their schedules over the next six weeks. I think these questions need to be asked. I hope, more importantly, that the members of Appropriations and the members of the Senate are working in the mind set that we need to have an consensus on the budget. I think that is so important especially during these very, very tough fiscal economic times in the State of Maine. We have very, very tough decisions to make over the next six weeks as I said earlier and I think it is more important than ever before in the history of the State of Maine that we work together on issues like that. I am not trying to badger anyone. I feel this is a very serious deviation from what has been the status quo as far as the budget is concerned in recent years. Thank you.

Which was **PASSED**, in concurrence.

Off Record Remarks