

MAINE STATE LEGISLATURE

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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

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-32)** in **NON-CONCURRENCE**.

On motion by Senator **CLARK** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease

Senate called to order by the President.

On motion by Senator **BOST** of Penobscot, **RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law

H.P. 192 L.D. 274
(H "I" H-33)

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

Senator **MCCORMICK:** Thank you Mr. President. I would like to pose a question through the Chair to the good Senator from Penobscot, Senator Pearson, who is the Chairman of the Joint Appropriations Committee. By passing this Supplemental Budget, do we in any way endorse or require the use of the Governor's so-called "Salary Plan"? This is the plan that he has enacted by Executive Order to push back state employee pay dates and to require them each take three furlough days prior to July 1st, 1991.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to respond to the good Senator from Kennebec, Senator McCormick. The answer to the question is no. The Governor is convinced that he has all the authority he needs to carry out this Salary Plan without any Legislative authorization of any kind. This Bill

makes no such authorization, expressed or implied. As members of the Senate know, the Governor's Executive Order is now being challenged by at least one of the affected Unions. By the passage of this Bill, we take no side in that dispute. The Bill does, on page twenty-eight, make recognition of the savings that the Executive Order would accomplish, because, unless and until that Order is duly overturned, it is the statusquo from which we must work. Should all or part of the Governor's Executive Order be overturned, the Governor would then be required to make savings in other ways by Executive Order, or he could return to the Legislature and make further adjustments. We will be sitting throughout this period, and that would require no special effort.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Before we enact this important legislation today, I believe that it is absolutely imperative that we reminisce a little about how we got to this point.

First, and most importantly, I would like to thank the Appropriations Committee, Senator Pearson, Senator Brannigan, and Senator Foster, for their diligent work and for reaching a unanimous agreement on this important issue. I wish we could have done so months ago. I think we all wish we could have. The citizens of the State of Maine also share that view point. Cutting spending, limiting the size of government, setting priorities is never easy. This legislation is definitely a step in the right direction. This legislation is a start, a start towards the difficult process of altering the spending direction of state government, the direction that our Budget has been headed over the past ten years. I regret that deeper, more meaningful cuts could not have passed today. I am extremely hopeful that our next Budget will revisit the important issues that we were unable to address, the 1991 Budget.

As a Senator from Franklin County, I have not enjoyed, as none of you have, this tedious Budget debate. But as Senator from Franklin County, I am pleased that this discussion has taken place. The citizens of our great state our demanding that we cut spending. The citizens of our great state, the factory workers, and the farmers, and the senior citizens have continued to demand that we make state government more affordable. This Budget, now, starts to address our long term spending problems. It is, indeed, a step in the right direction. This Budget stops the runaway train of the Maine Health Care Program, by limiting the costs of the Program to the actual money raised for it. This, ladies and gentlemen, is a major victory for the working people of our state, the people footing the bill, the people who ultimately must pay for any idea of any program that the Legislature establishes. This legislation forces us, the Legislature, the Governor, the public, to take a serious look at our AFDC Program. This is a major victory for the taxpayers of our great state.

Ladies and Gentlemen of the Senate. Few, if any of us, agree with every aspect of this Bill. Probably that is good! The art of compromise is indeed at work in L.D. 274. Today, I am going to

support this legislation, because speaking for the people in rural Maine that I represent, this is by far, without question, the best opportunity that my constituents have had, to date, to enact legislation to balance our Budget, while trying to create a Budget more in line with what they can afford. This legislation, L.D. 274, is indeed, yes, indeed, a step in the right direction. A step on a long staircase, a step that I am willing to take. A step much more realistic than the previous legislation and creating a much more realistic government for the people of Maine. After three months of battle, we have a winner! A decisive, clear winner. That winner, ladies and gentlemen of the Senate, is the people of our great state, the taxpayers who are footing the Bill. Thank you.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to make a few brief comments for the Record. The first of which pertaining to the current Budget.

