

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

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

In Senate Chamber

Monday

March 30, 1992

After Recess
Senate Called to Order by the President.

Off Record Remarks

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 Implement the Recommendations of the Special Commission on Governmental Restructuring"
S.P. 910 L.D. 2330
(C "A" S-725; S "A" S-734)

In House, March 29, 1992, **PASSED TO BE ENACTED.**

In Senate, March 29, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-725) AND SENATE AMENDMENT "A" (S-734) in NON-CONCURRENCE.**

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

The Chair moved that the Senate **RECEDE and CONCUR.**

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the Bill that I amended some time yesterday that created a Department of Children and a Department of Health. As I indicated yesterday, this was the one opportunity this year that we could see that come into fruition. I feel very disappointed. I appreciate the people who voted with me that this may become a reality and I have to say that in another body of this floor we lost by three votes. If we had probably had daylight hours or early evening hours to discuss this Bill instead of the wee morning hours, I think we could have picked up enough votes to see this pass. I have to say that after six years of work with other members of both bodies on this issue that I am frustrated at the process and terribly disappointed that this could not come into being. Since the only motion left is to recede and concur, I guess we are going to have to go on with that.

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending the motion by Chair to **RECEDE and CONCUR.**

ENACTORS

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

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
(H "L" H-1216; H "U" H-1230; H "N" H-1219; H "T" H-1228; H "Q" H-1222; H "FF" H-1252; H "00" H-1275; S "E" S-708; S "H" S-720; H "QQ" H-1319; H "RR" H-1320; S "M" S-755 to C "A" H-1192)

On motion by Senator **CAHILL** of Sagadahoc, 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 Penobscot, Senator Bost.

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have not spoken recently on the budget here on the floor of the Senate. Not for lack of strong views on my part but because I personally found it more productive to talk with members of the Appropriation's Committee and to members of leadership than to take up everybody's time by extending floor debate. Today I make an exception in my own self-imposed rule of forbearance, if you will. I am not going to address the details of this document and I am not going to talk about the process. I want to talk simply about the values that guide my actions here today. Two very simple principles that the people have a right to expect: honesty and responsibility. We read everyday about how the voters do not trust politicians and all we need to do is look around and know why. Maybe many people stretch the truth a little to serve their own ends. I suppose we learn to expect that, but a little stretching is not what brings me to speak today. Men and women of the senate today I rise to talk about provarication on a scale that not only is a lack of respect for the truth but a total lack of respect for the intelligence of Maine people.

Consider the recent utterings of our Chief Executive and I'm not going to bring up statements of the last campaign. We've all agreed to pretend that never happened in the interest of moving this session forward and I will honor that at least for the next few hours, but I will not be silent any longer about the great underlying truths of this budget debate because I suppose sufferance has become license. This morning on the radio as I came to the state house, I heard the Governor say that he may not allow this budget to become law because it has furlough days and Maine's government can not do work because of the shortened work periods. The Governor then is saying that the Legislature is responsible for furlough days and he is opposed to shortened work weeks. Anyone with the least bit of respect for the truth would be offended by that assertion. Everyone in this chamber knows the Governor negotiated the seven percent pay increase. He did it all by himself. Everyone in this chamber knows that the Governor just 12 short months ago advocated furlough days as a solution to the problems his seven percent pay raise cost. He advocated furloughs here, he pushed for them, he agreed to them in negotiation with employee groups. Everyone here also knows that what the Governor created in bargaining, he can undo in the round of bargaining going on right now. No

matter what the Governor's agents may say, we all know the Governor has the authority, he has the grit to end furlough days. Everyone in this session knows that the Governor, as recently as a few days ago, supported cutting the workweek by over six percent by reduction to a 37 and one-half hour work week. Yet, today the Governor is ready to veto, if the comments I heard this morning on the radio are accurate and bear any resemblance to his pending action.

THE PRESIDENT: Pursuant to Mason's Rules, Section 111, reference to what may happen by the Chief Executive is not proper in the debate here.

Senator **BOST:** Thank you Mr. President. If we were to rank this most recent statement, of the Chief Executive on an incredibility scale, I would put it up there with our President's assertion that Clarence Thomas was indeed "the most qualified individual in this land to assume the bench" or to give equal credit to members of my own party, former Governor Brown's assertion in today's paper that he never experimented with particular substances other than for medicinal purposes. To that end, our Governor's assertion that the Legislature is responsible for furlough days and he is against shorter work weeks.

Last night, and I'm sorry he is not in his seat, the good Senator from Androscoggin, Senator Cleveland, made a number of pointed statements on the floor of the Senate. He had the honesty and the courage of his convictions to be critical of the job that this Legislature and this Governor have done in producing balanced budgets. Mr. President I would also note that you too, have been willing on many occasions to admit our own shortcomings here in the majority party. We have struggled under very, very difficult circumstances and along the way, I think we will all admit, we have erred. I think we've erred because we have been willing to collectively bend and yield many of our principles to insider concerns. Compromise, Ladies and Gentlemen of the Senate, is essential. It is the spirit of give and take that makes democracy possible. We must insist on from today forward some level of honesty and responsibility. I am saying these things today because I feel that someone must say them.

