

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 10, 1992 to March 31, 1992

Index

SECOND CONFIRMATION SESSION

May 20, 1992

Index

THIRD CONFIRMATION SESSION

August 19, 1992

Index

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

Index

FOURTH SPECIAL SESSION

October 16, 1992

Index

FOURTH CONFIRMATION SESSION

November 19, 1992

Index

HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

NON-CONCURRENCE.

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

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 BUSTIN, KANY, MATTHEWS, MCCORMICK, MILLS, RICH, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, LUDWIG, PEARSON, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER

ABSENT: Senators None

7 Senators having voted in the affirmative and 28 Senators having voted in the negative, with No Senators being absent, **PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**, **FAILED**.

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

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

SENATE PAPERS

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home

S.P. 973 L.D. 2459

Presented by Senator BALDACCI of Penobscot Cosponsored by Representative DUFFY of Bangor, Representative MORRISON of Bangor and Representative STEVENS of Bangor

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Committee on **ENERGY & NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

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 ask a question through the Chair. As a member of the Council, I do not recall voting on this matter. I would like to see a record of the vote. Thank you.

THE PRESIDENT: The Chair would advise the Senator that this Bill has been introduced by 8 positive votes. The Chair will provide a copy to the Senator. The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to know what this Bill does. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the possible transference of the land where a potential for a Maine Veteran's Home would be located. It is on State property and the State property would have to be transferred. It is next to Eastern Maine Technical College on the Hogan Road side. It is described in the Resolve. 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. As a member of the Aging Committee we had a debate here several weeks ago on an amendment I offered which would require that any home built would be located in either Washington/Hancock County or in Franklin/Oxford County. I remember that amendment was defeated. It is my belief the majority of veterans would prefer to have it located in one of those areas.

Senator WEBSTER of Franklin moved to REFER to the Committee on **ENERGY & NATURAL RESOURCES**.

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

Senator VOSE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like a Division on that motion because quite frankly I don't feel that the Energy & Natural Resources Committee is the proper place for this Bill. I think it should be referred to the State & Local Government Committee. Thank you.

Senator VOSE of Washington requested a Division.

Senator MCCORMICK of Kennebec moved to Table 1 Legislative Day, pending the motion by Senator WEBSTER of Franklin to REFER to the Committee on **ENERGY & NATURAL RESOURCES**.

Senator CLARK of Cumberland moved to Table Until Later In Today's Session, pending the motion by Senator WEBSTER of Franklin to REFER to the Committee on **ENERGY & NATURAL RESOURCES**.

Senator MCCORMICK of Kennebec requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CLARK of Cumberland to Table Until Later In Today's Session, pending the motion by Senator WEBSTER of Franklin to REFER to the Committee on **ENERGY & NATURAL RESOURCES**.

A Division has been requested.

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

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

30 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator CLARK of Cumberland to **TABLE UNTIL LATER IN TODAY'S SESSION**, pending the motion by Senator WEBSTER of Franklin to REFER to the Committee on **ENERGY & NATURAL RESOURCES**, **PREVAILED**.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

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

H.P. 1547 L.D. 2185

Tabled - March 28, 1992, by Senator CLARK of Cumberland.

Pending - Motion by Senator DUTREMBLE of York to **RECONSIDER** its action whereby the Bill **FAILED OF PASSAGE TO BE ENGROSSED**

(In Senate, March 26, 1992, **ADOPTION** of Committee Amendment "A" (H-1192) as Amended by House Amendments "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275), AND Senate Amendment "E" (S-708) thereto, **FAILED**. Subsequently, **RECONSIDERED**. Bill **SUBSTITUTED** for Committee Report. Subsequently, **FAILED OF PASSAGE TO BE ENGROSSED**.)

(In House, March 25, 1992, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1192) AS AMENDED BY HOUSE AMENDMENTS "D" (H-1206), "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275), AND "PP" (H-1279) thereto FAILED**.)

On motion by Senator **DUTREMBLE** of York, the Senate **RECONSIDERED** its action whereby the Bill **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **SUBSTITUTED** for the Committee Report.

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "L" (S-748) to Committee Amendment "A" (S-1192) **READ**.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the amendment that you all have been briefed on. The amendment deals with \$20,000,000 that we have been working on. I ask for a division on this amendment.