To begin, like the good Senator from Franklin, Senator Webster, offer my congratulations and my gratitude to the members of the Appropriations Committee on both sides of the partisan aisle for finally reaching the long sought after Budget agreement. I think their hard work and diligence have not gone unnoticed by those of us who do not sit on that Committee, rather it serves as testimony to those of us who were beginning to lose faith in the process, that it can, indeed, work, if there is general agreement that it must work.

However, I think that the celebrative mood, if you can characterize it as such, should perhaps begin and end today. For the problems ahead are ones which will dwarf, literally dwarf the problems that we have only today, March 13th, come to grips with in this Budget. And quite frankly, I do not see very many substantive differences between the recommendations of the Adhoc Budget Committee and those that we are apparently in full agreement on today. There may be some, I simply haven't seen them. But be that as it may, the reality is, we are about to pass a Budget, and that is a very good thing.

I guess what really concerns me at this point is the process itself, and that is really why I am standing here today. We are being challenged, and rightly so, to rethink the structure of state government and to take action in that regard between now and June. And yet, in order to do so, we are going to change our approach here in the Legislature. I have the privilege of serving on two Joint Standing Committees, as do most of you, and like all Sessions past, at least those I have experienced, we are now hearing and deliberating on literally hundreds and hundreds of Bills, many of which carry enormous fiscal tags, many simply designed to modify or clarify existing statute. While I do not doubt for a moment that most, if not all, have been introduced with the very best of intent, including my own I might add, and they have the potential, in my estimation, for distracting us from what I believe our greatest charge must be, and that is to get into each and every one of the Departments under our various Committee jurisdictions. With

roughly half of the Session now behind us, and an estimated nine hundred and thirty million dollar shortfall before us, we cannot afford to allow ourselves to make hasty Budget cutting decisions in the last week of the Session. It is not fair to the Appropriations Committee, it is not fair to the Departments, and it is certainly not fair to the people who we represent back home. Therefore, it is imperative that we not proceed in the business as usual mind set, but that we familiarize ourselves as Legislators, to a degree that we are perhaps unaccustomed to, with the departments in the manner in which they operate, so that we can, in fact, propose the necessary cutbacks to the Appropriations Committee, knowing full well, exactly, what the implications are of those cuts. Now, if we approach the cuts as only a numerical exercise rather than a well thought out process of trimming the fat, consolidating resources, and scaling back expenditures, we can legitimately, I believe, be called in question. In the process, maybe we can assist those who work in those departments to do, low and behold, some innovative thinking themselves. Now that won't be any easier in my estimation than altering our own process.

By way of example, earlier this week the Human Resources Committee, one of the Committees in which I sit, heard a Bill that was sponsored by the Senate President, which would accelerate the process of computerizing caseloads within the Department of Human Services, and in doing so, enable intake workers to diversify additional functions, something that I believe is going to be inevitable. The Bill was opposed by the Department, not because it didn't recognize the need to do this, but because the Bill proposed that it be done by 1993 instead of 1994.

In the challenging atmosphere that we find ourselves in, this type of business as usual approach, and I might add, this is by no means unique to the Department of Human Services, is something that must change, and must change now. So I issue this challenge to all of us, and I include myself, not only as the Senator from District 11, but as one who sits on a Committee that may be asked to find the means to close as yet an undetermined gap, if, underline if, we do not ultimately identify nine hundred and thirty million dollars in cuts. Now is the time, while we have the time, ladies and gentlemen of the Senate, to look at every facet of every department, and by doing so, assisting the Appropriations Committee in making those inevitable cuts in the right places, and as deeply as they must be. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Having heard the remarks of the good Senator from Franklin, I am loathed to let them pass without some sort of an answer. It is nice to sit here and talk about going about the tidy job of downsizing government, and how we must get about the business of putting together a government which the people of Maine can afford. The people which the good Senator refers to as being people from his District, constantly asking him to cut back state government, to reduce spending.

I would like to tell the Senator that I have a different side of that story, that I am not going to participate in the downsizing of government while a member of this Chamber, if it results in removing the safety net which so many of our citizens need and deserve. I would invite the good Senator to come up to my Committee for a day or two of Hearings, to sit and listen to the people who are in need of state services here; the deaf, the developmentally disabled, the very sick, the very poor, and the elderly of this state. Spend a few days with us listening to the very great needs which these people have, and to realize that the only way these needs can be addressed is through us, we the people here, sitting as representatives of the people who sent us here. We represent them to make government work for them.