If we really care about this institution, if we really care about this Senate and it's great traditions then I believe that we should be hearing from the minority party on these very points. I expect to hear from them. Not making excuses, not continuing half truths but telling the truth on the budget issues as we all know them. The minority party is enabling his excellency to continue a pattern of denial which has taken this state, on what I am told alcoholics call a "dry drunk." My friends in the minority party it's time for all of us to confront this behavior and you point the finger at us and you can say to yourself well they are a part of the overall problem even though what they say today is true. Or you can get in the tradition of Percival Baxter, of Ken McCloud, of Harry Richardson, Joe Sewall and make this place a place where honest talk and responsibility are the hallmark. I mean no offense when I tell you that I have been angered by the votes of the very able minority leader as he as voted against every budget that has come before us. As I understand it, he has been part of all of those high level discussions and negotiations that have been taking place over the last several weeks. He has been present, or so I presumed, most importantly he has a Governor of his own party to back his place

and assure that he will be listened to. Once this budget reaches us, the good Senator wants to play as displayed in the early hours of this morning. He wants to play the back bencher. He wants to play the outsider. The advocate for the working people. Does he really believe that anyone in this chamber or anyone in Maine will believe that the Senate leader of the Governor's party has no responsibility for producing a budget for his Governor. I ask my good friends in the minority party, and I do have good friends in the minority party, aren't you embarrassed by this. Does it occur to you by your silent sufferance that you are indeed a part of it. Some of you are new and perhaps and can be forgiven, be overlooked but most of you in my estimation know better.

Mr. President, men and women of the Senate, I thank you for your indulgence and I conclude with a few points that I think need be underscored. Number one: this budget is a compromise which reflects the ideas of the Governor and the modifications of this legislature. Number two: it has the fingerprints of all the members, all the members, bipartisan of the Appropriations Committee and perhaps not all members of leadership, but most of them. Number three: the Governor is almost solely responsible for the seven percent pay increase and furlough plan and he has the authority to stop it without our involvement. Number four: we have labored, we have compromised and we have suffered falsehoods in silence in hopes to produce a consensus budget because I believe most of us care about the process. Number five: if the Governor is prepared to say no to this budget because it gets rid of his great idea, the great idea remember just 12 months ago, that is his constitutional right. That is his privilege. Number six: if he wishes to rule by fiat, that is within his powers under the constitution and without a two-thirds majority. As we all know, we are powerless to stop him. Number seven: I believe, I truly believe that the democratic rank and file will come back at any time and support any proposal that doesn't compromise our principles. Number eight: those principles are easily stated, Ladies and Gentlemen. A budget should be balanced. A budget should be fair, constitutional and not violate contracts between this government and the citizens of this state. And finally, number nine: and I guess I should address this to my Senate President, for whom I have developed tremendous respect for over the last four years I have served in this body. Mr. President, when you get such a proposal, a proposal that the Governor will support and that the good minority leader will vote for, call us back. Until then, with all due respect, I have a wife and a 15-month old child who need me back home and I've got neighbors who need directly what kinds of mischief are being done here in Augusta.

You know, my good friend and colleague from York, Senator Estes and I were discussing an article which appeared on the front page of the Portland Sunday Telegram this past Sunday. Ironically, that is just yesterday. The article was entitled "Legislator's Dust Off Manners" and aside from the verbal taunting from the Governor's press secretary, which the reporter accurately described as "an effort to provoke a partisan rejoinder." The article talked of a kinder, gentler Legislature, which had attempted to put behind it the partisan bloodshed of last July, to pass a budget and to adjourn on time. When

the good Senator from York and I read that article, we both agreed it was a fair description of these past three months. But at 5:30 a.m. this morning, we revisited the premise in that article and we agreed that it would be better suited as lining for a bird cage. In closing, I will miss many things, many, many things in this institution which I have worked within the past 10 years. Just as importantly, I will miss many of the people I have worked with. But I will not miss watching charades such as this.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I enjoy the comments of the good senator from Penobscot, Senator Bost, the known pit bull of the Maine Senate.

THE PRESIDENT: The Chair would advise the Senator the reference to the character of an individual is in violation of the rules.

Senator **WEBSTER:** Mr. President I find it particularly interesting, I appreciate your speech. It was obvious someone spent a long time writing it. One could argue you that the amount of staff people we have hanging around here that there ought to be somebody that could write these speeches...

THE PRESIDENT: The Chair would caution the Senator if he wants to remain speaking to be guarded on his remarks.

Senator **WEBSTER:** Mr. President, members of the Senate. There is a problem with this system that we have. There is a reason that this whole process for the last year and a half has been so difficult and today no one who listens to this speech, to listen to this debate should have any doubt why this Legislature cannot act, cannot make the kind of decisions that everyone out there in the real world has to make. The simple fact is this Legislature has people who are far left of center, people who have no idea what the rest of us are going through, people who are out of touch with the real world. There are people who still believe in new deals, government to everything for everybody policy. That Ladies and Gentlemen of the Senate is why the workers who work for the state have now been attacked by this institution.

