

# 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 III**

**FIRST REGULAR SESSION**

Senate

December 5, 1990 to May 20, 1991

seems to me that a cursory review of history might be in order. If the CEO in the Commonwealth was accused of monkeying with the Commonwealth's finances to advance his presidential campaign, and that person is a member of my political party, it seems to me that the same criticism is in order regarding the Governor of our state. And while I am on my feet, let me chastise those good editorial writers of our state. It is my personal opinion that the press had manifested an inordinate difficulty in differentiating between the prominent anatomical and geological formations, they simply cannot distinguish between the two if you know what I mean. It is the responsibility of Minority Parties, and I suggest that the Democratic Party in this sense is in the minority, because the Chief Executive Officer is a Republican. It is the responsibility of Minority Parties to be loyal, to be the loyal opposition, to in fact criticize the policies of the government, when they, in fact, do not advance the public interests. Let me suggest to you in no uncertain terms, that legislative criticism is entirely in order. We face the situation of unparalleled fiscal travesty in our state. This legislature passed Resolutions calling upon our Governor to call us back into Special Session, if in fact, it appeared that we would have a down turn in our revenues.

The good Senator from Aroostook, Senator Collins, indicates his sincere concerns regarding the pain visited upon his communities, if we have to somehow scale back our commitment to local aid to education. I spent my entire legislative service advocating for education and human service causes, like many of you have, and I am sure you will share with me the agony and the frustration we are all going to have to endure the next six months, the next eighteen months, as we fashion budgets which scale back significantly already meager and inadequate responses to human needs. And I submit to you, men and women of the Senate, had this legislation been called back into session last summer, we would have had to cut, but the cuts would have been more humane, more rational. So yes, I regret that today was a day remarkably unproductive, except in one aspect, this legislature has in no uncertain terms, underscored the point that we in Maine are not going to emulate the model of our Federal Government or other states. We are not going to borrow from our children's future to finance present government operations. We are made of sterner stuff. We have greater integrity. We know what government has to do, and we know our government has to run. I think that fortitude, and that integrity that this legislature, Democrats and Republicans showed will carry us through these next eighteen and twenty-four months. I have faith that this legislature will make fair and equitable decisions as we go about the very, very painful progress of down sizing our budget. Not, I might add, not with the notion that we are going to down size government because the need is lower, that because currently we haven't the revenues, and we will hopefully have the faith and the efficacy of government in improving our people's lives so that when we do have more resources we can apply those to the pressing human need in our state. Thank you Mr. President.

On motion by Senator WEBSTER of Franklin, the Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

On motion by Senator MILLS of Oxford, **RECESSED** until the sound of the bell.

After Recess

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**

**Joint Order**

The following Joint Order: H.P. 51

WHEREAS, revenue forecasts have varied significantly during this fiscal year and present forecasts remain uncertain; and

WHEREAS, it is now clear that the State faces a major shortfall in revenues during this fiscal year and will be unable to meet present appropriated expenditures; and

WHEREAS, the Governor has not yet officially reported that anticipated income will not be sufficient to meet authorized expenditures nor instituted temporary allotment curtailments to meet that insufficiency; and

WHEREAS, the Governor has not provided a report to the Legislature and people of this State of his intended curtailments or reductions in expenditures to meet the revenue shortfall; and

WHEREAS, there is a clear and immediate need for detailed reliable information on revenue forecasts and on possible curtailments or reductions, which information is not presently available; and

WHEREAS, with the short period remaining in the fiscal year, the Legislature can no longer wait for the detailed reliable information it needs to act responsibly to be supplied by others; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall convene at 10:00 a.m. on December 26, 1990, in Room 227 of the State House, Augusta, Maine, for the purpose of carrying out the duties of this Joint Order; and be it further

ORDERED, that the committee shall thoroughly study the anticipated revenues and incomes of State Government and all of its departments, agencies, authorities, bureaus, offices or other bodies or officials, whether independent agencies or departments, from any sources and all presently appropriated or anticipated expenditures; and be it further

ORDERED, that the committee shall accept and review any information on this subject presented by the Governor; and be it further

ORDERED, that the committee shall report to the Legislature its findings as a result of this study, together with any proposals and proposed legislation; and be it further

ORDERED, that the committee shall have all of the authority and powers of an investigating committee provided in the Maine Revised Statutes, Title 3, chapter 21, and has the specific additional powers to administer oaths, issue subpoenas, compel attendance of witnesses and the production of any papers, books, accounts, documents and testimony and to cause the deposition of witnesses as provided in Title 3, section 165, subsection 7.

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

Which was **READ**.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I ask the Members of this Body to take a moment and read this Order. I have one question I would like to ask if anyone could answer. I have no concern, many of the suggestions in this Order seem actually quite reasonable to me, I have no problem with the hope that the Appropriations Committee would review as soon as possible, and look into what is happening here in state government. We are all concerned about that.