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

On motion by Senator **BUSTIN** of Kennebec, 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 Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like an explanation of what is in Senate Amendment "L" (S-748). I have not had a chance to read it entirely. I would appreciate if we could have some idea of what is in it. I understand that in caucus we have been told what is in it but I have not had a chance to read the words. 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. We did discuss this at length and I'm not sure I'll be able to discuss it in any more detail. The statement of fact has delineated in pen various statements. One deals with the \$2,000,000 that's been achieved by a closer examination of the abandoned property program. We changed the recommendation for a reduction in the work week of state employees from three hours to one. We have a reappropriation and appropriation dealing with some \$1.4 million that we had taken. We have changed cycle A and cycle B fiscal payment, moving those as we said before one week. In one case rolling them forward one day and eight in the other. Increments of one percent increase in Maine State Retirement System only for those who are new employees after this July 1. We continue the two and three percent salary adjustments downward for those who make over \$50,000.00. We are asking, or ordering really, the state, putting the state in the position of allowing this pre-tax count, something that's very advantageous for many employees in many companies and

will be for the State of Maine. We will have one closure day in 1992-93, either immediately following or before a holiday on agreement between the workers and the state. There will be just under one percent across the board reduction with several exemptions. In summary what this is what is in this proposal.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to vote against this amendment. As I understand it in the little time I've had to absorb it, this amendment will cut the pay of state employees by 10.4 percent. It will cut the pay of new state employees by 11.4 percent because there is a one percent, a tax on employee contributions to the Maine State Retirement System, although many things are exempted from that one percent across the board, and I am grateful to the committee for the consideration of higher education and social services and our poorer citizens for that, what is not exempted from that one percent across the board cut are already very delicately and thinly funded services to our elderly citizens, especially home base care for the elderly, purchased social services for the elderly and congregate meals which has already been cut to a very thin level, these services for the elderly have not been exempted from the one percent across the board cut. Further, I believe that in so far as this contains a repealing of the agreement reached by the administration and the unions on furlough days taking the place of the seven percent pay cut, in so far as that agreement is supposed to carry through FY 93, I believe that we will be in court if we pass this amendment. Further I believe that many parties agree that we will lose in court that this budget is balanced on a gimmick that is supposed to buy us time for as much time as it takes the representative of the state workers to put together a lawsuit to stick up for a contract that we, ourselves, signed. I believe this budget is balanced on a gimmick. For all those reasons and many more, I urge you to oppose Senate Amendment L. 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. First of all, and I wasn't clear with the Senator from Kennebec, Senator McCormick earlier in the day probably but the items that she has enumerated dealing with the elderly and poor have been exempted under payment provided. They have been taken out of the base amount. I want to assure her of that. That is not part of our reduction. We've done everything we can to preserve those both in the budget as we originally presented to you in this cross the board piece. I would like to make a strong, strong pitch for getting this job done. I've said this before and I still mean it, I believe the people of this state have sent us here. Even though they may not agree with many of the things we do, many of the things that are in the major pieces of legislation like this that we present, many will agree with some of the things, probably no one would agree with all of them, I don't and you don't. The fact is we're sent here to do a job, the job is to balance this budget and to do it in a way with respect and dignity. I believe that this is the best we can do under these very very difficult circumstances. I would urge you to join with me in doing this job and getting our work over with. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I couldn't agree more with the good Senator from Cumberland, Senator Brannigan, about the need to get the job done and the need to get it done in a very circumspect manner. What we have been given as parameters are artificial parameters. We have been told that we can only move in a very, very, very narrow crevice in order to solve this problem when, in fact, there are many ways to solve this problem and because of those barriers, those artificial barriers, we are kept from even considering them. We cannot consider tax exemptions, we cannot consider raising taxes, we cannot consider video terminal display games, we cannot consider alcohol premium increases and we cannot consider cigarette tax increases. We cannot consider any of those things. All we can consider is either putting people out of work and putting them up on the public dole or asking them to work for no money and still deliver the services that people seem to want in this state. That's all we seem to be able to do. Those are artificial barriers that have been put before us, and they've been put before us, not by any of us but by the Chief Executive of this State because he promised a seven percent increase in salaries in a 3-year contract and now he wants us to pay for it through our budget process. That was an agreement that he made with his employees and I do not understand why we want to stand here and accept that.