Ladies and Gentlemen of the Senate, we don't need to go after state employees to balance this budget. It does not have to be done. That is why I am not voting for it. I suggest no more that we yield to attack education in December. Do we need to attack state workers today. I would agree, I think reasonable people agree everyone should share the burden and perhaps we should be doing something to cut back on the wages or some way requiring the state workers to help in this process. But we have programs that have not even been on the books for two or three years. For example, the Maine Health Care Program which has been only on the books for less than two or three years. One of only several social welfare type socialized medicine programs in the entire country and we can't cut it. We are going to say to people who are working and depending this, people who are working on highway crews, we are going to take some of your money because we want to spend it on welfare programs. These, Ladies and Gentlemen of the Senate, anyone out there who sees a vote for this budget as anything other than a vote against workers and for welfare then you are not reading this right.

You know, I have been here a long time and I'm proud that someone, some of us, those of us in the minority party, have been standing up for the citizens, the taxpayers of this state while some people in this chamber and in this Legislature would redistribute the income of the workers in this state and give it away to the non-productive. We've been fighting that and I'm proud of that. While the citizens of this state of Maine have seen their taxes rise dramatically in the last ten years, we've been opposing that. Government cannot do everything for everyone. Government should not take from workers and give to the non-productive. This is what this budget does. I hope the Governor of this state vetos this budget. I think it's a sham. It is unbelievable to me that we would take money from working people even if they work for the state, no matter where they work in this state, we should not take money from working people. I will tell you one thing right now, and I hope the people in the hall hear this. I think the union has sold out the people on this issue. If they endorse this, if they endorse anybody in this next election who votes for this budget, then they get what they deserve. This is a sell-out of workers. It is a sell out because I'll tell you why, the votes are in this legislature to cut the programs if the union decided if they wanted to have it. No politics are being played and Ladies and Gentlemen of the Senate, the workers in this state, whether they work for the state or they work for the private/public sector, they have been sold out by this Legislature consistently over and over again.

When I talk to people who don't have a job, who work in factories and don't have a job, I feel like coming down here and accosting somebody, attacking somebody because I'm so upset that this Legislature continues to play games, will not change workers comp, will not do the things that need to be done because of politics. The Senator from Penobscot, Senator Bost wants to talk about politics, I'll tell you, politics are being played here. A deal has been cut in the back room. The vote will tell you how the deal has been cut and people are losing. I suggest the citizens of this state can look at this vote, can look at the priorities this Legislature has taken and they can say, "yes I agree with those priorities, I think, I believed in December this legislature was wise in cutting education so we can maintain welfare programs and now I believe it's okay to attack state workers so we can keep welfare programs. I represent people who live in rural Maine, who make very little money, who are wondering why they are working when people can make more money sitting home then they can working. Probably the last report I saw said we have the third most generous welfare system in the country. We are among the highest taxed, the lowest paid and you're telling me that we have the right priorities. I suggest the citizens of this state ought to watch this vote and they ought to remember.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all I want to thank the good Senator from Penobscot, Senator Bost for his eloquent and civil speech on what's wrong with this process. I think alot of us in this body on both sides of the isle will concur that what was missing from this past year was civility. This process deserves civility and the

people of the state of Maine deserve civility. We must show the people that when it comes time to deal with tough issues and even though we can't agree with each other that we can respect each other's decisions. That above all is very important when it comes to making decisions for the people in the state of Maine. This budget here before you is one that we have been addressing for quite some time and I think we remember what the parameters was no tax increases, no sales tax exemptions and no new programs. We were really structured as to how we were going to make up this money that we had to make up. Low and behold yesterday we had one where we had 10 democrats I believe and eight republicans on the same side of an issue, voting to send this Bill out on it's way. The only thing that is different about it today is the furloughs. That is a little bit more than what was discussed in the negotiations of the compromising most people that have done it, but the good Senator from Penobscot is absolutely right. This is a Legislature where every individual Legislator has a right to represent their constituency and that's how we got to the point where this was added in to the budget.

There is nothing strange about that, we amend Bills up here all the time. So this Bill has no tax increases. It is balanced and we make the cuts. We cut across the board. I know that is hard to take for some people but when you cut it's going to hurt. We've done that with this bill. We've made some cuts to state employees, that is absolutely correct. We have to make the tough decisions in times like this. Do I enjoy it? No, I don't enjoy doing this. Neither do I enjoy picking up my newspaper at home and finding out that 1200 people at the navy yard have been laid off. A lot of those people are in my district. They've lost their jobs entirely. A lot of companies and businesses in the southern part of the state of Maine have gone the same route. Yes, while we have cut one hour to 39 hours on state employees, we have kept their jobs and we have kept them working. We have kept them delivering the services that the people of this state need.