I am quite concerned about the last paragraph which makes reference to some, well if you read the last paragraph, the Committee shall have powers as an investigating committee, and those kinds of things, and I am concerned having been a legislator for ten years now and seen various quote, unquote, witch hunts, that this does not become one of those. I am also concerned that we do not want to have the appearance of running a side show here in the legislature. Seems to me if the President and the Speaker at some point desire and want to hold hearings on the budget or on what is going on here with the problems associated with the budget that they already have the power to do that. But I am very concerned and I think all Members of the Senate ought to be very concerned about this last paragraph, so I would like to have someone perhaps more knowledgeable in the drafting of this than I, to explain the intent, particularly this last paragraph. Thank you.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am really happy to hear that the Senator from Franklin, Senator Webster, is pleased to finally let the Senate Appropriations Committee get the information that it needs, and we feel the same way. But it is kind of ironic how quickly people are willing to let the information be released now that we have this Order before us. The last paragraph deals with the statutes in the laws, Title 3, deals with the investigative committee rules, procedures, and power

which defines the scope and procedures of allowing committees to become investigative committees. Again, in Sub-Section 7, Title 3, Section 165, it explains how outstanding committees that exist get to be investigative committees. So that is what the last paragraph means. I would hope that everybody in this Body would support this Resolution that is before us, I think that in all the years that I have been here there is the most severe crisis that I have been involved in, and that it seems that whenever we have problems in the past, we always were able to come up with solutions. It appears difficult to do that at this time, and it has been difficult to do that because of the ever changing figures and releases that we get from the financial people in the Executive Department. For that reason we feel that it is vital that we start getting information that is accurate, and has power of the law behind it. I think that with this kind of Resolution before us, and with this kind of power given to our Appropriations Committee, that we will now finally start getting the real, real, true figures needed to be presented to us much longer than they have been presented to us now. And so, I do want to say that we have really given the Governor every opportunity in the world to come up with some solutions to the problem, and he has just not really taken the position of leadership that is needed to solve a severe crisis like this. From the very beginning I think that the Governor told us that this is my plan, take it or leave it. I think that there is no question to that, and then the next few weeks we have proceeded as to saying, you haven't showed us anything yet, but from the very beginning you told us you would not accept anything else. So we felt that it is very important that we play out what the Governor had proposed to us so that the rest of the state could see it. You know, I am one of the few people in this legislature who believes that the Governor really never intended for the retirement plan to pass. I really think that some people went back and said what is the most unacceptable place that we could take money that the legislature would just not accept at all, and I think that they looked at the retirement money, and said this is the place. What I think that they expected the legislature to do was kill it on December 5th, and when we decided to go to a committee hearing for it, I think that put a little screwdriver in their wheel. I think that they didn't expect the reaction from the people of this state. I don't think that they expected the students to come up here and scream and holler, rightfully so with the cut in education. I don't think they expected the teachers to pack the Civic Center, I don't think they expected that they would get that far, I don't think they expected the state workers to be out picketing around the buildings today, showing their faces and wanting the Governor to see the faces behind his cuts. I don't think the Governor expected to see business people around the state and working men and women from around the state be appalled by the fact that we were going after people's retirement money. I don't think that this plan was thought out at all, with the exception of the fact that I really believe that they thought that this would immediately be thrown out. Well, it wasn't. We wanted the people to see what the Governor was proposing. The ultimate slap in the face was that after the greatest number of people in this state rejected the Governor's proposal, so did his party. His very own people! We think as a result of the position that we are in now, is that the fact that the Governor has

just lost the credibility needed to lead us out of this problem, let the legislature take over. It is vital to get this state back on its feet where it belongs, and it is vital that the legislature take the leadership that is necessary to make sure that come January we have done everything that is necessary to put the state back onto the road of recovery. This here will ensure that we get the information that is necessary. It will ensure that next week the Appropriations Committee will meet to get the answers. 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 leadership in the Minority Party, I have been pleased, very much so with the Governor's willingness to brief leadership in both parties as to the actions being taken by his commissioners and been taken by his office to deal with this problem. I am pleased that members of the Minority Caucus have been informed by the Governor also. I regret that the Majority Party was not informed by their leadership as to the actions taken by the Governor and what he has suggested we do. I see no reason to criticize the Governor because he has put his hand forward and offered to any member of this legislature, particularly leadership and members of interest, who had an interest by simply asking his office. As many of you know, both of his commissioners have been here today. I met with one of them today, myself, because of a constituent concern, positions were being cut. I am pleased to see he has been willing from the beginning to say, here is what I plan to do. I am sorry for those of you who haven't either taken the initiative to ask, or who haven't been given the information that was given to leadership and should have been forwarded on to you.