So I, like he, am not looking forward perhaps, to the next couple of months that we will be here, and to deal with the painful task of making revenues come out to be enough to meet the needs of the people of this state in a reasonable fashion. But unlike he, I will not be sitting here, working on a Budget that is going to remove the safety net which I have described. I am going to be here to make sure that safety net stays in place. Thank you Mr. President.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Maine Senate. Along with my colleague from the County of Cumberland, Senator Conley, I rise this afternoon in response to the some of the comments by my good friend and colleague from the County of Franklin, the Republican Floor Leader, Senator Webster. Senator Webster noted in his comments that the Budget document that we have before us this afternoon, constitutes in his view, a major victory for Maine people, and he bases his rationale because he views this document as a precursor to a new and improved, streamlined version of state government.

I would agree with the Senator in part, and disagree with the Senator in part. I would agree with him that this is a victory, at least of sorts, at least for Maine people, but I would disagree with him when he views this document as a precursor to a downsizing of Maine government. In my view, what the Budget document is, is an affirmation of the principle of democracy in action. Over the past, painful, and tortuous four months, virtually every member in this Body has had repeated contact with constituents and consumers of state government services, as well as with people, who in fact, finance state services. This Legislature rejected the simple solution which would have been to drastically cut state services in the guise that we had a fiscal crisis without a true appreciation of the long term consequences of those cuts. That is precisely why the document we have before us today does, as alluded to by my colleague from Cumberland, Senator Conley, this document does contain essential social services for people in our state who are in vital need of those services. Be it health care, be it income assistance, nutritional benefits, or what not. The point in all this, is that there is no ascetic algorithm which will be used to fashion our response to the states fiscal problems. There is no

ideologically driven solution to our states fiscal problems. We had solemn obligations, each and every one of us, when we ran for public office and we took our oath of office, to serve our people to the best of our abilities. Yes, that means tightening our belt when times are difficult, but it also means always being willing to hear and have compassion and understanding, even when our emotions and our energies have dragged over the last four months.

I have major concerns about the process by which we have fashioned this compromised Budget this afternoon, Mr. President. It seems to me that there has been a significant change in the tenure of Maine government, not in the services that we provide, but in the way that our publicly elected officials arrive at consensus and compromise. Without question, these Chambers have seen tempestuous, and difficult, and long drawn arguments in the past. Without question, in the past, issues have surfaced that have tested the temperament and goodwill of many of our colleagues today, or in the past. But from my prospective, the very tenure of legislative service has been altered, and I have seen that change in the past six months. For too often, I have heard people question not just the wisdom of another members position, but also their good faith in bringing positions to this floor and to this Chamber. We are all painfully aware of changes in our society and the changes in the way that the members of this Chamber are elected. We are all painfully aware of the increasing costs associated with running for office, and with the apparent full-time professional nature of this position. I think that all of us would agree that being a member of the Maine State Senate in 1991 is a much different proposition than it was ten, or twenty, or thirty years ago.

I can accept that, I recognize times change. What I have a difficult time accepting is how we view each other. We come in in the morning, we hear a prayer, we make some volant gestures towards good will to each other. All too often over the past three or four months, those symbolic gestures of good will have eviscerated over the course of the days proceedings. Too many times we question each others good will and purpose in joining the debate on what state government should do for people. I think it axiomatic that if we persist with this breakdown in the way we function persists, we will not be able to arrive at consensus on the far more difficult task of crafting a Biennial Budget. I have no illusion as a person who believes strongly in the efficacy of government intervention to improve people's lives. I will not be happy or pleased with the Biennial Budget which I will be asked to vote on sometime later this year. But that really isn't the point. In the past we have been able to transcend philosophical or political or partisan differences, under a mutual understanding of the necessity to go forth in good will. Not to serve any particular private agenda, but to serve the agenda of the people of the State of Maine. Maine is a very special place to live. We come back to our state, we see a billboard that tells us, "Maine, the way life should be". I am beginning to wonder if that isn't just wishful thinking.