What we have to ask ourselves when we deliberate here is that we are all responsible for the process. We are all responsible for our actions when we get up here. We all remember last year and one of the last things I said to myself when I came here last year, I promised myself I would not allow what happened last year to happen again this year. I think everyone of us in here made that same promise to ourselves. I think we all ask ourselves what kind of process do we have when we have people like the good Senator from Aroostook, Senator Collins, the good Senator from Lincoln, Senator Holloway, from Knox, Senator Linda Brawn, the good Senator from Cumberland, Senator Gill, the good Senator from Oxford, Senator Mills and the other seven who are not running again. What kind of process did we have that made these people go away. Sure, some of them had other things to do, education and some of them are moving on. I think what happened in the last year drove good people away from this Senate. I think that we are hurt by that and I think the people of the State of Maine are hurt by that. If you can't support this budget that is before you today then take your vote and don't support it. I'll respect your decision on this issue. Please, I just ask you to respect mine. 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'll attempt to keep my remarks confined to the document before us, which is the budget. Before I do that I would like to just make one quote from one of my favorite Americans, Thomas Jefferson, "Though will of the majority is in all cases to prevail that will to be rightful must be reasonable. The minority possesses their equal right which equal laws must protect and to violate that must be oppression." As a representative of the minority party, it is our right as the good Senator from York said, each and every one of our individual rights to vote which ever way we feel is the right way today. That decision, I know for each and every one of you in this Senate chamber, is not an easy decision because no matter how you look at it this is not a great budget. It is a very difficult budget to vote on. I can remember, it seemed just like a few short years ago, when the money seemed to be flowing into Maine State Government. We used to bicker over how to spend the money. How I long for those days when we used to bicker over how to spend the money. Those days, Ladies and Gentlemen are long gone. Now, because of the actions of this Senate and previous Senates and Legislature's, now comes the tough time, the cutting time and that's really difficult for each and every one of us.

To respond to a previous speaker, I heard the remark that the Governor last year recommended furloughs. The Governor has never, to my knowledge, liked putting the state employees on furlough days. It is very disruptive to government. It's very disruptive to the services that government provides. At the time, when we were debating the budget 12 months ago, it was the only option available to the Governor because of contractual agreements. It was the only way that we had as a Legislature to fill the budget gap. I also heard the previous speaker, the good Senator from Penobscot, Senator Bost, say that the Governor endorsed the 37 and one-half hour work week which is a proposal that we talked about a week ago, 10 days ago, whenever it was, they all seem to run together. I would like to remind the Senate, and the good Senator, that the 37 and one-half hour work week proposal was not proposed by the Governor, but by the Democrat leadership. In fact, when we talked about this first, it took a number of members, including the Governor and myself, quite by surprise. The 39 hour work week is not a proposal made by the Governor, but a proposal made by democratic leadership. This budget does contain furloughs that is before us right now. I think of all the complaints I've heard, about the current budget operating now, is about the furloughs. I've heard it from state employees and I've heard it from people again receiving state services. Furloughs are very disruptive to the way we operate government. Not only will voting for this budget reinstitute 17 furlough days, it will offer a 39 hour work week, it will take away one holiday that is currently paid for a total of 23 additional days that state employees will not be on the job. Twenty three additional days that state employees will not be providing services to Maine citizens. Not only that, it will also, by reinstating the furlough days to give the seven percent raise, it will also create at least a \$40 million dollar hole in the next biennium. Now I've spent a fair amount of time with Appropriation's

people over the last six months and I can tell you \$40 million dollars is not going to be any easier to find next year than it was this year, or last year. Also this is going to take a one percent across the board reduction in state government. One of these items alone probably would not make a great big deal of difference. All of these items combined considering we have made very few cuts to programs in state government. All of these items combined I believe are going to cripple Maine State Government. Ladies and gentlemen I have hoped that this speech, when I asked for a roll call, I had hoped this debate wouldn't become partisan and emotional and personal. Of all the things we do here in the Maine Legislature, that is what I despise, when it becomes personal and it started that way and I regret that. I will be voting against this budget. It took a lot of thought. I don't know what the Governor is going to do. I don't know if he is going to sign this budget or veto it. I don't think he knows at this point. But Ladies and Gentlemen I vote on this budget as a minority party member, as one member of this legislature as I will continue I hope always to have the right to do, vote as one member of the legislature because I feel this budget is not the vehicle that we need for the next year to run state government.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today to express to you the reasons I plan to vote for this budget and try to place this discussion in the context of forces which are within our state and within our nation which limit the options that all of us have. It is my belief that my remarks will be germane to the bill and I would ask the President if I do stray from the topic of the budget to kindly nudge me back on course. I believe that the essential issue we have to consider this afternoon is that of leadership. I believe for the reasons I will cite that we have a responsibility at this time to produce a budget and present a budget to our Governor and urge him to approve the budget.

Before I came in the chamber this afternoon, I had occasion to see and converse briefly with the prior presiding officer, President McCloud and I had occasion to think back to the various men and women who served so proudly, so ably in this institution. Twenty years ago I was in college and I was assigned to work one summer as an intern in the Legislature. I worked under a floor leader in the other body, Harrison Richardson. I learned a great deal about leadership and I learned a great deal about civic responsibility and I learned a great deal about the obligations that we have to subordinate our own personal predilections in order to advance the common wheel and the common good. It is to you whom I speak. I do not speak to others in this room. I speak just to my colleagues in the institution at this time. I suggest to you and I urge you to consider very carefully my views and those of your colleagues before you pass judgement. Please do not close your minds. I mention this to you at the opening of my remarks, that we have at the state level have very little, have very few options at starting to bring our budgets into balance. Because of those limited options we have been forced to work under extremely difficult working conditions. The men and women of the Appropriation's Committee have worked day and

night for the past year and a half. We are all indebted to them for their contributions. We see now, in the remarks this afternoon the anger, the frustration, the mistrust that these working conditions have bred. We have to rise above this.

