

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME V

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

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FIRST CONFIRMATION SESSION

October 2, 1991

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SECOND SPECIAL SESSION

December 18, 1991 to January 7, 1992

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SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act Related to Membership in the Maine State Retirement System for Part-time, Seasonal and Temporary Employees" (Emergency)

H.P. 1405 L.D. 1987

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1403.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Under suspension of the Rules, sent forthwith to the Engrossing Department.

Off Record Remarks

On motion by Senator **GAUVREAU** of Androscoggin, **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:

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of Law" (Emergency)

H.P. 1402 L.D. 1985

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1401.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "LL" (H-821), "NN" (H-824), "MW" (H-833), "BBB" (H-839), "CCC" (H-840), "III" (H-848) and HOUSE AMENDMENT "UU" (H-831) AS AMENDED BY HOUSE AMENDMENT "A" (H-849)** thereto.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

House Amendment "C" (H-785) **READ** and **ADOPTED**, in concurrence.

House Amendment "V" (H-804) **READ** and **ADOPTED**, in concurrence.

House Amendment "W" (H-805) **READ**.

Senator **WEBSTER** of Franklin requested a Division.

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of House Amendment "W" (H-805), in concurrence.

A Division has been requested.

Will all those in favor of **ADOPTION** of House Amendment "W" (H-805), please rise and remain standing in their places until counted.

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

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, House Amendment "W" (H-805) **FAILED ADOPTION** in **NON-CONCURRENCE**.

On motion by Senator **BRANNIGAN** of Cumberland the Senate **RECONSIDERED** its action whereby **ADOPTION** of House Amendment "W" (H-805) **FAILED** in **NON-CONCURRENCE**.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to thank the good Senator from Cumberland for extending me the consideration to be able to talk about this particular amendment. I hope like many other Senators in here will be sticking with the Appropriations Committee on the majority of its report. This happens to be one of those amendments which I would ask the body to listen to the reasoning behind why it was offered and why it is before us here today. Why I think it is a good amendment to this budget. First of all it does not have anything to do whatsoever with the budget. It is not a money item. It does not have a dollar figure attached to it. Secondly, the issues that are dealt with in this particular amendment were dealt with in my committee, the Human Resources Committee this past session. There were two bills that came in the exempt mental health centers from the certificate of need process. Those bills were ultimately withdrawn. They were withdrawn from consideration and we worked with the parties that were interested in that legislation to insure that the Kennebec Valley Medical Center here which has a mental health facility and the Southern Maine Medical Facility which has a mental health facility got their certificate of need approvals through a process that was developed with the Commissioners from the respective departments. Essentially what happened here is during deliberations of the Appropriations Committee language was brought forward by one of these Commissioners to run what had been run during the First Regular Session. If it were not for that issue I would not rise on this matter. I believe in fact that this was a policy issue which was brought before that committee that did not have anything to do with the budget. Why is it important that the Certificate of Need process apply to mental health facilities. If it does not apply the rest of us who get health insurance will have to have our premiums increased. Essentially this will be a tax increase and although I consider myself to be a liberal I am not voting for 1 penny in tax increases in this Special Session and I doubt that I will vote for any in the next session. I do not think that we should be passing on to the insurance premium payers of this state extra monies that will have to be paid if these centers are exempted from that process. This process is a very meaningful one and it has worked. It worked this past time and anyone who was involved with those centers will attest to. For those reasons I believe this amendment is a good one and that is why I would request a roll call on this amendment. Thank you.

On motion by Senator **CONLEY** of Cumberland, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

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

Senator **BALDACCII:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Why I am not supporting this particular amendment as it pertains