The problem we have here today is going to be a serious one. It is going to be a serious one for the next few weeks and months. Fortunately, or unfortunately, depending on which way you look at it, somebody will have to act. If the legislature in its wisdom here today, and between now and the end of this month does not come up with a solution, then the Governor will do what he was elected to do. He has given us options, and I have yet to hear, I might add, yet to hear a single alternative offered by anybody in this legislature, at least in the Majority Party other than to say that there is no plan. Well, the Governor made his decision. He offered what he felt and what many of us felt was the only real chance we had to avert major cuts in significant, important programs like education. He offered his alternative, his option, his plan and this legislature in its wisdom, depending on how you look at it, decided not to endorse that plan. We have had various letters pass back and forth between leadership and the Governor in the last four or five hours, thus far, no meeting has come about even though everybody says they want to meet, I have yet to see that. I am prepared at this point to go home. I believe that we have done the people's business here, the Majority Party has spoken, when the cuts come down then the people can blame who ever they want. The Governor has proposed, we have disposed. My opinion at this point in this evening is that we ought to be home like the rest of the Maine citizens doing something else. If there is an

alternative, if any member of this Senate would like to offer an alternative, I am willing to listen to it.

You know that several days ago I had a call from a person who works for the Maine Turnpike Authority, said there is money here, we ought to look at this. I don't know anything about the Maine Turnpike Authority, I have never served on the transportation committee, I don't know a lot about that department. He said would you be willing to look at this. I said I am willing to look at anything, except raising taxes. The working people of this state, whether you want to believe it or not, can no longer afford the tax burden we have placed on their shoulders. So I am willing to look at anything. But I haven't heard anybody suggest that, I have heard no one suggest anything except we do not like what you have offered. Fine. If there is no offer to be brought by the Majority Party or by any member of this Senate, or any member of this legislature other than what the Governor has done, and been defeated, then I suggest we go home, because we don't need to be wasting taxpayers money hanging around here another hour and a-half so we get another days pay.

As far as I am concerned, the Governor has made a sincere offer. His legislation was defeated. Unless someone in this Body or the other Body wants to bring forth other legislation, than we ought to go home. This proposal before us this evening, in my opinion, is nothing more than a witch hunt. Plain and simple. But I have no problem with giving any information to the Appropriations Committee, because I respect that committee, I believe those people are sincere in what they want to do, and the information is already available. Ladies and Gentlemen of the Senate, many members of this Senate have the information that this Order reports to ask for. All you have to do is ask for it. So we can go through this game of passing a Bill and saying that we are going to have some information, we are going to have a hearing, and we are going to listen to the Commissioners and have them ask what they want. The simple fact is this legislature has no plan! So this is our plan! And when we have to cut local schools, and we have to lay off even more state employees, remember tonight, that this was our plan, and you explain that to the people at home!

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I did not know of this Order until just a matter of a few hours ago, maybe less than that. You can imagine that this is a surprise to me and somewhat of a concern to me. I was able last year to smuggle through customs, and have somebody else help me do it, a pile of peat about as big as the top of this desk and about that tall, and I had visions of burning that in my fireplace on Christmas Eve, and the next two or three nights, just sitting there with my two golden retrievers, and having a good time for myself, and thinking about all of those good thoughts, and low and behold, there is an Order before us saying we will be here at 10:00 on December 26th. That is not a pleasant thought to me, not at all.

It says in here, in the Order, that we should study the anticipated revenues and incomes of state government, all of its Departments, and Agencies,

and Authorities, and Bureaus, and Offices, and other bodies of officials whether independent agencies or departments of any source, and all presently appointed and anticipated expenditures. That we should review any information on this subject, or any subject presented by the Governor, and report to the legislature. In addition to doing this, which I have never had any history of doing, because of all of the sixteen years that I have been in the legislature, never once have I ever served on a committee that had the power of subpoena. In addition to that I expect the Committee will be confronted with two hundred Bills before it, a supplement budget on January 4th, a budget for the biennium which will all be presented later on. All of those things are going to be very, very difficult for us to do.

I do support this Order. But I want to tell you that in talking about this Order that I want to assure people on both sides of the political aisle that this Senator with all that is within him will not conduct a witch hunt or a side show and will be responsible as I know how to be in the pursuit of the job that we have before us. Not more than any ten or fifteen minutes when I walk down the hall people are telling me stories about so and so who has a threat of loss of job, and all of that, and all the rest of us get all of that, and that is an additional pressure, of course, on us.

But one of the things that I want to say in this rather rambling talk that I am giving is, that the thing that bothers me the most around here, this year, is communications. Nobody is talking to anybody. Nobody is in here talking to anybody. I read in the paper this morning, in the Bangor Daily News a proposal to lower costs and cuts to schools. I have never heard of that before. I don't think I should be having to hear those kinds of things, or read those kinds of things in the newspaper. Not that I am not any more special than anyone else in here, I don't think any of us should have to read that. We should have known of those things before.