We are foremost not democrats and republicans, although we should certainly bring to this institution the values which caused us to join our respective political parties. They are both political parties which have long, proud traditions in serving people in our state. My colleagues from the other side of the isle, you should be proud of your traditions. I certainly am proud of the business of my party as a democrat. There are times we have to rise above the views of our own particular party and take action we find difficult, perhaps even repugnant. I have seen that in my leaders. They have advanced for our consideration budget proposals such as the one before us, which are very difficult for us to accept, as they are very difficult for our leaders to accept. My understanding is that if we don't take action to bring this budget into balance, we will create fiscal chaos in the upcoming planning. We are looking a deficit in the area of \$300,000,000 to \$400,000,000 over the next two years. Work should begin today to do the type of comprehensive restructuring to reduce services, to bring our budget into balance. Work should begin today to carefully scrutinize available revenue services to meet the urgent and essential functions of government, not because that is popular because it is very unpopular but because it is the right thing to do. We are charged with stewardship over the State's Corrections Institution's, over the court system, over the institution to provide essential services for those who cannot care for themselves, for those who are afflicted with developmental disabilities, mental illness, and mental retardation. Those folks rely upon us and the type of fiery rhetoric and angry words expressed over the past several months does not advance the cause of those persons whatsoever. We have to rise above this process. The people of our state have spoken time and again. They want this legislature to observe leadership. I submit to you, men and women of the senate, this place is different than it was five years ago, ten years ago and twenty years ago. Those who have been here for a while are shaking their heads in agreement. If we don't change this process, if we don't restore an element of respect to this process and this institution, the people of the State of Maine will do it for us. And rightfully so.

Mr. President, men and women of the Senate, I submit the reasons we are in this fiscal crisis are not because Maine government has engaged in plethoragus spending. Maine people hardly are fluent liberals. They are common sense folk but they have compassion for those in need. I look now to my esteemed colleague and dear friend from Cumberland, Senator Gill who has been a most articulate and compassionate spokesperson for those in need over her many years of Legislative service. Although sometimes we disagree on our approach, we all have the same goal. We, in many respects, are captives of what I believe to be very misguided federal policies over the past 12 years. The new federalism has put burdens on Maine municipalities and the State government which they are ill-equipped to respond to. When I came to this institution 12 years ago, over 35% of our budget was federal, today it is 22%

and it is going down. May I submit to you the reason why we are having problems with our programs is because we have not got the state resources to supplant the losses of federal dollars. That's the reality. Forces beyond our control have caused that to come into place. I didn't vote for Ronald Reagan but the American people did so we have to adjust to the policies that President Reagan advanced and that the Congress of the United States accepted. We understand the proliferation of expenses in the Medicaid account. We understand the expenses in the corruptions account in the institutions of our state. We have very little control over those matters. Many of those expenditures are federally ordained. Maybe that is difficult to explain to people, those angry men and women back home, but I do it. I am sure you do it as well and I've found when I talk to those people back home they understand, they may not like this but they understand the problems. They may not even share our responses but appreciate the nature of the problems. Angry words expressed over the budget debate will not in any way advance the public's understanding these problems.

We have to restore a voice of reason, civility and mutual respect to our dialogue and, yes to our disagreements. I may not often raise my voice but I have these values. They mean a great deal to me and I'm sure your values have prompted you to serve in public service. I respect your values. But we do come back to the theme of leadership. We have to produce a budget. I'm certainly not satisfied with many things in this budget to very carefully explore, and in fact to advocate for scaling back tax exemptions. That did not happen this year cause the majority of our colleagues didn't believe in that. That's the process. I happened to lose on that issue but I accept the process. I voted for a budget, I think it was Saturday but I lose track of time. The budget that came out of the leadership agreement that was rejected in the other body. I am going to vote for this budget. If I had the privilege and honor of serving on the Committee on Appropriation's perhaps I would have advocated for a different solution. I truthfully believe that the people of our state are not served by our failure to produce a budget at this time. They are far better served by us working together to develop a type of long range strategic planning which will enable succeeding Legislature's to respond to the dwindling source of revenues available to us and our successors in office to address urgent needs of Maine people. I heard the Senator from Franklin, Senator Webster explain his view and I am sure that it is a sincerely held view, that Maine people are upset with the excess benefits to the people who receive AFDC. I don't share that. I believe people are frustrated but my view is that people on AFDC do not receive excessive benefits. As you may recall, I had the privilege of serving for two years as the chair of a committee who looked into the adequacy of AFDC benefits. We found that far from being overly generous, our benefit structure is pretty conservative. As you may recall, in the last two budgets we have opted for a system reduction simply put in the past we had a low standard of need but we allowed people on AFDC the capacity to earn outside income in order to reduce expenditures and to ease the account. We have now in fact, significantly limited the capacity of people who receive AFDC to receive outside income. Maine has the lowest welfare AFDC benefit in the United States. Other states, in

fact, had higher benefits. They did not allow outside income. What we have done in the last two years is put significant harm upon people who receive AFDC. I would implore my colleagues to look at this issue carefully. The poor are an inviting target. They can't respond. They do not have political strength. They don't contribute to political campaigns but they are suffering. They are in anguish and that means a great deal to me. I won't raise my voice but I hope you understand how much I hurt for those people. I urge not to compound their pain by blaming them for the problems we face today.