Why we can't solve this budget crisis with the available monies that we can access through any number of things. I can tell you, I'm the one who put in the alcohol premium bill when I was a freshman legislator here. It raises, on 1% of pure alcohol, \$2.5 million each year. Five cents gets you there, or almost there, what is the problem here? I do not understand this type of reasoning. I do not understand why we want employees to work to deliver the services that we all acknowledge we want and ask them to receive less pay, work more hours and give up all kinds of things.

I got a letter from a person, who by the way is a non-union person, who says he's always wanted to do his job and he works for Soil and Water Conservation. They cut everybody out of his office but himself so he answers the phone, does the mail, does the outside work and he helps the constituents and whatever because he believes in his program and he believes in his work. He gave back the furlough days without any pay. He says in his communication to us "I'm no longer willing to do that, I'm willing to give a day's work for a day's pay but I'm no longer willing to do that." Now that's only reflective of what other people feel. Your employees that you have delivering the services that we fund out of this legislature have been working those furlough days, have been working those reduced work weeks and have not been charging you for it. That's real, and they've done it because they believe in what they're doing and they believe that people need those services that they give them. That is the real sad part of what's going on here.

I was given a book by my spouse and it was called Clear Thinking. I said to him, "you know sometimes my thinking gets muddled and I really think that I need something to clear that up" and he says, "I've got just the book for you." I've only just begun reading it and I wish I had had it before so that I

could maybe think clearer in this process. The first story or illustration that they give is about a construction job and it's about a robin that dropped into a crevice that was only 30 inches deep but none of the construction workers could figure out how to get that robin out and continue on with their work. They weren't willing to kill the robin, just leave it there, in order to finish their work. They thought of everything and could not get it out. A 10 year old boy came by and he said let me have a chance at it. He thought about it and thought about it and then he figured it out. What he did was keep putting a little amount of sand in that hole and as the sand went in the bird adjusted it's feet. As the sand built up, it built the bird up. He got the bird out. That's called clear thinking. I don't think we have clear thinking here now. I think what we're trying to do is have a construction job without even bothering with worrying about the robin i.e. the employees, in the crevice, and that is the tragedy and I wish you would vote against this amendment. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the hard work of the good Senate Chair of the Appropriation's Committee, Senator Brannigan. There is no question in my mind, in probably all of our minds in this chamber, that Appropriation's is the toughest committee to serve on especially when times are as tight and as awful for many people as they are. We've been given a prescription which isn't quite as horrible as the one we had before but I guess my problem with voting for this budget today is that in my ten years of service in Augusta, eight years in this body and two in the other, I have always maintained, and always preached the importance of respect for collective bargaining. I have talked to striking workers, at the time, at IP, I have been to union meetings and rallies in my home town for paper workers when problems happened at Scott, I've also been a strong fighter for economic growth and development in the business community, and you can be both, you can do both, but I have always maintained that we have a process. This legislature follows a process, and we are a country of law, laws that are not just expediently thrown out the window when problems confront us.

What I'm being asked to do as I see it tonight, is to step over that line just a little bit and step on collective bargaining. It's not a big giant leap but it's a crossover over that line. I can't do it, and I won't do it. I respect Senator Pearson and Senator Brannigan, Senator Foster and the Appropriation's Committee, but sometimes we have to make tough choices. That's why we're here. I wish I could vote for a budget as the good Senator from Cumberland, Senator Brannigan mentioned. I believe we have that responsibility and I agree with that. I cannot do something that I believe in my heart, and in my soul, is wrong. And I will not vote for this budget. Thank you.

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

Senator **MILLS:** Mr. President may I ask a parliamentary question. What is the motion before us?

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BRANNIGAN** of Cumberland to **ADOPT** Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192).