The Governor of this state, whom I personally admire a great deal, must begin the process, I believe, of talking to the members of his own political party. They tell me things, you know, from time to time, that they don't know what's going to be put in front of them until just a few minutes before it happens, sometimes. The leadership of my party needs to talk to the leadership of the other party. The leadership of the Republican Party needs to participate in the dialogue of trying to solve problems and not say, I am willing to go home. I am willing to listen to your solutions. What is wrong with us thinking this whole process out together. What is wrong with us getting down together and saying, okay we have got a problem to solve here, and if this is what we have to resort to, subpoena, then that is what we will have to do. That shouldn't be necessary to do that. Because the people of the State of Maine have every single right to expect better of us than that.

Some people are saying, okay, now it's your responsibility legislature and the legislature says, okay, Appropriations Committee, it's now your responsibility, and some people are saying, okay, I am going home, we will see what you come up with when you get back. It shouldn't work that way! We should all be talking to each other. We need to all grasp

the big picture of what we want this state to look like when we get through doing this. We are going to make all kinds of mistakes. I know we are. But we ought to do the best job that we can, and I want to reassure that I will not lend my vote, anyway, to a witch hunt, a side show, and I want everybody, especially the Governor and leadership to speak together. It shouldn't be necessary to send a letter to the Governor saying we want to talk to you. Those telephones should have been humming for months. People should have been down here in the Blaine House having breakfast and dinner and supper, because that is what I call where I come from, three or four times a week until the ball started to roll, and when we got here four days before Christmas vacation, we would have had something to work on.

Now I am not so naive, and excuse me for talking so long, but I am not so naive to believe that it is difficult for the administration to try to figure out in this moving target where the figures are. But if that is the case, they ought to at least say so, instead of pretending and putting off and delaying. We have got to get about the people's business here. We have got an enormous job to do. Nobody in Maine history, I don't think, except in the great depression, was ever faced with the task that we are faced with this year. State Government as we know it right now will not exist when we leave here. The Senator from Aroostook, Senator Theriault, said that just the other day, and he is right. What we know here will not exist when we leave here to the same degree that it is now. It was wonderful during the 1980's to be able to go into the Appropriation Committee and say, which one of these programs are we going to vote to increase and create, because they were all necessary. Now we are in a reverse pattern.

Well thank you for listening, I needed to say those things.

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

**Senator CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Senator from Franklin, Senator Webster has spoken, and in sharp contrast, the Senator from Penobscot, Senator Pearson, has spoken. I am pleased that Senator Pearson has reacted in such a positive, constructive fashion to the allegations that the Order represents, in fact, a legislative side show and/or a witch hunt, for its intention and its origin is neither of those two options. It is simply an objective evidence of the frustration experienced by legislators, and perhaps that term legislators is more representative of the frustration of the Majority Party than the Minority Party, for I have just learned by the Senator from Franklin, Senator Webster, that not only has the Republican leadership maintained an informational stream with the members of their caucus, which, in fact, has been the case with Democratic caucus, so he need not feel regret on our behalf, but that they have been apprised by the the Commissioners relative to all the current information. I submit for your consideration that, in fact, that the members of the Minority Party in this Maine Senate have been apprised of more information that is available to the members of the Appropriations Committee, before which L.D. 13 was heard in public hearing, or even the Committee on Aging, Retirement, and Veterans for which L.D. 12 was

heard in a long and drawnout public hearing last Saturday.

I have a question that I would like answered, if at all possible. I would ask the Senator from Franklin, Senator Webster, where the cuts are going to be made in each department as articulated by each commissioner, because if he knows, he knows something that I don't know, nor have I been apprised of same, even when I've asked, as have other members of this Democratic Majority Party Caucus. Even in response to the ever changing landscape to the sincere inquiries on behalf of the members of the Appropriation Committee, of both parties, for everyday, as has been their experience, or perhaps even every hour, I know every communication, the proposal that was embodied in L.D. 12 increased. It started about sixty million and then when formally presented to combine leadership on December 5th, it was seventy-three million, and today, at 7:30 this morning, it was eighty-three million. If we had not disposed of that as a major consideration, the kingpin, the reaction to this proposed to the financial crisis, yes, crisis of our state, it might tomorrow be, or even at 10:30 this evening be more than eighty-three million, who knows, and why? And the answer I receive too frequently, is why not.

So I echo the concern and reinforce the statements of the Senator from Penobscot, Senator Pearson, in his calm and reasoned response to the remarks by the Minority Party Leader. The Minority Leader has suggested that in this evening's action with reference to L.D. 12, an appropriate disposition for a flawed legislative proposal, fatally flawed legislative proposal, that the Majority Party has spoken, and I ask you, members of the Maine Senate, where were you, the Majority Party spoke and the Minority Party spoke in concert and unanimously, or has memory failed in such a short time span. The representatives of the people in the Maine Senate spoke loudly and clearly, for their is no question that L.D. 12 was rejected unanimously under the hammer and we all know that when that happens we claim participation and responsibility for that action, and I welcomed the members of the Minority Party who voted with the Majority in sharp contrast to their signatories on the Committee Report.