to Bangor Mental Health Institute in the mental health hospital that they have been forced to go through the CON process even though those items in programs and processes were going to be revenue neutral and were not going to increase the taxes for the insurance premiums to people who have insurance. They were relegated to the back burner in the private hospitals were relegated to the front burner and it was the state hospitals and the state institutions that were put in the background. Even though they are revenue neutral and they have been shown to be revenue neutral they still have to go through that process. They were told that next year you will be the first one in line and we will put you off until then and the next year comes around and because they are not a private hospital because they don't have the powerful board of director so the top CEO is pulling for it with certain commissioners it gets relegated to the back burner. This waiver of those CON Projects and mental health projects in mental health hospitals needs to be given a higher priority and I would urge you to vote against this amendment. Thank you.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would also ask you to urge you to vote against the amendment. The good Senator from Portland, Senator Conley hit it right on the button. This doesn't belong in the budget bill. This has nothing to do with the budget that we are trying to put together here. The down sizing of AMHI and complying with the consent decree is an important issue for the mental health community and by putting this amendment on we are going to lose that whole process. We have a process right now whereby hospitals have been working together to utilize the beds that they have in the various communities so our mental health clients can go back to their home areas and be residents there in the facilities that need to be there to help them out. I would urge you to vote against this amendment. Thank you.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. As you know, I no longer have the privilege of serving on the Joint Standing Committee on Human Resources, but I did have the privilege of serving on that committee which is the primary arbiter of social justice in this state from the legislative form for five years. It was during that time that the Human Resources Committee had to confront what can be charitably described as dismal conditions in the state mental health institutes. The conditions were so sorted and so poor that the state for three years kept closer and closer to the possibility of a federal court order placing our mental health system under the purview of a federal court. We avoided that embarrassment we saw deaths at AMHI and a continued deterioration of the conditions for acute care mental health patients in Augusta and Bangor. As a result of that there was a class action filed titled Bates vs. Glover. The Bates class action was filed shortly thereafter the deaths of five patients in the Augusta Mental Health Hospital in 1988. Ultimately in 1990 there was a consent decree coming out of the Bates litigation. The consent decree adopted in large part the work product of many

persons truly knowledgeable on the articulation and delivery of mental health services in the State of Maine. It envisioned a five year plan whereby we would responsibly imbue communities with the requisite resources to provide for the needs of those who do suffer from significant and chronic mental illness in our state. At that time it was thought that we at the state level could in fact redirect the resources of state government to localities, community hospitals and community providers. To provide meaningful sustenance and services to patients formally receiving acute care services in our mental health hospitals. In fact, we succeeded in putting an amendment in our 1990 or 1989 budget which requires the state and the department of Mental Health and Mental Retardation to increase community based mental health services at a level correlated to reductions in the state budget for AMHI and BMHI. Since those halcyon days a lot has happened we have seen the State of Maine and most other states in our country come to the brink of fiscal armageddon. The states are not even able to maintain the basis of a social contract to provide even minimal services for those most in need. Some people are now articulating a very conservative vision of what states should do. They say that the Government which is best is a government which can do the least for the people. I don't believe in that.

I think we have an obligation to the people who are in our mental health system to their friends, their relatives and to all of us in this state who care about our neighbor to make sure that they are cared for decently. That is why we took such painstaking measures to assure the people who were transitioned to the community would receive appropriate supports. There was a subcommittee to the Joint Standing Committee on Human Resources that was formed last year that met with hospital representatives to assure that when community beds were developed or planned that there was a logical mechanism to provide funding for those beds through our state health planning system, the Certificate of Need program. Legislation is already on the books which allows for what we call a "fast track Certificate of Need". As is relevant to this discussion if the Commissioner of Mental Health and Mental Retardation believes that there is a need and an appropriate capacity for beds say in the Waterville area the Commissioner then can work with the local hospital and then can approach the Commissioner of Human Resources and request a fast track certificate of need. This would expedite a lot of what we refer to as red tape. That process is already on the books and as was mentioned by my colleague from Cumberland, Senator Conley. That process worked very well in Hospitals in Biddeford and here in Augusta. The process works well now. There is no particular need for the amendment which was put on the budget document in the Joint Standing Committee on Appropriations and Financial Affairs. My friend and colleague from Cumberland, Senator Gill says there is no need for this amendment today. Goodness gracious we already have a system which is working. Actually if we allow the language which is currently in the budget bill to go forth into law it would create a gaping hole in the Certificate of Need program. Now maybe that is a prudent course of action to take. Maybe we should in fact rethink the efficacy of health care regulation as it applies to the community and hospital venues in our state. But,