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The reason that I asked that is it seems like a lot of people are talking about voting for the budget. I guess I don't want to get on to that subject too much whether you want to vote for it or not. It seems to me the question before us now is acceptance of this amendment or not. As our previous speaker just mentioned and others, they feel this may be better than the budget and I don't understand why then, people would not be voting at least for this motion. Then if they want to vote against the budget, fine. If they feel this is a better amendment than the original package, I don't understand why they wouldn't at least vote for the amendment to get us to that stage. Thank you Mr. President. I appreciate the time.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In answer to that specific question, it is for me and I expect some of the other speakers who spoke before me, it has to do with your collective bargaining law. Not your collective bargaining contract, your collective bargaining law. This amendment does not verify what you say in your collective bargaining law. If what you want to do is do away with collective bargaining then do that. Put a Bill on the table, have it discussed, talk about collective bargaining. Don't talk about it in a budget document.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BRANNIGAN** of Cumberland to **ADOPT** Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192).

A vote of Yes will be in favor of the motion to **ADOPT** Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BERUBE, BOST, BRANNIGAN, BRAWN, CAHILL, CLARK, CLEVELAND, COLLINS, DUTREMBLE, EMERSON, FOSTER, GAUVREAU, GILL, HOLLOWAY, KANY, MILLS, PEARSON, RICH, THE PRESIDENT - CHARLES P. PRAY**

NAYS: Senators **BALDACCI, BUSTIN, CARPENTER, CONLEY, ESTES, ESTY, GOULD, LUDWIG, MATTHEWS, MCCORMICK, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER**

ABSENT: Senators None

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, with No Senators being absent, the motion by Senator **BRANNIGAN** of Cumberland, to **ADOPT** Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192), **PREVAILED.**

On motion by Senator **ESTES** of York, Senate Amendment "K" (S-742) to Committee Amendment "A" (H-1192) **READ.**

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I offer Senate Amendment K and would like to explain very quickly

what this does. Senate Amendment K will establish a select commission on education finance. It will be an eight member commission, representing two people from the Legislature, some one from the State Board, and the Commissioner of Education. There will also be representation of superintendents and schoolboards, presentation from teachers, one each and two members at large who have expertise in education finance. I believe this is going to be one of the most critical studies that has to be done before the next legislature convenes in January.

We have essentially put our funding formula in suspended animation. I am convinced it will never, never be revived. To sit and do nothing until the next legislature convenes and to force this type of activity that this commission would be doing on the Joint Standing Committee on Education in the next legislature would be an impossible task that I am afraid would lead to a lot of fighting that we saw back in early January when we finished up our Special Session and made our decision on how we were to disperse the \$16,000,000 worth of cuts that had to be taken in this current year. The reason that the funding formula is in suspended animation is because it has been a spending funding formula and not a cutting funding formula.

Last year in total we reduced education funding by \$86,000,000 below the certified cost and began to untangle the funding formula as we have known it since 1985. This year the figure is \$95,000,000 below certified cost. It is broke and it can't be fixed and I think this is one of the most critical studies that has to be made between adjournment of this legislature and the convening of the next. I urge your support and I would request a division.

Senator **ESTES** of York requested a Division.

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

Senator **BRAWN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just wanted to say that I agree partially with the good Senator from York, Senator Estes, that this study is very necessary. At this point in time when we are giving up services and taking away money, it's already been taken away and I'm speaking for myself specifically from the geographic isolation that I cannot support this amendment and in the division I would hope you would vote against this amendment.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to explain the funding. The funding does not unbalance the budget at all. In order to come up with the \$85,000 that this study will cost, I went and looked through all the line items of the education portion of the budget. I could have gone to any other department or agency and raided money there but I felt that it had to come from within. I've looked and looked over the last three days for an alternative: surplus revenues, which originally in December had been dedicated to revenue sharing and was then subsequently rededicated to a hardship fund by an amendment that I had put on a Bill in early January. That has been wiped out. That's gone. It's not there. There is no take there whatsoever. I even looked at the tax revenues that would be raised from taxing flea markets and that money has been taken to balance the budget. I think it's fair to go within education. One of these adjustments is geographic

isolation. It was originally budgeted at zero by the Governor in his proposal. A quarter of a million was put in and I'm asking for \$50,000 out of that line. On the other item on reimbursement to private schools, for text books and travel, that figure was originally zero in the Governor's budget. It was budgeted by the Appropriation's Committee at \$201,000.00 and I've asked for only \$35,000 out of that account. Those accounts are not wiped out. They have better than 75% of what they were originally budgeted. I think this amendment is for a Commission to come back with a new formula and recommended funding levels for FY 94/95. It is a very important task that needs to be accomplished. Thank you.