To conclude, we have to restore a level of respect and civility to these discussions. We have to find it within ourselves to pass this budget. It is the best we have been able to do in this session. Perhaps if we do develop the kind of collegiality and respect for the process we can go further, we can advance further in subsequent years. We have to bring an end to the personal insults. We have to resist the temptation to advance our own partisan interest or the interest of our respective caucuses in the future of elections. We have to rise above that. Mr. President, the Portland Press Herald had an editorial a few days ago that I agreed with. It said very clearly that the men and women of the Maine Legislature have to make hard choices which may in fact imperil their future political successes. Perhaps because I am not running again, people can say that I'm using this argument now but I would argue this had I decided to seek re-election. We have to set in motion those forces which will help people who will come after us. We have to do the right thing. We have to pass the balanced budget even if it will arouse, in some corners, significant opposition. Even if it might imperil some of us who seek re-election we have to place the needs and interest of Maine people above our own personally. Thinking back over the 20 years I've watched this institution there has been a palpable change in tone in the way this institution functions. Many of you have commented upon it over the past two trying years. I don't have the magic. I cannot through some authorial catharsis restore our discussions to that higher level which characterize prior debates. Each of us have to go within ourselves to make that process happen. I suggest a good way to start in that process is to vote for this budget tonight and then go on to do the hard structural work, which our good Senator from Androscoggin, Senator Cleveland mentioned in his remarks last evening, so that we can allow future legislators to respond to the needs of Maine people especially in light of the clear process of declining revenues in our economy in the next two to three years. This work must go forth. I thank you men and women for considering my remarks this evening. Thank you Mr. President.

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

Senator MCCORMICK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I wish that I saw this choice as simply as the good Senator from Franklin, Senator Webster does. One thing I've learned since coming here is that we all live in a house of cards and if you take one card down, many other cards will fall. The choices are always hard and when you make one choice there is a consequence. For instance, when we chose or when we decide to cut \$20,000,000 from public services that yields a cut, a loss of 210 retail jobs in the Augusta area alone and

\$10,000,000 loss in retail sales. When we decide to cut the Maine Health Program, if we were to do that, to save \$6,000,000 to the state budget, that would yield an increase in health care premiums to small businesses and to those of us with insurance and it would yield an increase uncompensated care cost to our states hospitals, which I hasten to remind you support this program. If we decide to cut General Purpose Aid to education, we also are at the same time causing layoffs and cuts in retail sales due to layoffs in towns all across our state as well as the long term cost of an ill-prepared work force that leaves our state unable to compete in the global market. If we decide to cut revenue sharing, then we are merely shifting a tax increase to the local property tax payer. If we decide to cut home-based care for the elderly, which we have done, we are increasing Medicaid costs to the increased nursing home admissions. If we decide to cut low-cost drugs for the elderly, we are increasing health care costs due to increased complications due to not taking a medicine.

I have learned that it is not that simple and I have learned that we are all dependent on each other. Whatever happened to he is not heavy, he's my brother? Do you remember that song? I will vote for this budget and it is not because I agree with all of it's cuts or because I agree with the violations of collective bargaining, because I do not, but I will vote for this budget because I appreciate the work the people on the Appropriation's Committee put into it and because I think it is an honest attempt to balance the costs to the benefits. The cost of cuts to the benefits and it is the best that we can do. 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. Without repeating the good words of the other senator from Kennebec, Senator McCormick, I agree with all that she has said. I just want to sum up my reasons for voting for this budget and the hard work the co-chairman, Senator Brannigan, Senator Pearson and Senator Foster. This is taken from Franklin Delano Roosevelt, over 100,000 had packed Franklin Field in Philadelphia to hear FDR speak. Just minutes before he was to be introduced, the braces on his legs gave way. The pages of his manuscript were scattered in the mud. He rushed to pick them up and made his way to the podium. He was magnificent. It was that night that FDR said, and I quote, "better the occasional faults of a government that lives in the spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference." This quote I leave with the good Senator from Franklin, Senator Webster.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. It's a peculiar place that I find myself in these days. I'm looking at a vote I don't want to take. I'm looking at a budget I don't want to see. I'm looking at a government that isn't operating and it is a very sad, sad day. We've had lots of things said today about state employees, about welfare, about cutting state government, about services to people. Somehow I get the feeling that there is some entity that is going to come down here and automatically show us that you can cut services

and you can cut programs and you can save state employee jobs. I have never yet figured that out. What I know is that if you don't have a teacher in the classroom it doesn't matter how few or how many students you have sitting in that classroom. It doesn't matter. What matters is the employee, the teacher, who is giving the service of teaching those children. As much as I think teachers would probably give in part the learning without the money, our society does not live and does not operate without that commodity. We have to pay that teacher, that employee, for that service, so that our youngsters are able to operate on an intelligent level in our society to survive. It is no less for state employees delivering the services, yes the programs, that have been endorsed either by this Legislature or the federal government, and yes, even municipal employees, the municipal government to deliver those services. Those services do not happen automatically. In order to qualify for a service. You must prove eligibility. Somebody has to understand what those eligibility guidelines are so that you can find out whether you're going to receive that welfare money.