I have not heard a lucid explanation in these halls as to why we should embark upon such a drastic alteration in our health care planning policy in a budget which is supposed to be addressed for fiscal exigency. I usually dread repeating simplistic terms which are offered in debate but there is an axiom which has been hauled out so many times, let me once in my nine and a half years say it just once and only once, if it ain't broke don't fix it. 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. There's so much here and I hate to belabor this issue but members of the Senate the present language before the amending in the budget document, the present language calls for it to go before a CON process. That process that Senator Conley from Cumberland spoke about with Kennebec Valley and Southern Maine took one year. Talk about gaping holes, I mean if we're trying to get people back in their communities and we're trying to facilitate the consent decree we don't need to wait another whole year for them to go through the paperwork process and the red tape and getting facts and getting figures together before people can go back in their communities. People are trying to work together, let them work together. Let's put this amendment to sleep right here and let's take the budget amendment and correct the existing problem that exists now. That's what the amendment was put in the budget for was to correct the existing problem.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. My good colleague from Cumberland, the city of South Portland, usually gets the last word with me in almost all arenas but this one I'm not going to let go because now I've heard her speak on another side of this issue different from the way she has spoken to me in the past about it. This whole process, aside from the smoking mirrors that are starting to rise around here, has been changed. It has nothing to do with the budget. It was language that was slipped in by a Commissioner whose not happy with the Certificate of Need process. Nothing to do with the budget and it is a policy that was debated in my committee this last session and should be debated again in my committee next session upcoming if somebody wants a change. This document was not the one to change it in. I would call this a technical amendment. It's a policy amendment, nothing to do with money.

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of House Amendment "W" (H-805), in concurrence.

A vote of Yes will be in favor of **ADOPTION** of House Amendment "W" (H-805).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MCCORMICK, MILLS, THERIAULT, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BRAWN, CAHILL, CARPENTER, COLLINS, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, MATTHEWS, PEARSON, RICH, SUMMERS, TWITCHELL, WEBSTER

ABSENT: Senators EMERSON, VOSE

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion to **ADOPT** House Amendment "W" (H-805), in concurrence, **PREVAILED**.

House Amendment "Y" (H-807) **READ** and **ADOPTED**, in concurrence.

House Amendment "BB" (H-810) **READ** and **ADOPTED**, in concurrence.

House Amendment "LL" (H-821) **READ**.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I move the Indefinite Postponement of House Amendment "LL" (H-821). This amendment is long and complicated. I understand it deals with allowing comprehensive planning and growth management to go on in a voluntary fashion. I think we allow that in the budget if it needs more clarification. The Committee on Oversight should do that in January. Thank you.

On motion by Senator **BRANNIGAN** of Cumberland, House Amendment "LL" (H-821) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

House Amendment "NN" (H-824) **READ** and **ADOPTED**, in concurrence.

House Amendment "WW" (H-833) **READ**.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I move to Indefinitely Postpone House Amendment "WW". As much as we hate to cut in these areas, we believed it was necessary under these circumstances.

Senator **BRANNIGAN** of Cumberland moved to **INDEFINITELY POSTPONE** House Amendment "WW" (H-833) in **NON-CONCURRENCE**.

Senator **TITCOMB** of Cumberland moved to Table until Later in Today's Session, pending the motion by Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** House Amendment "WW" (H-833) in **NON-CONCURRENCE**. Subsequently, the same Senator requested and received Leave of the Senate to withdraw her motion to Table until Later in Today's Session.

On motion by Senator **BRANNIGAN** of Cumberland, House Amendment "WW" (H-833) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

House Amendment "BBB" (H-839) **READ**.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I move that House Amendment "BBB" (H-839) be Indefinitely Postponed. Certainly I don't make this motion lightly. I'm going to make a lot of motions and say a lot of things that I don't want to say to the Senate this afternoon. It is my understanding that this amendment would prevent the Governor from curtailing revenue sharing, as some would say would he to have the power to do that anyway, and certainly if there is anything that I would like to protect in the work we are doing would be in the area of revenue sharing. However, I don't think we should be

interjecting ourselves at this point in the process with this kind of amendment into this budget. My understanding was that it would be offered at another time and would be discussed more thoroughly by the proper committees and therefore, as painful as it is to move to keep revenue sharing open to cuts, I believe I should do that and I hope you will support myself and other members of the Appropriations Committee.

On motion by Senator **BRANNIGAN** of Cumberland, House Amendment "BBB" (H-839) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

House Amendment "CCC" (H-840) **READ** and **ADOPTED**, in concurrence.

House Amendment "III" (H-848) **READ**.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I move House Amendment "III" (H-848) be Indefinitely Postponed. This is a fee on attorney's which is probably very popular, but I would suggest that we do this in January. This is the way to do it, I believe it can be done at that time and no harm will be done in the meantime.

On motion by Senator **BRANNIGAN** of Cumberland, House Amendment "III" (H-848) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

House Amendment "UU" (H-831) **READ**.