So it is with interest that I look at this Joint Order that was developed this evening in a form in which I was present, that succinctly summarizes the current condition within the legislature and the Appropriations Committee, and provides that Committee with the tools that it needs based on it's most recent experience, not only in the opening days of this 115th Legislature, but surely, echoed in the frustration and the ever changing landscape in the last days of the Second Regular Session of the 114th. When the final, for example, supplemental budget proposal was presented and then the colors began changing as it went from gold to blue, to green to goldenrod, to raspberry, and goodness knows what else, plaid stripped, sky blue pink. I submit to you that there is full justification for providing subpoena powers to the Appropriations Committee of the 115th Legislature to sword their constant frustration to seek the information they need to present a proposal that would in all likelihood address constructively, and I hope unanimously and bipartisanly, the fiscal mess we are in, for indeed it is. It was those subpoena powers that were

granted to the Committee on Human Resources relative to the AMHI problem that ultimately promoted resolution at best of that issue, and it was only when those subpoena powers were granted to that Committee that the appropriate, correct, and finally, the necessary data was provided the Committee, and they then tackled the issue. We could do no less for the members for the Appropriations Committee.

I urge all of you to support this Order so that we might lend our unanimity to that Committee and their deliberations while quite candidly some of us with relief go about the business of celebrating this Holiday Season. It is indeed appropriate that the Appropriations Committee be armed, if you will, with the tools of their trade. I wish them well, and I look forward to that meeting with our Chief Executive this evening that was originally scheduled for about 9:15 pm, and surely, the Senator from Franklin, Senator Webster, knows that when the leadership from the other end of the hall being in session were certainly unable to meet with our Chief Executive at the appointed hour, and courtesy is extended not only to the Majority Party and the Minority Party with enthusiasm and sincerity, we expect those same courtesies, frankly, to be extended in that understanding extended by our Chief Executive.

My understanding of the situation in summary is that a meeting will occur between all of us. I look forward to that meeting. 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. Before I respond to some of the rhetorical boloney that I have heard again, again, and again over the last two or three days, and in the halls, and over the speakers, and on this floor, I would like to commend the good Senator from Penobscot, Senator Pearson, because I think that his statement this evening was truly that of a statesman, and I think it was done with sincerity, and I do appreciate that. I do appreciate this one member that is willing to put together a compromise to work for a common solution, it is that Senator, and I mean that sincerely.

Now to the rhetorical boloney. We were just reminded by the President of the Senate about appropriate behavior. You know what I have heard, and I couldn't believe that I heard this, but I have heard tonight the Governor, not from this Body, but another Body, called a liar. Nevertheless, I have heard, I don't know where I heard it, but did hear the Governor being referred to as a liar. And you know what? When I was a small child, many years ago, I remember an event in my life, very distinctly, and I don't recall the situation, but I was inclined as children are, to call a member of my family a liar. And you know what? My mother slapped my face, she said that is inappropriate behavior. That is the only time that I recall my mother ever laying a hand on me. I would never refer to any member of this Body as a liar. I might disagree with every member of this Body, but I would never refer to them as a liar. And to refer to our Chief Executive Officer as a liar, to me, is unacceptable behavior!

I have heard today people say that Sawin Millett is not being candid with the numbers that he is

providing this legislature. I watched most of Sawin Millett's presentation earlier today, but it seems like three days ago, but earlier today, and I can tell you I was impressed with the presentation that man gave to a joint caucus of this legislature. I was impressed. The man stood up there for several hours of very, very difficult questioning. Not once did he loose his temper, not once did he loose his cool, and he even tried to retain his sense of humor under that questioning. I respect that man! And we're saying that he is not candid with numbers that are as managerial as this Senate's schedule? Ladies and gentlemen, they are every changing, they are ever being revised, they are ever being updated, that is the nature of the beast, that is state government.

I find it interesting that members of the other party have said over and over again, for the last week, that the Executive Branch is not willing to meet with them. They have said it over and over again. When joint leadership met on December 5th with the Governor at the Blaine House for lunch, it was late, and the chicken was a little over cooked, but we were all there ladies and gentlemen, we were all there, and at that point the Governor said, this is a situation that faces the State of Maine, as I see it, and this, ladies and gentlemen, is the proposal that I offer you. This is my plan, this is my solution. I don't ever remember hearing him say take it or leave it. I think instead the vain was, it you have a better idea, for God's sakes let me know because I could use the help right now! I find it also interesting that having learned that the hearing for L.D. 12 was scheduled for last Saturday, I had in all frankness not planned to attend that hearing, I have a little business, little business, but it is Christmas trees, and our busiest day happened to be last Saturday, and I wasn't planning to go to that hearing, and I received a phone call, and they said can you hold for the Governor, the Governor would like to talk to you. I held and the Governor's secretary kept coming onto the phone, said can you hold a little longer, and I said who is he talking to, and he said he is speaking to the Speaker and they are discussing the budget. I held for twenty minutes. After the Governor finally came on the phone, he apologized, and said he was talking with the unmentionable person, I guess, and asked me if I would please come to that hearing, that it was important to him.