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

Senator MCCORMICK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to support this amendment and I do so as a high receiver. There was a little bit of discussion amongst some of us high receivers as to whether any look into the school funding formula is in our interest. I believe that it is so I guess I want to urge the high receivers here, the Senators who represent high receivers, to vote in favor of this amendment. I do not believe the school funding formula as is can withstand the pressure that is on it by the inequities that are built into this formula regarding the differential speed of growth from one part of the state to the other. I believe there's many interesting and productive ideas that are being floated about the Maine School Funding Formula and that this amendment on the part of Senator Estes, from York, merely seeks to involve the legislature in this discussion. I submit to you that to this date there is no formal vehicle for legislative involvement in this very, very important discussion. 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 move the indefinite postponement of this amendment. I do that regretfully as I did a day or two ago. I second the intent of this kind of study and certainly the knowledge and the prophecy behind it regarding the school funding formula but the funding that we have in education right now is a delicate balance with the formula with high receivers, low receivers, people who are in isolation, people who are in private schools, who are teetering on the edge of dumping their kids into public schools and I really feel, myself and I believe other members of Appropriations, would not support that. I hope that you will support my motion of indefinite postponement.

Senator BRANNIGAN of Cumberland moved that Senate Amendment "K" (S-742) to Committee Amendment "A" (H-1192) be **INDEFINITELY POSTPONED**.

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

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate. First I would request a division on the motion to indefinitely postpone and I would urge that you vote against it. Second, I'm going to be very blunt, those two accounts, in my opinion, in this tough economic situation that we're facing for State Government, amounts to nothing more than pork barrel. The districts came in at a zero budget level and they were recommended by the

Education Committee at a zero level budget and they were put back in, I have no objection to them being in there. They are being funded at FY 92 levels and I don't think it's unreasonable for a cut to take place so that the study can be funded. Next year if you don't have a recommended new funding formula that has been well conceived, it is going to be a big black hole that this legislature is going to be facing. If you think that the feeding frenzy that we had when we tried decide whether we would go with the straight percentage cut or the feeding frenzy, excuse me the straight percentage cut or the 50/50 back in early January, you haven't seen anything yet. So I urge you to oppose this motion.

Senator ESTES of York requested a Division.

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

Senator PEARSON: Thank you Mr. President, Ladies and Gentlemen of the Senate. I do not consider the support of private schools, whether they're Catholic, Baptist, or getting the busses there to be a pork barrel in this state. I just simply don't. I think if they are not supported as much as we can, constitutionally that is, that we would have a massive unloading onto the public schools in this state and then you would see some problems.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "K" (S-742) to Committee Amendment "A" (H-1192).

A Division has been requested.

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

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

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "K" (S-742) to Committee Amendment "A" (H-1192), **PREVAILED**.

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "H" (S-720) to Committee Amendment "A" (H-1192) **READ**.

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

Senator BRANNIGAN: Thank you Mr. President. Ladies and Gentlemen of the Senate. A day or two ago I indefinitely postponed House Amendment "PP" (H-1279) which had several errors in it and needed to be corrected. Part of that, however, was a piece we had put in for the Bath Childrens' Home. This amendment restores that part of it. Thank you.

On further motion by same Senator, Senate Amendment "H" (S-720) to Committee Amendment "A" (H-1192) **ADOPTED**.