House Amendment "A" (H-849) to House Amendment "UU" (H-831) **READ** and **ADOPTED**, in concurrence.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I move the Indefinite Postponement of House Amendment "UU" (831) as Amended by House Amendment "A" (H-849), thereto. We are down to one of the major issues left to be discussed and that is the Budget. Because this amendment, "UU", delivers a partial budget and a partial budget only. It is my belief that we are here to do a job which is to balance this budget and to balance it now, for now. It is my belief that as unpopular as that is, and as difficult as that is, for all of us, that we must do it. To postpone the pain until January, February or March is a disserve to the people. It is not an honest response to the work we have to do. Let me tell you the driving force behind my work and the work of the Appropriations Committee in the past few weeks, and especially in the past few days. The driving force that I believe says that we must pass a budget and it must be the full job for now. We have to make up \$105 million right now to balance this budget between now and June. Six months. We must signal to those who must cut, that they must cut now. They only have six months to do it. Its a terrible thing to ask people to do to cut in the middle of the year, but better now than a few months from now. The driving force is that once we have this job done, and I don't care what some radio poll showed when they said 100% of the people said we could not do the job. I wished I had called, because it would have been 99.9% that didn't think it would pass. I think we can. I think we will. We must, because once we have cured the \$105 million problem, we are faced immediately with another \$150 plus million. Over and above those cuts we make today and now must endure through 1993, but we must after than in January, February and March face another \$150 plus million to be cut out of that

year 1993 and waiting is not the right thing to do. We have been waiting too long, hoping is not the right thing to do for the future. We've hoped and waited our way into this kind of a mess.

There are other amendments floating around here and in the other Body that would make us wait. I'd love to wait. I'd love to satisfy my city people are sitting here. They have pleaded with me and begged me and let me tell you in the city of Portland we have just had a reevaluation. My taxes, I pay taxes there too, doubled from \$2,000 to \$4,000 when fully implemented. I'd like to say let's not do any cuts in revenue sharing, I'd like to say not any cuts to the schools but I don't believe anybody can really believe that we're going to get through this 250 million plus problem without some cuts and I believe, given where the power really lies in this legislative process, that the best chance we have for reductions is in the tailoring or similar tailoring as the Appropriations Committee did it. Cutting down on some of those cuts, tailoring some of the hurts to the people repairing the safety net that was going to be torn up by some of the original recommendations, I think that that's the best job on the whole that we can do for now.

Secondly, not only are we going to be faced with another 150 million but if we don't do this, if we prove that poll right which said we couldn't act, we just absolutely wouldn't act, then the Governor will, and probably must, begin to cut in his way with the tools he has and that is 41 million dollars in the next two or three or four weeks right across the board. Cutting things that we have not allowed him to cut, cutting things he didn't want to cut in this budget that we are presenting you today and somehow we haven't got a feel for what that's going to be like. Do we have to wait until January and February when the people who are affected come to us and say please, undo what has happened, we wish you had done it prior to Christmas. I don't think we're that insulated that we can't understand now what the pain of those 41 million dollars will be in January. I think we need to do the job now. We are broke.

For number three, our cash balance is in a terrible situation. We must act on our fiscal situation now and we must do a good job and we must do it completely. The last driving force is this for me, people hold us in low regard. Oh, not individually, we're all good fellows and good women in this Body, to some degree you're doing a wonderful job. But, this budget makes everybody unhappy and some people very, very unhappy. There's no way that we can make the people of this state happy about cuts but I think there is one thing we can do that will make people at least say that we're okay and that is to do our job and to do it quickly and not to delay, to push. I think that it is imperative if we don't want sandwiches appropriately named after us, bologna sandwiches, we need to act and we need to act in a decisive manner. We need to act right now to repair our fiscal situation so we can go on to do the job in January. So, I urge you to support my motion to indefinitely postpone this and other partial budgets that purport to allay the pain, it only postpones it, we will not have done our job. Thank you Mr. President.

Senator **BRANNIGAN** of Cumberland moved to **INDEFINITELY POSTPONE** House Amendment "UU" (H-831) as Amended by House Amendment "A" (H-849) thereto in **NON-CONCURRENCE**.