Which brings me to another item that was brought up, the Governor not taking L.D. 12 seriously. He took this legislation very seriously! But when he says the inevitability that was presented, he said I don't see why Republicans should hang out there alone, the only ones to be responsible, but he was serious about that legislation. I heard today, also, that Members of the Appropriations Committee and the rest of the Senate shouldn't have to read in the newspaper about proposals that were coming forth, and probably they shouldn't, but I don't think I should have to read in the newspaper about some "fix it all plan" proposed by the State Treasurer Sam Shapiro, either, but I did. It is the way it is, things happen quickly here, proposals are floated, they are up and they are down. It happens quickly, everyone knows that here.

I think it is interesting that the suggestion I just heard, that we, the Republicans, have more information available to us than the Democrats. Now

that is a first, ladies and gentlemen, it is a first! That we have more information than that is presented to the Majority Party. I think it is almost humorous if it wasn't so serious, it would be humorous, because at last Saturday's hearing the Democrat partisan staff was passing out information only to the Democrat members at that public hearing, and I felt a little slighted, quite frankly.

We have talked a lot tonight about positive communications, cooperation, and the willingness of the legislature to get along, to get together. I would like to see some of that, too, ladies and gentlemen. I truly would. But, frankly, the day kind of started out on a bad note. At 7:30 the leadership, again, had breakfast at the Blaine House with the Governor, with Sawin, with everyone that is supposed to be in charge, and after that breakfast that ran late, the Republicans had a caucus, and then after we settled our caucus in, the Republican members of leadership came directly to the Legislative Council Hearing, and you know what had already happened? A pay raise for the Secretary of State, without the Republican members being present. That is not cooperation, ladies and gentlemen, and that is not positive. That is divisive as is this document that we have in front of you. It is destructive, it is setting a tone for a legislative session that is going to be difficult at best, probably the most difficult any of us that have been here have ever seen.

I guess I would like to end on a more personal note at 10:58 pm on the twenty-first day of December, it is obvious to me that whoever planned this schedule wasn't in charge of the cooking, cleaning, wrapping, and shopping for the multitudes. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would only respond to the Gentlelady from Sagadahoc, and her problems that she has been having by stating that if you are getting trouble with your phone calls coming in you can get call forwarding, and if you are getting problems from the second floor with prank calls, you can get phone smart. Thank you Mr. President.

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

Senator **BALDACC:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Very briefly the reason that I am supporting this Order, I guess, is as one representative out of one hundred and eighty-six, during the previous campaign we were looking at a shortfall of three or four hundred million dollars. We were sort of aware of that for the next biennium, and then when we got down here we were confronted with a situation where we are talking about a hundred and ten million dollars plus another forty million dollars for emergency assistance. And then after getting confronted with that, we were confronted with the fact that in the next biennium we could be short over seven hundred and fifty million dollars.

It is like a one, two, three punch, and it didn't get any better, it was like every time you get news



out of Augusta, it was worse, if you could believe it. I think that we owe it to the people in the State of Maine to make a determination exactly what is going on, what are the figures. How can you ask any Body in this entire legislature to try to grovel with that problem if that problem keeps moving and keeps getting larger and different scopes to it. I don't know whether I am trying to address a hundred and ten plus forty and seven hundred and fifty million, or I am trying to address the three or four hundred million dollar issue.

I think before I would move forward as a legislator, I think that information should be put forward, and we should have it all together, so we know exactly what we are looking at. I think that as an individual legislator what I would like to see done. How can you expect anybody to believe the figures from yesterday's newspaper when one day they talk about fifteen percent cuts across the board, and the next day they are saying it is only going to be two percent. I mean it is just so fluid that I think that we owe it to the people of the State of Maine when we are sitting here making decisions about cuts, about restructuring government, or whatever it is that we know exactly what is going on. So I think that we owe it to the membership here to do it, so I will be supporting this Order.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe I asked a question from which I have heard a response of the Senator from Franklin, Senator Webster, who shared with us his access to information with reference to the proposals tendered by the Administration and the Commissioners. My question was, and I shall repeat it, since he has suggested that the fact that they knew all that was to be known currently, and we didn't, and it was our fault, perhaps he will share with us where the cuts are going to be made, where these personnel layoffs or furloughs will occur, and if within what department, and to what extent? That is an expansion of my original question, but I anticipate the response to my question with eagerness. Thank you Mr. President.

The President requested that the Sergeant-At-Arms escort the Senator from Penobscot, Senator **BOST** to the Rostrum where he assumed the duties as President Pro Tem.

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

Senate called to Order by the President Pro Tem.

**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 eagerly respond to the eagerly requested question from the good Senator from Cumberland County, Senator Clark.

As I mentioned, and as she probably knows that answer, as I mentioned in my previous debate on several occasions, and on one occasion today, I have had the concerns about constituents who have called me who believe their job will have been eliminated, and in each occasion when that problem has arisen, I have contacted the Commissioner as I believe that any legislator ought to do, and ask in this particular case, and asked if this particular position was being eliminated. Although in this case he was not specific, he did say that he was going to recommend to the Governor at the time that he felt that this position was no longer needed considering the fact that the state was faced with placing priorities.