Committee Amendment "A" (H-1192) As Amended by House Amendments "L" (H-1216); "N" (H-1219); "Q" (H-1222); "T" (H-1228); "U" (H-1230); "FF" (H-1252); "OO" (H-1275) AND Senate Amendments "E" (S-708); "L" (S-748) "H" (S-720) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **BUSTIN** of Kennebec, 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 Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to remind

the body that not only have we attached Committee Amendment L to the budget Bill but in this current document that you are looking at and looking to vote on you have a seven percent permanent rollback of the State employee raises. A permanent roll back of those wages. That means that from now until time immemorial you do not get back that seven percent, even though there is a side bar agreement existing that took care of the funding of that seven percent for FY 92 and 93, it was signed by both parties and it is a legal document. The seven percent was a part of a contract and we are rescinding that contract. There have been legal actions taken that have been won on that seven percent of violating the contract. The Attorney General, as I understand it, and I'm sure the good Senator from Cumberland, Senator Brannigan, can articulate this better than I can because I was not present, indicates that it is arguable whether or not there is a court case on that seven percent. The seven percent was a negotiated item and is now being taken away permanently by neither member of that negotiating team. It's something that you want to consider because what you're building into this budget document with that is other legal fees that will be required to fight that case. It doesn't seem that we are relying on anything but fluff and air to pass this budget. I think we ought to get real here, I think we ought to put forward a budget that we can all vote on and we can all agree on that will help us raise the revenues that we need to get us by these terrible fiscal times. Thank you.

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

Senator MCCORMICK: Thank you Mr. President. Ladies and Gentlemen of the Senate. Let's put a human face on this budget. Let's start at the top and work our way down. In part BBB on page 10, section BBB deals with the three percent cost of living salary adjustment for people making over \$50,000 a year. Let me just point out a little inequity that we create when we do this. A person making over \$50,000 who has gotten a three percent adjustment in the past year is now subject to lose it. This puts them, if they started at \$51,000, down at \$49,470, remember that number \$49,470.00. That actually puts them lower than a person who is making \$49,900.00 who, because they are under the magic number of 50,000 is not subject to the cut. That is the kind of inequity that drives employees crazy and creates ill will and believe me we don't need any more morale busters around here. Now let's go to the other end of the scale. If we pass this budget people in range 3 and 4 positions, which for instance is Highway Worker 2 and below, with 5 years experience, that have families of 4 will actually be put under the poverty line by this change that we are contemplating making. They will be put into poverty by the actions of those of us here tonight. Thereby, of course, causing an increased cost to the state.

My last human face I would like to put on this is a constituent of mine from Winthrop who is a single mother with 2 kids in college. This cut is going to force her to choose between continuing the process of first time owning a house or pulling one of her kids out of college. To the Senator from Cumberland, Senator Brannigan, who I respect greatly but who has told me that the seven percent salary reduction really doesn't matter because people never got it before, it does matter. For instance it matters very

much to this person because bank loans are given based on what a person makes on paper and also, we have been told, the cycling, the eight day push of the pay period isn't really a cost to state employees even though we are booking \$3.8 million, count it \$3.8 million. It's not really a cost to state employees because they're going to get it back, yeah in 1994 they're going to get it back. Meanwhile they don't have it. That's \$3.8 million spread over 13,000 employees that they don't have. Are we paying them interest on this loan that they're giving us? I don't believe we are. Maybe we should look up to see if this is in violation of some usury statutes. I just wish that you would consider the human face of what we're doing here, I don't believe it's fair, I think it's going to create even more ill will on the part of our employees who, believe me, have been trying to give more and above what they can and make up for the time lost by furlough days by working harder and longer. I have heard of them, sure you have all of you who have State Employees in your district that something snapped with this. You can mess with this and you can mess with that, but when you mess with compensation, when you mess with something that people have had to count on in making their monthly budgets then you have gone too far and the morale I think is going to come back and hit us. The lack of morale we cause by this action if we pass this budget will come back and hit us in the you know where. I really would urge you to vote against this budget at this time. There's got to be a better way. Thank you.

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

Senator FOSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. It's not our intention to put anyone making \$50,000 on the lines of poverty. I can't believe I heard that. It was not the intention of the Committee to lay off 1000 State Employees that would have put them in poverty. I want the record to reflect that will not happen to the good Senator from Kennebec, that when she stated anyone making \$50,000 by this action would be put in poverty. Thank you.