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

SENATOR MCCORMICK: Thank you Mr. President. Men and women of the Senate, I would ask that you vote against the motion to indefinitely postpone House Amendment "UU". This Body was presented a budget by the Governor back in October and after two months of work, hard work, by the Appropriations Committee which did just as the good Senator from Cumberland, Senator Brannigan, said improved upon the Governor's already difficult task. Improved upon, lessened the burden of the cuts, worked at even lessening the revenue sharing cuts and the cuts to general purpose aid to education. I and, I'm sure, all the Senators appreciate all the weekends and hours and nights and all the hard work that you put into that and I don't rise to disagree with you with any glee at all. I rise on a point of principle.

That principle is that contained in the unamended document before us is not pure cuts and contained in the amended document before us, the document amended by amendment "UU" to be specific, is 53 million dollars of pure cuts. Cuts in spending. If we were to delete this amendment we would go back to the document that contains more than just cuts. It contains cost shifts to the municipalities in the form of revenue sharing cuts. It contains an implication of property tax increases. It does not contain pure cuts and I agree with the Senator from Cumberland that we need to make cuts and that is exactly what amendment "UU" does.

What it doesn't do is it doesn't tax as the unamended document does. What it doesn't do is it doesn't shift the cost to the communities as the unamended bill does. And, so you say it's only 53 million dollars of cuts and we have a 105 million dollar hole to fill. Does anyone in this room really think that we are not going to be back in here in January with another revenue adjustment? With another prediction from the Governor's financial officer? Another hole that we must fix in this fiscal year? I for one think that we will be. I, granted, am new to this Body but in the year that I have been here this is continually happened. This is almost an annual event meeting in December and we were supposed to fix a hole and then we had another hole in February and then we had several holes to fix. So, I believe that we need to make cuts and we need to make them now and 53 million dollars in cuts looks pretty good to me.

Another point is that the budget document, unamended, I believe will not pass and those of us who want to leave here helping the Governor out in his difficult task of balancing the budget by producing some real cuts have a hard choice to make because I do not believe that there are the votes here to pass an unamended budget. I believe that this amendment before us, amendment "UU" is a very viable alternative. It preserves the integrity of the funding source to municipalities and it preserves the funding of education which has already been cut heavily. It restores the most onerous cuts to social services. Cuts, I might add, like low cost drugs to the elderly, home based care to the elderly, cuts that you and I know in our hearts will cost this state more money than the 500 thousand dollars we're saving in those cuts. It will increase the cost of health care, it will increase hospital costs, it will

increase doctor office visits. Yes, it saves general fund monies now but it is not in the long term interest of this state and it's time that some of us started looking to the long term.

Again, I am a new member to this Body and all I have seen since I've come is crisis. I have heard tell of happier days. I have heard tell of times when there's money and programs to fix things but I have not seen that and so, you know what I've decided to do? I've decided that I have to learn how to live with chronic crisis. I am no longer going to live and stay up all night long because we have to get this crisis fixed now. I know that crisis is going to be there in two months time, it's going to be there in a year's time. This crisis is going to be with us for five or ten more years and I, for one, am going to start to take a long view and start to make the kinds of decisions that this state has to take to bring us back up to economic competitiveness in the global economy, to make sure our health care cost goes down in the long term, that our citizens are taken care of and to not make quick, snap decisions that help fix this crisis that we have right now because it's going to be here again and the holes that we may fix now will cause a bigger hole later.

A lot has been made of the recent radio poll. It was bandied about in the other Body. So, I'd like to give my perspective on this poll. I think that the question asked to the radio audience was do you think that the legislators can come up with a responsible solution to the budget. I think the question there is responsible. The definition of the word responsible and we each have different definitions of that. My definition of what a responsible budget action on our part is is one that does not shift costs to the municipalities in cuts in revenue sharing and in GPA.

My definition of what is responsible is one that takes a long term view and does not cut the safety net out from under our neediest citizens. And, as you know, the Appropriations Committee made many cuts to programs that serve our neediest citizens. Many cuts that are not on this list. Many cuts that I can live with. We have listed in this amendment cuts that will actually be irrevocable, actually cost us more money, actually kill people, people will die. General assistance cuts, people will die. In Michigan they did this and 18 people have died in Michigan. A constituent just called me up that on the television news in Michigan where these kind of cuts to general assistance have gone forward it is a nightly event for the news to report. During the hostage days when they would say 101 days that people have been held in Lebanon as hostages, in Michigan they report how many people have died so far, how many low income people. I don't want that to happen in this state. I want us to take a responsible action, a long view.