This Resolution we have reminds me of what the public sees the legislature doing. As I am traveling throughout in my business working on oil furnaces and talking to John, Mary, and Sue citizen, I find it interesting how frustrating it has become with the way that the legislature works, or lack of work, the way we study, and this appears to be another attempt, in my opinion, to study something. I would only hope that as we politic and we posture, and January 2nd comes around, that the citizens of the state who are going to be faced with some severe cut backs in state services are not extremely harmed by our actions, and I might add by our inactions having traveled to Augusta today to solve this problem.

I would only like to add that I have been toying with whether to mention this or not. I do find it interesting that the good Senator, Senator Clark, in reference to the fact that L.D. 12 was not a good measure. I would only like to mention to the members of this Senate for those who don't know the history of borrowing from the Retirement Fund, that the good Senator from Cumberland County, Senator Clark, bares the distinction of being only three members of a current legislature who voted in the early seventies to take the Retirement Funds. Thank you.

**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. I rise to correct a statement by the Senator from Sagadahoc, Senator Cahill. And I rise in my capacity as Chair of the Legislative Council.

The Senator from Sagadahoc, Senator Cahill, made the reference to the fact this morning that when the Republican Members of the Council came into the Council Chamber that the Secretary of State had already received a pay raise. I need to correct her statement because the motion and the action taken by the Legislative Council was to Table all pay raises. The members should also be aware that in that action was the requirement that we also set the salary for the newly elected Attorney General, which by statute says that they will come in, they shall on the initial appointment be established a step increase, the Council took that action. The other three individuals, the Constitutional Officers, are up for their annual review and those actions were Tabled.

In reference to my earlier statement, I apologize. I need to correct that statement that the step increases were approved, but the three percent pay raise was as it was held on the top Executive Officials were withheld from them, so they were

awarded their step increases, not the three percent raise, so that we clearly understand that there is a difference between them.

In reference to the timing of the Council meeting, we did have a leadership breakfast this morning, which I will take credit for. The second meal that leadership has had the opportunity to enjoy at the Blaine House, since both of them have come at my urging of the Governor. Not at his suggestion or his offering, I am starting to feel like a pest a little bit, but he does owe me a couple of meals because he has a tendency to bet on basketball teams that don't win, but be that as it may. When we left the breakfast meeting it was for two reasons. One, though we had not totally finished, we had pretty well wrapped up what we were saying, but there was quite a fair amount of clamor from outside of the dining room because the Governor had invited all the Republican Members of the Legislature over for a little refreshment this morning. The Members of the Council had an 8:30 Council Meeting, and told the Governor that we should leave so that we could conduct that business so that we could come into session on time, or somewhere close on time. At that time we talk about having a Joint Convention so that the Administration could speak to everybody at once through a spokesperson, which we had agreed to. We did come back to the Chamber, to the Legislative Council Chamber, as we had stated as I had announced when we left the breakfast. I will admit that the Members of the Minority Party were not in attendance at that, although they knew it was taking place, they did not express to me, or to any of the four that were there, that they would not be able to attend forthwith. Why they may have gotten tied up into a caucus at the Blaine House, it was something that they did not alert us to. The action by the Council vote, unless I misunderstand, looking at the history of the action of the Council vote, the step increases have always been approved just about unanimously, off hand I do not recall any separation.

I also apologize to the lateness of the hour, and I think that several of the previous speakers pretty well expressed themselves probably the Senator from Penobscot, Senator Pearson, did the best job describing the problems ahead of us, and it is pretty easy to stand up here and do a little bit of finger pointing, play a little bit of a blame game, and talk about where we are going to go from here. It somewhat easy to stand up and wash your hands from the entire thing, but the problem remains, we are here and we need to address the problem. Democracy may not be the best form of government, may not be the most efficient form of government, may not be the most expedient form of government, but it is the absolute best form of government that we have in this country, and it is how we are going to operate, and that requires an understanding of the role of the Executive Branch, and the Legislative Branch. Not always convenient, there are going to be hurdles to over come, but we are going to have to face the fact that this state has a problem and sit down and address it, whether we have the absolute solution, or the Governor have the absolute solution, I think we have today expressed what I told the Governor when he first proposed it, the Washingtonian approach of borrowing on the future, and I think that the Senator from Franklin, Senator Webster, probably said it best for me because I am tone deaf, he had said that the he wasn't going to put the tax burdens on the

shoulders of the citizens. When he first said shoulders, I thought he said children, but I guess that that is what they are willing to do, but the tax burden on the children.