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

Senator MCCORMICK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to make clear to the Senator from Hancock, Senator Foster, that this is not at all what I said. Had she been listening, I was talking about the inequity of personnel policies created by our policies in section triple B and I was talking about range three and four employees making \$13,000 and \$14,000, they who have families of four would be put below the poverty lines by these action that we take here today. I think it's important for people to note that not every state employee makes \$50,000, far from it, many people make \$13,000. Thank you.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. These are indeed trying times and I'm sure nobody finds much joy in some of the things that we have to do. It's interesting, however, to note there are sectors of Maine's economy, other than State Government, that are suffering a greater blow than those that are working for it. In Northern Maine, where I come from, Loring Air Force Base is shortly to be closed

down, and some eight to ten thousand people will lose their jobs. There will be no debate about it. There will be no advocates to spread the word on the drastic measures that may accompany this. It will be a fate accompli. In the private sector there are paper mills that are laying off people every day. I read the other day of a layoff at Scott paper, layoffs at Millinocket and at Madawaska, by Fraser Paper Company. These are difficult times, but this body is charged with trying to make some semblance of accommodation here there and to do the best it can to produce by law a balanced budget. It has indeed been painful and I'm sure particularly to those people to who are unfortunate enough to serve on the Committee on Appropriation's and Financial Affairs. I admire them for their tenacity and for the things that they are attempting to do in the face of considerable difficulties.

Having said that, I'd like to say one other thing, that there are those who have mentioned during the course of debate the other proposition which is, increasing revenues. Just last July this body, in order to help a difficult situation in the budget at that time, added taxes to the tune of \$300,000,000 for the biennium. We increased personal income tax, we increased corporate income tax, we increased sales tax, all of the broad based taxes that Maine has. We even added a snack tax. When I hear people suggest that we should do more in the way of enhancing revenues through increased taxation or by changing our laws relating to tax exemptions, in either case those create an additional tax. I don't think the people of Maine want nor can they afford additional taxation. I'm hopeful that the pain of this recession will end soon. I think it's important that we do the things we need to do to encourage an end to the recession, I think it's important to have a budget for the State Of Maine. I'd hope that we would have one tonight or tomorrow at the latest. Every day that we continue here increases the cost of State Government. In fact, I suppose if we stayed here long enough, there would have to be a budget amendment that would reflect that increased cost. It seems to me we are at the point tonight where we ought to act affirmatively and responsibly on the budget proposal that is before us. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As you may have noted earlier in the evening, I cast a vote in support of Senate Amendment L which represents the position of the Appropriation's and Financial Affairs Committee on the most recent compromise offering to the Legislature regarding this years budget contretemps. I took my action seriously. As you may know I voted a few days ago and spoke strongly in opposition to the budget compromise. Quite frankly I still feel that we are asking more of State Employees at this time then we should, because I do not believe truthfully that we have carefully and exhaustively explored all possible revenues. My concern, quite honestly is I'm sure your concern as well, is not solely with the State employees. Although, to be sure, State employees are going to undergo tremendous financial distress. Many of them are clearly undercompensated and the burden we're putting on them will only add to their misery, a fact that we all know and the members of the Committee on Appropriations are all to familiar with. We also are

clearly impeding the ability of our state employees to do the job they want to do which is to serve Maine people and provide essential services to protect our environment, to advance our justice system and to provide social services to those in need. Let's not forget that ultimately all Maine people will lose as a result of this budget, however, we don't have much of an alternative it seems to me. I considered, strongly, carrying the fight forward, insisting that we put on the Governor's desk a Bill which would in fact, scale back the State's tax exemptions. I still believe that would be the appropriate course of action to take, however, I have no doubt the Governor would do precisely what he told us he would do, which would be to veto that Bill, and that would put us in the posture.

THE PRESIDENT: The Chair would advise the Senator that reference to what the Governor may do on legislation is not proper in debate in the Senate.