And now let's talk for a minute about politics because that's what basically this is going to boil down to. I believe, as I've said, that the budget unamended can not pass. I could be wrong and I guess we'll see. I think that amendment "UU" offers a viable alternative to that and I hope that the Governor will seriously consider it. We need cuts now. All of us are willing to do cuts so let's do do cuts but let's not tax now and let's not cost shift now. Let's not take a short term view that will actually cost the state more money.

So, to recap, I urge that we vote against the pending motion and I ask for a roll call.

On motion by Senator **MCCORMICK** of Kennebec, supported by a Division of at least one-fifth the Members present and voting, a Roll Call was ordered.

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

SENATOR FOSTER: Thank you Mr. President. Men and women of the Senate, I rise, number one, to say to Senator Brannigan that that was the finest speech I have ever heard on the floor of the Senate since I've been here. I congratulate him. I want to tell you that I'm not a hero and I never pretend to be a hero and just remember that because you can't be a hero and do a job today. You say do things in a quick manner. We have been sixty days working on this budget we've been in the city halls of Bangor, the civic centers of Augusta, room 228 and we have listened to every one of you with your ideas. But, we have still been faced with a deficit that we have tried to overcome. This is a bipartisan budget. It did not come about in an easy manner but it is before you.

I truly believe that if you look at this amendment when you're restoring about 3 million dollars to the University of Maine, technical colleges and Maine Maritime and then we are looking for that kind of money later on, that you same people that come up with that amendment will scream at us and say don't take away from the poor and that is where we will end up having to look at. I have a great deal of empathy for everyone that comes before our committee but the charge of our committee and you as legislators is to take care of the needy people of the State of Maine. Who are they? They are the poor and the mentally ill and the mentally retarded and so forth and we have tried. But, by putting back money into the University of Maine, the technical colleges makes our job harder when we come back January, February and March. The state board already has come up with the thought that we were going to need 93 million dollars more for educational funding next year. Are you tuned into this situation? Do you know how difficult it is to find money? Have you looked at the budget sphere where money goes? 39% to education, 11 to the University of Maine, technical college. Have you looked at human services? Have you looked at every one of those departments and you yourself stressed yourself into finding out how you could do it? It is not easy and if you think you sleep well nights after that, you do not.

So, when you say to me, postpone this, we'll look at it later. We're going to look at that along with 150 million more and it's 200 million dollars and you're going to scream don't cut my program then. I truly believe that we can pass this budget. I look at the experience in this Senate. A man that's been on the committee many years. A man that talked to you today from his heart when his own city is pleading with him to postpone. That takes more courage than any of the rest of you will ever have if you know what these people have gone through. I implore you to vote this amendment down and at least to stand with the report, that as painful as it is, is an honest and truthful attempt by you who are elected to this body to send a message to the people of Maine. Thank you very much.

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I just would like to remind the good Senator from Hancock, Senator Foster, that there are really no heroes or villains here. I think just people trying to do their job. I will be opposing this amendment not because I oppose everything that's in it. I do support the restoring of monies in GPA and revenue sharing but I do believe that if we are going to get over this problem we have to make cuts at the state level and all those other monies that have been restored I think shouldn't have been. So, I have an amendment later that I will be presenting that will restore the funds to GPA and revenue sharing without everything else that's included in this particular amendment and I'll debate that at that particular time.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise also to thank the good Senator from Cumberland, Senator Brannigan, for the excellent speech he made. I may disagree with him on a number of points, I am cognizant of the great pressures that are put on the Appropriations Committee as the impassioned speech from the good Senator from Hancock, Senator Foster, has indicated that everybody has given blood sweat and tears down in that appropriations room. I've been there along with them. I've watched all of the compromises. I've watched all of the tears. I've watched the blood flow. It isn't a pretty sight, it isn't a pretty sight at all.

One of the things that Senator Brannigan said that it was a case of not postponing the pain. Well, he's right. It is a case of not postponing the pain but I think what we forget when we look at this budget and when we look at all the hard work that went into it is that there are some segments of our society in Maine that haven't participated on a fair share basis in that pain, in that blood, sweat and tears because rank and file was not allowed to even seriously considered sales tax exemptions, revenue sources, etc.