That brings me to the welfare issue. We should cut our welfare. We should reduce it. How are we going to save money is to reduce the welfare and the social services in this state. Well that's good but I see here that Maine welfare level, AFDC level is \$50.00 less than New Hampshire, and is the lowest of all New England states. Yep, we can cut it and maybe the other New England states can cut it too. We can let go more state employees who then can go on the unemployment rolls, yes, they can go on the AFDC roll and the foodstamp rolls. They can go on all of those rolls. I am not advocating here that you wholesale to have this state survive but I am not ignorant, nor blind, nor am I unaware what goes on in the streets in the State of Maine. I am very close to it. I can give you example after example if you think somebody coming from a family of 16 from rural Maine and out of poverty does not know what goes on in the streets of Maine you have another think coming. It's horrible to have to balance how many programs and services we deliver to those in need against how many employees we have to deliver those services. We have made those choices. I have not seen any other budget to give me another choice.

On top of that, we have asked our state employees to take another hit. I think you'll find the vote interesting on this once it is taken. I think you'll find that the responsible people in this body will be voting this budget, not because they liked it and not because they want to hurt state employees more and not because they want to reduce services but for one reason, maybe a couple. One very important reason we cannot in any way, shape, form, or manner raise any more money in this state. We are stopped from that and that is because of a decision of our executive and that is the pure and simple truth. The reason that I wouldn't want to vote for this budget are multitude. Among them, as I've said before, is putting ourselves in the position of the collective bargaining process of diluting our own collective bargaining law and asking us to do that. That tears at the very fabric of our society as far as I'm concerned. I am going to vote for this budget, even with that in it because it does give me some protection for these state workers that they can still negotiate, they can still sit at the bargaining

table however much we have diluted that bargaining law. It is a crime. It is a sin. It is an incredible place to be in but we can do no less. To do less will give the employees less. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I really didn't plan to rise this evening but there have been a few things brought up that concern me alot. One is what the good Senator from Kennebec, Senator Bustin, just mentioned. That is raising taxes, raising taxes are off limits. Off limits because the Chief Executive of our state says it's off limits. Well, I would like to put myself in that group too. I'd like to say raising taxes is off limits. You know, we could raise taxes from now until 2001 and we would not have one dollar more, not one dollar more to fund any of the programs that we have because people can't pay their taxes now. They can't pay the taxes that we have in place now. You know, I have heard some references earlier how things are different in the Legislature than they were 10 or 15 years ago. I bet they are. We have to ask ourselves why. I think it goes back further than 10 or 15 years ago. I think it goes back to the Depression, to FDR and to the chicken in every pot. You know, it's a nice thing, it is a nice warm feeling to be able to do those things. I submit to you this evening that is what has precipitated our problem. That is how we find ourselves in the situation that we are in today. We've spent more money than we have. We can no longer afford to do it.

The people of this state, the working people of this state, can no longer afford to work to pay taxes so someone who is not working can have health insurance when that person working can't afford their own health insurance. I guess those are some of the philosophical differences that we may have. There are those in this chamber who feel that all should have this or have that. That's nice but it just doesn't work. That's the problem we are facing today. We have to look at this differently. You know I heard another mention about federal dollars. Well you know, it's not really that the state doesn't have the money, that's not really the problem that we are facing. The problem is that we don't have the federal money because the federal money is just not coming down. I think we ought to stop and ask ourselves where the federal money comes from. It comes from us. It comes from the people back home, our constituents. Once again we find ourselves spending money we didn't have. We have to make tough choices. There is alot of talk about tough choices and as far as I can tell, the budget document before us, although I respect the work and effort that has been put into it still avoids the tough choices. It avoids the tough choices. You know there has also been mention made that we have been living in a house of cards that has been crumbling and I think it has. I think it crumbles one card at a time and where does it go? It falls down on the backs of the people at home. It falls down on the working people. Finally, I think the last card has fallen and has broken the back and we have to approach this in a different way. Thank you Mr. President.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. One of my concerns on

this budget that we have before us is the fact that we are adding six more days to the already 17 furlough days. I don't feel very comfortable and very satisfied without knowing the impact this time is going to have on services that our state workers are providing to the citizens of this state. It is a lot of time. We hear complaints now. We have heard them on this floor that there are complaints from citizens these agencies are not running effectively. If they are not running effectively now and we add six more days, just what is that going to do to us? I have not had an opportunity to talk to any of the commissioner's involved. I have not had an opportunity to talk to the people at Mental Health or people at Human Services that I have been heavily involved with through the years to see what impact this is going to make on the clients they are taking care of and representing, the citizens of this state, some of them who are in very unfortunate situations and can't help themselves. They need the help of these workers. I just don't know what is going to happen from there.

I heard about values today and I have to say that some of us are leaving here because of our values. I've been here 16 years and I have been frustrated, and I'm sure everybody in this chamber knows that. I've certainly spoken about it, about the way the system has been running. You know, we can talk about civility and we can talk about respect but you don't get either one of them by just saying those words. I have always worked for negotiation of issues. I have always worked towards compromise wherever I can. I have been working for compromise in negotiating with people up until even just before we came into this chamber on issues. You know, it doesn't mean compromise and negotiation doesn't mean "it's my way or no way." Part of the reason I'm leaving here is because I've felt for the last few years that in some instances, it's their way or no way. I can't keep buying into that. I feel like I've had my hand slapped today. I feel like I've been chastised here today because I happen to be voting, or they think I'm going to vote a certain way, and I'm probably going to accomplish that and give them that. I did vote on a budget. I believe in the process.