As many in this Chamber know, I am somewhat of a baseball buff. About a month ago I went down to Portland for a baseball card signing. I waited four hours to get Yaz's and Dewey's signatures. I had a

lot of fun, I talked baseball for four hours. When I got to Dwight Evans, there was a fellow ahead of me who had played baseball on Dewey's baseball team when Dewey was twelve years old. It was truly a touching and an emotional moment that these two friends, separated for twenty-five years, coming together in Portland Maine. But the joy of the moment waned rapidly, because an usher from the company that was sponsoring this event, simply ushered away the good friend. He couldn't spend two minutes with Dewey Evans! Baseball has changed that much. When I was a little boy, I went to the ball park, I saw the ball players, and I rejoiced in that for my life. So baseball has changed. We can never get that back.

I think that the same sort of thing is happening here in Maine politics. The common wheel, the mutual respect that all of us have shared, the respect for each other because we have been willing to take time from our private lives to serve our fellow person. That is all changed. Goodness knows the next three or four months are going to be challenging, far more challenging than what has happened in the past! I believe that we have within ourselves to resolve the problems of state, but we are going to have to change the way we intercourse and interact with each other. We are going to have to recall that we are not Democrats, or Republicans, or Liberals, or Conservatives, or what have you. We are Mainer's! And we have to recall that Maine is truly a special place to live. In the final analysis, whatever Bill is a Democratic Bill, or a Republican Bill, may have some significance to those of us who run for public office, but I bet you no one in the State of Maine knows, and no one cares. What they care is that government care for them and respond to the needs of Maine people.

That takes me back to where I began. I think that this is a victory of sorts for Maine people, because their Legislature at this particular time is dominated by Democrats. But their Legislature has responded to the needs of Maine people, and the Democrats and Republicans have heard that. Although we have had some difficult times, we have finally been able to put together a Budget that I think does address the social concerns of our state, and yet brings us within the limited financial resources available to us. I urge every member of this Body to listen very carefully to what I say, to take it home with you tonight. It is far more important that whenever we end our legislative service, that we know that we have done all within our power to do what is right, not what advances some particular Parties agenda, but what is right by Maine people. It is so simple a truth, and yet apparently so difficult for us to abide by that simple truth. Thank you Mr. President.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think I would be remiss if I didn't say a few things before this passed. I would first like to say to the members of the Senate, that the staff that has helped us along the way have been taxed to the ultimate. Sometimes not sleeping for two days at a time. Sometimes only getting two or three hours in two or three days of work. As a matter of fact, seventeen hundred hours

of overtime. Maxed out in overtime already on just one Bill. Never complaining, always working, always trying to be as nonpartisan as they possibly can be. As a matter of fact, I have never received any complaint from members of the opposite political Party, which I am a member of, that they were lean one way or another. They always did their diligent duty. I would like to say, and I hope that they are listening, that words alone are inadequate to say how much all of the members of our Committee appreciated all of the work that they did, they do, and I know they will do in the future. We are blessed with some of the finest minds, and some of the finest dispositions that any Committee, or any Legislature could ever, ever have.

I would like to also say that with all the events that took place this year, which one could never have anticipated, that I lost a Co-Chair, and was faced with the inability to turn to somebody and say, "Now what do you think about this, and what do you think about that?" The appointment that was made to replace the good Representative of Winslow, Representative Carter, could not have been better. She has been a marvel to work with, a wonderful person, and I can see her in my mind putting her hand on her hip and pointing to me with her finger in my face saying, "You behave", and giving me the devil when I was wrong, and not only me, but a lot of other people. She has been the staying power that I needed, and I think the whole Committee needed, and was complimented a number of times last night by members of the other Party for how well she did. She stepped into a very difficult situation, drew on a lot of experience, and I can not compliment her enough on how she performed.

I would like to finally say, that I appreciate all the kind words and encouragement that people have given not only to me, but to the Adhoc Committee, and all the other people who attempted to solve this problem. I am just pleased it is all over.

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, ordered sent forthwith.

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

COMMITTEE REPORTS

Senate

Divided Report