Now I'm known and I know I'm known as one of those to the left, one of those liberals who want to give all those programs to people. Forget the fact that I think that's what government is about, about giving programs to people, otherwise why do we exist? I understand that but I remember a report that was put out by the Audit and Program Review Committee, of which I am the Senate Chair, but before I was Senate Chair, it was a report that came in just as I came onto the committee. It was about the protective services child welfare and I can't give you the exact quote but basically the front piece of that and the quote was that we as a government should not be expected to choose between roads and children. We should not be asked to choose between roads and children because, guess what, we are a society that can and should do both. Now I know the kind of hair on the back of your neck is rising at those words because you know the straights that we are in. When I say those words to anybody what they say to me is ah, but Beverly, business cannot afford any more. If you have business, tax business any more or tax anyone any more than that business is going to fold and you're not going to have any employees that are going to be earning and purchasing power. Well, you know it's kind of funny about the money we give out, sure, we give out lots in

education. Education is what teaches the poorest of us of how not to be poor. What helps the poorest of us to get through the schools and colleges that other people might be able to afford on their own. So we're committed to that as a society throughout the United States, I hope throughout the world. So I can't listen to somebody say that because we're paying 29% or 50% or even, god forbid, 100% of the education costs in this state that that's wrong because, guess what, it is not wrong. It is exactly what we are here to do. It is exactly what we're supposed to do to equalize education. If we have to pay 100% of that then that's what we do. We're here to make sure that people have fuel in their oil tanks. We're here to make sure that people who have a mental illness are able to go to a mental health clinic. I didn't say a doctor, I didn't say a psychiatrist of their individual choosing, I said a clinic to be able to get their prolixin shots every two weeks so they don't end up in our state institutions. That's what we're here for and if that means we have to spend 100% of our tax dollars on that that's what we spend. What we have to do is have a fair debate. What we have to do is have fair input into how we share in that burden equally and to even make any kind of a statement that 53 million dollars in cuts in this amendment does not help to meet that problem is ridiculous.

There is another segment of that and the tax exemption may very well be that. I don't know, I'm not the tax expert but there are some in this Body who can address that question but we're not allowed to address that question. Why aren't we? Because the Chief Executive of this state says he will veto anything that comes down with that. I'm sorry my people but that is a bit crazy. That isn't negotiations, that isn't fair share, that isn't allowing me to even be in the debate. So we're not talking about that and when you say that we have to do it now, you're right, but we don't have to do it all now and we don't have to balance a budget now because we balanced a budget in July. We ran behind revenues. The proposal that's before you helps you to meet that hole it does not solve the entire problem but guess what folks, we have eighteen months to solve that problem and then you can have your towns in your debate with you, you can have your educators in your debate with you and you can have me in your debate with you. This is the very first time I, as a rank and file member of this body and I hope on an equal basis, have been able to express my views to the public and to the committees on this issue. That's what we're talking about and that's what we need to address. This amendment needs to be passed. In January I will be happy to work with you, as I have been sitting at that appropriations hearings forever, to continue doing that and to work this out. I will not be shut out of this debate. I have not been but only as of this time right now and I think that's an important issue and it's one we ought to be considering and let's get on with this budget, let's pass this amendment, send it down, hopefully it will get signed and then we'll get on with the business just a few short weeks from now and do what we're supposed to do. Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. All the Senators who have spoken have made valid points and I would like

to be voting for the amendment. It breaks my heart to vote against the communities and to cut revenue sharing to the degree that we are in this budget and to cut education and clearly the Appropriations Committee members were able to minimize the affects upon them from the original proposal. But I believe we have a responsibility to provide a balanced budget and with the information we have today, if we go along with this amendment we will simply not be putting forth that balanced budget that is required by the Constitution. So therefore, I will be voting in opposition to the amendment and with the Appropriations Committee on this matter.

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

Senator **CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise as well to ask this Senate to vote against Senator Brannigan's motion to vote for this amendment. Let me state my reasons for that as clearly as I can.

First of all, I understand and have been with the committee on many a night until one o'clock. On the amount of work they put in they've done a yeoman's job. My opposition isn't because the committee hasn't worked tremendously. They have. The problem is they recieved a failed budget, a fatally flawed budget from the executive branch from which they tried to make a valid and living document. Though they tried, they have failed in doing that ladies and gentlemen.

They would like to suggest to you that voting for this amendment will somehow unbalance the budget. The problem is the budget that we have before us is unbalanced. This budget is unbalanced and the four or five that I've voted on to date have been unbalanced from the same committee, from the same executive branch and we have another budget that is not going to be balanced. Let me give you a couple of examples. We have not dealt with the supplemental appropriations which generally are dealt with in January. That's an outstanding obligation for the year 1992, ending June 30th, for which we will have to find additional revenues to meet those obligations and the work of the Appropriations Committee will begin to do that. There are other items in the budget that are listed as savings that the Attorney General either has ruled as unconstitutional or questionable that will ever be achieved. So if you vote for the budget believing that you are balanced you are mistaken. It is not balanced. We will be back here filling those holes again.