I believe in the Appropriation's Committee process and the work of that Committee. They worked with very difficult issues. They've worked very hard, they have worked very long hours. They came up with a budget that I bought into, whenever it was, today or yesterday or the day before. I can't remember when it was. Today I'm not going to be able to vote for this because I don't have the answers about the 23 days that we are telling people that you're not going to work 23 days. We are still going to have to take care of those unfortunate people at Pineland, at Augusta Mental Health, at Bangor Mental Health, and at the correctional facilities. I don't know how we are going to do it. When I go home, and when you go home, I want you all assess how you're going to feel about the accomplishment of this Legislative session. You know what I feel about it? A big fat '0.' I don't think we have accomplished anything this Legislative session. I have to go back to people before I came up here this session, people I work with in my regular job asked what do I think is going to be done. Do you know what I said? "Not a damned thing because it is a political year." And you know what, it's coming true.

We had an opportunity to restructure state government, to make state government run more effectively and more efficiently and where is that? Down the tubes. Didn't have enough time to do it properly? I don't know. I'm a little frustrated about the opportunity that we had to coordinate services for children and family. We've lost that issue. Children are the future of our state. This body and the other body are saying we don't think they are that important that we can't create a coordinated effort to provide services for them? Someone has to wear that right on their forehead so everyone can see it because it's a shame to leave this body and at least not try to coordinate those services for children. You know why we didn't, because of a few words no one says. Talk about politics. That's politics and it's raw politics. I am not going to vote for this Bill and I am not going home comfortable about it at all. It's just a sham of a Bill. We've pulled things here and pulled things there trying to provide a bill that is going to be a balanced budget but we have not really got into the work that is at hand. We didn't last session. We didn't want to do it this session. Well you know what? You're not going to do it next year either.

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

Senator TITCOMB: Thank you Mr. President. Ladies and Gentlemen of the Senate. We've been asked to harness the consequences of the very real, very painful, national recession. We've been asked, certainly over the last couple of years to make some decisions that were very, very difficult. We are seeking to find answers to questions there may not be any answers to. We are a society in transition, redefining it's role, not only as a government but as a citizenry that must reconsider how we do business and how we define ourselves. Transitions do not happen overnight. They do not happen in one session. They certainly don't happen in two. They begin at some place in time and I hope we have begun the transition. We are going to have them when we shape them. They are not going to hatch like an egg come Easter morning, they are going to have to shape them and we are going to have to shape them together. I believe very strongly that if there is any message, it is this is the time that we must move toward that goal. I know how frustrated everyone is. I know how frustrated the citizens of Maine are and I certainly know how frustrated I am.

We are the representatives of people and we have been sent here to make some very difficult decisions. We're certainly going to be asked to make hard decisions today and many days in the future. I believe very, very strongly that it is possible for us to find a constructive route through the transition that we are going through. Today we are going to each vote our conscious and our morality on this budget. I plan to support the budget. I am not going to pretend that I like it. I am not going to pretend I feel comfortable. I certainly don't like what it does to some Maine workers. I certainly don't like what the consequences of not passing it would do to many Maine people. I feel it is something we need to do to fulfill, at least for me, what I feel is my responsibility to my constituents. What ever your vote will be I certainly respect what you feel you are bound by your own conscious and your own philosophy to do. That is something only you can

know within yourself. You can certainly could not judge what my philosophy would tell me what I must do. That is a decision I must make. After it's over, if we leave here with one thing, I ask that it be that we move on and that we work together in the transition that is going to happen. It's going to happen with us or it's going to happen without us. We will either cooperate in working together to shape a better place or we will be the political deadwood that will slow it down. The time has come what ever your vote will be, to step into tomorrow and intend on building the quality future for Maine people. I ask each person in this chamber to ensure that happens with us working together.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI**, **BERUBE**, **BOST**, **BRANNIGAN**, **BUSTIN**, **CONLEY**, **DUTREMBLE**, **ESTY**, **FOSTER**, **GAUVREAU**, **KANY**, **MATTHEWS**, **MCCORMICK**, **MILLS**, **PEARSON**, **TITCOMB**, **TWITCHELL**, **VOSE**, **THE PRESIDENT** - **CHARLES P. PRAY**

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

PAIRED: Senators **CLARK**, **CLEVELAND**

ABSENT: Senators **EMERSON**

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, the Bill 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:

COMMITTEE REPORTS

Senate

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives

H.P. 1660 L.D. 2337

(S "A" S-702 to

C "A" H-1173)

Have had the same under consideration and ask leave to report that they are **Unable to Agree**.

Signed on the part of the Senate:

Senator **MILLS** of Oxford

Senator **VOSE** of Washington

Senator **LUDWIG** of Aroostook

Signed on the part of the House:

Representative **LEMKE** of Westbrook

Representative **MAHANY** of Easton

Representative **LORD** of Waterboro