We expressed a feeling today about that proposal, rather it was a best proposal or the only proposal, it is now gone, we now need to move to the next step and work together. We have been here all day, willing to meet, I agree that it is ludicrous that we have to start sending letters back and forth to each other from this floor to the other floor, to state we are here, waiting, willing to talk to you, and getting the curt replies that we have received that we have not been productive. I have in front of me a series of letters that have gone back and forth, again at my urging that we meet. The Governor's response is that "well, I was waiting for you to come back from Washington". If I remember correctly, he left on Friday, I left on the following Tuesday, he came back Wednesday, I came back Thursday, we both were in Washington at the same time, as a matter of fact, the President of the NCSL, Speaker Martin, and the Governor, Governor McKernan, both met with George Bush on the same day, but never had there been an interest or a desire to contact us saying, hey guys, we ought to get together. Well, if I had known that I would have cut my trip to Washington a day short and flown back with them, but since I didn't receive any communications or expressed desire of that, but that is all gone.

The only advantage of history is to learn from our mistakes and learn that the correct actions have been taken in the past. The track record right now is that there have been a lot of errors and a lot of mistakes. The question the citizens of this state are now asking, where do we go? If you are a state employee in this Christmas Holiday Season, wondering if the letter in the next day's mail is a Christmas Card or a pink slip, it isn't a very joyous feeling for them, and I think that this Order provides some incentive for the legislature as an Institution and as a separate branch to say to the Administration that we are going to take our share of the responsibilities and we are going to gather the information to make the intelligent decisions that we have to. Not as political parties of Democrats versus Republicans, but as an institution, as a legislature, and I think it is important that we move forward in a spirit of corporation and a willingness to reach a resolution that is agreeable to all parties. The Governor says I am willing to look for an acceptable alternative, well so are we, and what we now need to do is come together and find the acceptable alternative, because to continue to propose ideas or to have ideas rejected by one side or the other, and say we will absolutely not look at something, is ludicrous, and we will never solve the problem itself.

I stated, and I know that my members of leadership stated that they will meet whatever time that the Governor wants to meet, and we are willing to meet tonight. What I would like to do personally, since the Senator from Sagadahoc, Senator Cahill referred to the time scheduling that we sometimes hear, and how confusing it is, I would like to send you all home tonight and have leadership and the Appropriations Committee, I am sorry Senator Foster, stay here tonight and tomorrow, if necessary, and work so that when we come back we will have a

concrete resolution that is agreeable to the vast majority of members of leadership and hopefully us carrying the message of our caucus members back to all of you bringing something back that can be acceptable to you and entire legislative process and the administration. It will only be done when we decide to set aside the political rhetoric, the political rhetoric on both sides, the political rhetoric that only tends to grab a headline tomorrow, but not resolve the problem that we face here tonight and face the days, and the weeks, and the months, and even the years ahead, because that is the magnitude of the problem.

I offer on behalf of our leadership, our party, and the citizens of the state that elected us to work with all elected members, including the Governor to resolve this problem, because that is how serious it is. Not only in this point and time, but in the days, and weeks, and months ahead. Thank you very much Mr. President.

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Having served on the Appropriations Committee for six years, I will tell you that our Chairman is an honorable man and I believe everything he said. I have found him wonderful to work with. I come to you from the other Body as the "Mother of Mediation". I want you to remember that in the days that follow, because I do have an open mind, and I am willing to stay here day and night as we have done in the past, and we do get things done when you all go home, and we work from eight in the morning, and three in the morning, and day after day, and we shall do it again.

But when the good Senator was reading the Order, I had underlined the very same things that he mentioned. I don't know how to interpret this because the Order says "that we shall thoroughly study the anticipated revenues and incomes of state government and all departments, agencies, authorities, bureaus, offices and other bodies of officials whether independent agencies or departments, from any sources and all presently appropriated or anticipated expenditures". Ladies and gentlemen, I hear nothing that we are going to look at one of the proposed cuts to state government. I do not see that in this Joint Order. Now if we are going to spend all of this time studying anticipated revenues and incomes of state government, I wonder how long it is going to take. I would like to know if we have to be back this year, next year, this month, two weeks? And shouldn't we if we are looking at all of the anticipated revenues, at that time wouldn't it be appropriate for the people to say they don't know where the cuts are to be asking for them at that time? I have sat on that committee and had information overload. I have had members ask for information as piled on your desk so that you can find it, but we can do it again, and we will. It is a wonderful experience and I shall try to do the very best I can, and we will. But somewhere in this resolution, men and women of the Senate, we should have the information, if you don't have it, where the cuts are. I don't see it in the resolution. Thank you.

Senator **CAHILL** of Sagadahoc requested a Division.

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

**THE PRESIDENT PRO TEM:** The pending question before the Senate is **PASSAGE**.

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

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 **BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, PRAY, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - STEPHEN M. BOST**

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

**ABSENT:** Senator-elect **EMERSON**

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, and 1 Senator being absent, the Joint Order was **PASSED**, in concurrence.

---

On motion by President **PRAY** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

---

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

**ORDERS**

**Joint Order**

On motion by Senator **DUTREMBLE** of York the following Joint Order: **S.P. 47**