

MAINE STATE LEGISLATURE

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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

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

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

Senator **VOSE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Senator Baldacci of Penobscot is not here and I don't want to do anything until he is here to debate the issue. Therefore, that is the reason I wanted to make a motion. If there is a better way to do it, I would appreciate some help. Thank you.

On motion by Senator **MCCORMICK** of Kennebec, Tabled until Later in Today's Session, pending the motion by Senator **VOSE** of Washington to **REFER** to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs"

H.P. 1749 L.D. 2438
(S "B" S-743)

Tabled - March 29, 1992, by Senator **BUSTIN** of Kennebec.

Pending - Motion by Senator **CONLEY** of Cumberland that the Senate **ADHERE**

(Committee on **AUDIT & PROGRAM REVIEW** suggested and **ORDERED PRINTED**.)

(In Senate, March 29, 1992, **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee, in **NON-CONCURRENCE**.)

(In House, March 29, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1323)**, without reference to a Committee, in **NON-CONCURRENCE**.)

On motion by Senator **BUSTIN** of Kennebec, Tabled 1 Legislative Day, pending the motion by Senator **CONLEY** of Cumberland to **ADHERE**.

On motion by Senator **TITCOMB** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

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

The Senate called to Order by the President Pro Tem.

The following proceedings were conducted after 12:01 a.m., Monday, March 30, 1992.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State

Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (Emergency)

H.P. 1547 L.D. 2185
(H "L" H-1216; H "N" H-1219; H "Q" H-1222; H "T" H-1228; H "U" H-1230; H "FF" H-1252; H "OO" H-1275; S "E" S-708; S "H" S-720; S "L" S-748 to C "A" H-1192)

In Senate, March 29, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY 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); "H" (S-720); "L" (S-748) thereto, in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY 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); "QQ" (H-1319); "RR" (H-1320); "TT" (H-1329) AND SENATE AMENDMENTS "E" (S-708); "H" (S-720) thereto, in NON-CONCURRENCE.**

On motion by Senator **PRAY** of Penobscot, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **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); "H" (S-720) and "L" (S-748) thereto, in **NON-CONCURRENCE**.

House Amendment "QQ" (H-1319) to Committee Amendment "A" (H-1192) **READ** and **ADOPTED**, in concurrence.

House Amendment "RR" (H-1320) to Committee Amendment "A" (H-1192) **READ** and **ADOPTED**, in concurrence.

House Amendment "TT" (H-1329) to Committee Amendment "A" (H-1192) **READ**.

On motion by Senator **PRAY** of Penobscot, House Amendment "TT" (H-1329) to Committee Amendment "A" (H-1192) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192) in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192) **INDEFINITELY POSTPONED**, in concurrence.

On further motion by same Senator, Senate Amendment "M" (S-755) to Committee Amendment "A" (H-1192) **READ**.

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

Senator **PRAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Senate Amendment "M" (S-755) is different from House Amendment "TT" (H-1329) in the sense that it deletes reference to Section DDD which dealt with the \$175,000 for the homeless shelters for the mentally ill. I think that is a worthwhile project but there are many individuals who may have a number of items they may like to see which is the more appropriate process to take. In reference to the bulk of Amendment "M", it basically deals with the 7% and furlough day

provision that has been a stumbling block to many in voting for a budget document. As one who has participated in extended negotiations beyond the Appropriations Committee after we had seen the recommendations of the Appropriations Committee and the Governor's recommendations fail and having seen the likelihood of this document succeeding throughout the Legislative process, it is now at this time I offer this amendment as an attempt to resolve the major differences that we have in our ability to get a document through that reduces spending in this State by \$150,000,000. I request a Division.

Senator PRAY of Penobscot requested a Division.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator PRAY of Penobscot to ADOPT Senate Amendment "M" (S-755) to Committee Amendment "A" (H-1192) in **NON-CONCURRENCE**.

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.

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator PRAY of Penobscot, to ADOPT Senate Amendment "M" (S-755) to Committee Amendment "A" (H-1192), **PREVAILED**.

THE PRESIDENT PRO TEM: The pending question before the Senate is 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); "QQ" (H-1319) and "RR" (H-1320) and Senate Amendments "E" (S-708); "H" (S-720) and "M" (S-755) thereto, in **NON-CONCURRENCE**.

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

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I think it is important, at least for me speaking to you tonight as a Senator from Franklin County to explain my position and why I opposed to this measure as presented at this time. Probably the same reason I was opposed to it earlier and I opposed this line of logic in passing a budget all along. It seems to me that people of this state were faced with a budget several months ago when the decision came to cut education or cut social welfare programs and this legislature in December decided to cut its future. I was opposed to that and I spoke on the floor in my opposition to it. Tonight we are faced with the decision of cutting government programs or attacking state workers. I don't find that a particular decision I like to participate in. I feel that we should make it perfectly clear to anyone who cares that this is exactly what we are doing. We are making a choice between government programs, I mean welfare-type programs or cutting state workers. I am not going to participate in that.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I just wanted to make a distinction that has just been drawn that cutting state programs and pitting them against state workers is like pitting products that you produce against the worker who produces. State programs are state workers.