Senator **GAUVREAU:** Thank you Mr. President and I apologize to the body for straying from the topic at hand. I'm attempting to explain my rationalization for my vote on the Bill before us. It's my view we do not have the capacity to generate additional revenues due the political configuration of the Maine Legislature and other offices in this building. I believe that we have little room in which to move. My concern is that if we do not have a budget, Maine people and state employees will be harmed even more. I would like the members of this body and for that matter the members of the audience who listen to our debate to consider that. To consider precisely what that means. Every one in this room, I think, is fully aware of what happened 17 days in the month of July 1991. I can recall the poignant presentation of the Senator from Kennebec, Senator Bustin explaining a circumstance on one of our state parks. A person was near death as a result of our inability to provide essential state services. I think that type of circumstance is likely to arise again if we don't have a budget. I cannot now and I will not speak on the futility of the American experiment of divided government. It's not working. The reality is, we have to produce a budget. I don't see any other viable option available to me. Those who have spoken have spoken most eloquently and most passionately regarding their opposition to this Bill. If they can present this body with a viable, politically palatable strategem which will pass this body and perhaps other offices, I would certainly wish to take that action. Frankly, I don't understand where we have any other option. I believe that members on the Committee on Appropriation and Financial Affairs have acted responsibly. They have given us a budget which is the best they can do with the resources they were allotted. I do not believe the budget we're being asked to vote upon tonight adequately addresses the needs of Maine people. It does not. I believe we should do more to identify additional revenues by the means of scaling back tax revenues and tax exemptions. I do not believe it's possible given the present political configuration of the Maine Legislature and other offices. For that reason I will be voting in the affirmative on the engrossment on the budget tonight. Thank you Mr. President.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Rarely, in fact almost never, do I stand up in opposition to the good

Senator from Androscoggin, Senator Gauvreau. I am going to miss him terribly, you want to talk about a brain drain. That is what this senate is going to see when Senator Gauvreau leaves it. It will indeed be a brain drain and its very disheartening to me. I hope he will forgive me for the words I am going to utter now because I'm going to say that the ends do not justify the means. The end does not justify the means and that is what we are talking about now. Because we are not allowed or because we choose not to have a two-thirds vote in this body to pass a budget with the adequate funding mechanisms in it, we say it's okay to take it away from working people. We say in this budget that it is okay to take away fair representation to the employees in this state. We say that its okay for employees not to be represented. That it is okay for another body to determine their fate. When we do that Ladies and Gentlemen of the Senate, when we do that we begin destroying the very fabric that America is all about. I've many times given you the speech from the time I first came here on Samuel Gompas and labor. Maybe I'm too old and maybe alot of people in this chamber don't remember learning their history as I did in Standish High School and at D.C. Teaching College in Washington, D.C. about the labor movement. Maybe we don't remember that. I remember those lessons well and I've remembered them all my life. That's what I see this budget doing. I see this budget destroying the very fabric of what American working men and women are all about. That's what we ought to be thinking about in this budget. The ends do not justify the means. We have to find another way. That other way is for twenty four members of this body to say "yes" to a budget that is fair and fair to everyone.

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

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BOST, BRANNIGAN, BRAWN, CAHILL, CLARK, COLLINS, DUTREMBLE, EMERSON, FOSTER, GAUVREAU, GILL, HOLLOWAY, KANY, MILLS, PEARSON, RICH, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BUSTIN, CARPENTER, CLEVELAND, CONLEY, ESTES, ESTY, GOULD, LUDWIG, MATTHEWS, MCCORMICK, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER

ABSENT: Senators None

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, with No Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

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

On motion by Senator PEARSON of Penobscot, **RECESSED** until 8:45 in the evening.

After Recess
Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act Concerning the Regulation of Electronic Video Credit Machines by the State Police"

S.P. 423 L.D. 1135

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "B" (S-745)**.

Signed:

Senators:

BRANNIGAN of Cumberland

PEARSON of Penobscot

Representatives:

HICHBORN of Howland

PARADIS of Frenchville

CARROLL of Gray

RYDELL of Brunswick

POULIOT of Lewiston

MICHAUD of East Millinocket

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senator:

FOSTER of Hancock

Representatives:

FOSS of Yarmouth

MACBRIDE of Presque Isle

REED of Falmouth

CHONKO of Topsham

Which Reports were **READ**.

Senator PEARSON of Penobscot moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Senator FOSTER of Hancock requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator PEARSON of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

A Division has been requested.

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

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

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "B" (S-745) **READ**.

On motion by Senator BRANNIGAN of Cumberland, Senate Amendment "A" (S-746) to Committee Amendment "B" (S-745) **READ** and **ADOPTED**.

Committee Amendment "B" (S-745) As Amended by Senate Amendment "A" (S-746) thereto, **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

Senator CAHILL of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED**.

A Division has been requested.

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