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

Senator CLEVELAND: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like an opportunity before I vote to make a brief statement on the record. I beg the indulgence. I know the hour is late. I have nothing to do with the hour. If it were my preference we would not be here at this hour doing it this time. Since this is the point we have chosen to vote on the budget, I have no choice but to make a few comments at this time in the evening. I am not going to vote for this budget. I am not going to do so because I believe we have failed to recognize what we need to do. The simple fact is the expenses of this government are exceeding the revenues. That's a reality. It is a reality we have been facing since I came here in December of 1990. I have voted for six or eight budgets, I can't remember any longer there has been so many of them. What we need to do is make dramatic reductions in expenditures of state government and I think increase the revenues through selective uses of tax exemptions. We need to do so in a way that doesn't create a balanced budget only until the ink dries on the amendment but does so in a structural way that lasts the length of the biennium budget. Back in July, on the hot evenings about this time at night, I was told once again we needed a budget. We needed to get through because that is what Maine people needed.

Back on that July night that budget barely lasted through October or November. We were called back in here in December because we were out of balance again, once again in a deficit position. Those few days before Christmas 1991, late one night we were told we must adopt a budget, because that is what we needed. I ultimately changed my vote because I thought it was for good for the people of this state. Now, I am back here in January, we are out of line on the budget again and here we are late one night once again with the same process. We need to face reality. What we have done is diagnose the patient who has gangrene. The leg is being eaten up and we have chosen not to tell the patient what they need. We have chosen instead to amputate an inch at a time. Each time taking another painful slice knowing that the real cure is to take a much larger piece. It is not pretty. It is not nice what we have to do. It's particularly difficult to those who have come here because we want to do good things for the people of Maine. Reducing programs and increasing taxes is not what we have hoped to do. I have done so in trying to create time so that we could solve solutions, find a bigger picture and create the consensus. Get the leadership and the Governor to do the kinds of repair that need to be done.

I am out of patience. We have had a year and a half to do it and I am not going to take another inch from the patient. I am prepared to do what needs to be done. To face this beast right in its eye and do it all at once. It will be difficult. I will have to support cuts I don't want cut but I am not going to do it an inch at a time any longer at 3:00 a.m. in the morning. I am not going to act to be an enabler to disfunctional process any longer. I am not going to support this. I know many of you will because you feel you need to, but I want you to be on notice, I am going to vote for real fixes from now on, not temporary ones. We have time to do it because we are going to be back here and every one of you know it. The next time that you want my vote it is going to be for a real fix.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator PRAY of Penobscot, to **ADOPT** 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); "QQ" (H-1319) and "RR" (H-1320) and Senate Amendments "E" (S-708); "H" (S-720) and "M" (S-755) thereto, in **NON-CONCURRENCE**.

A Vote of Yes will be in favor of **ADOPTION**.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator CLEVELAND of Androscoggin who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator BERUBE of Androscoggin who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BOST, BRANNIGAN, BUSTIN, CLARK, CONLEY, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, PRAY, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - DENNIS L. DUTREMBLE

NAYS: Senators BRAUN, CAHILL, CARPENTER, COLLINS, ESTES, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, THERIAULT, WEBSTER

PAIRED: Senators BERUBE, CLEVELAND

ABSENT: Senators BALDACCI, EMERSON

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators having paired their votes and 2 Senators being absent, **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); "QQ" (H-1319) and "RR" (H-1320) and Senate Amendments "E" (S-708); "H" (S-720) and "M" (S-755) thereto, in **NON-CONCURRENCE, PREVAILED**.

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

Sent down for concurrence.

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

The President Pro Tem requested that the Assistant Sergeant-at-Arms escort the Senator from Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Assistant Sergeant-at-Arms escorted the Senator from York, Senator DUTREMBLE to his seat on the Floor of the Senate.

The Senate called to Order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Encourage the Development of Business and Infrastructure through the Extension of State Tax Increment Financing"

S.P. 974 L.D. 2460

(S "A" S-750)

Committee on **TAXATION** suggested and **ORDERED PRINTED**.

In Senate, March 29, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-750)**, without reference to a Committee.

Comes from the House referred to the Committee on **TAXATION** in **NON-CONCURRENCE**.

The Senate **ADHERED**.

Sent down for concurrence.

ENACTORS

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

An Act to Require that Administrative Cost Reductions Be a First Priority in the Event of Revenue Shortfalls

H.P. 1776 L.D. 2458

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Emergency

An Act to Create Jobs, Promote Economic Growth and Provide Business Assistance

H.P. 1773 L.D. 2455

(S "A" S-740)

On motion by Senator BRANNIGAN of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Provide Skills Training for Unemployed Workers"

H.P. 1772 L.D. 2454

In House, March 29, 1992, the Report **READ** and Bill and Accompanying Papers **RECOMMITTED** to the Committee on **HOUSING & ECONOMIC DEVELOPMENT**.

In Senate, March 29, 1992, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

The Senate **RECEDED** and **CONCURRED**.

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

ENACTORS

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

An Act Related to Hydropower Relicensing Standards

S.P. 848 L.D. 2159

(C "A" S-752)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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