What this amendment does is try to set some priorities. Does it fill the full 105 million dollars, no, it does not but neither does this budget. We will be back here working on both. It makes some sense to realize those cuts and those savings in revenues that we can agree to. To book those now they'll be more than sufficient to carry us through the next legislative session on which we can work forward in a thoughtful and creative way on meeting the rest of the state's obligations. I believe the people of this state expect us to act responsibly, not to cut for the sake of cutting, not to pass a document because somebody tells us it's balanced when we know in our own minds and judgements it's not balanced to begin with, that that is an incorrect statement.

Further, I think we have to realize that the document from the Appropriations Committee is a recommendation as it is from any other committee.

It's a process by which we delegate to committees, members of this legislature, to review recommended items of law and to make recommendations to the full body. It is the full body's right, responsibility and obligation to make a judgement on those recommendations. If they are sufficient and adequate to meet the needs and priorities set in the state. We have a right to debate them and we have a right to turn them down if we feel they are insufficient to meet those needs. We do not have a responsibility to support them solely because they would violate a sacrosanct process by which a committee recommendation has to be supported because it becomes unanimous. If that were the process then the rest of the legislature would not be needed. That's why we have 186 members, so each can exercise individual judgements.

There are many suggestions within this amendment but let me speak to one that I think is central to the issue and I think is strongest in my own opposition to the current budget. There is still 118 million dollars in cuts and municipal revenue sharing included in the Appropriation Committee's budget. This amendment would remove them all. If you look at your state budget, which is on your desk, you will not find one word, one line, one paragraph that talks about municipal revenue sharing. It is not in that budget so it can not be cut out of that budget. Municipal revenue sharing was set up over 20 years ago to recognize that the local property tax base is the most regressive form of taxation and that a broader base of revenue was needed to make it more progressive and fairer to local individuals. What this Governor has done and what the Appropriations Committee is recommending to you is that we take a stream of revenue that's not in the budget, is not a budget item, is not a cut in state budget anywhere but is diverted from our municipalities. Diverted from our property tax payers and used as a revenue increaser, as a tax increase to put into the state budget and we ask local property tax payers to pay for it either in reductions of significant services or increased property taxes. It's the only way it can be paid for. That's a major policy shift in this state, major. I don't think we should quietly go along with that.

This amendment is an attempt to remove that and I think it deserves consideration in that regard. The people of this state want us to set priorities. They want us to cut the state's budget not increase local property taxes. That's not what they've asked us to do. Unless we amend this budget and I believe this amendment is a fair and equitable way of setting priorities, allows us to come back in January, as we all will, to deal with additional shortfalls, additional holes, additional spending in the 1992 budget that have not been met by this Appropriations Committee. And allows us to do so in a thoughtful, rational way during this current budget cycle I believe we will be taking action that we will regret for decades to come. I hope you will not support the good Senator from Cumberland, Senator Brannigan, I hope you will vote against his motion.

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 because, from my perspective, as a legislator for the past seven years in state government I believe it's important to put on the record my perspective of the

fiscal predicament which is facing the state of Maine and try to put into context the debate on our budget calamity.

I especially appreciate the thoughtful comments of my colleague from Androscoggin, Senator Cleveland, who has proven in his short tenure in this body to be a most articulate and persuasive advocate of a progressive and equitable taxation and he has constantly called to our attention the inequities of the current tax structure which rely far too much upon the property tax. Just as my colleague from Androscoggin, Senator Cleveland, is all too aware from his many years in municipal service, of the portionate share on people's incomes exacted by the property tax. Certainly my other colleague from Androscoggin, Senator Berube, and I constantly hear from our constituents just exactly what a burden the property tax is and we hear from our local officials on how they have tried over the past several years to provide quality services at the local level within the political constraints of the tax structure provided by the property tax.

As mindful as I am about the problems, I remain disappointed with the discussion of the state's fiscal crisis not only in this body but also outside this body in the Maine press. I believe that the limited scope of discussion will ill serve us for years to come. Everyone is fully aware that the present means of financing government services is inadequate and does not have the support of the public. I believe everybody who have made the quantum sacrifice in their personal lives by offering themselves to public service or by assisting those who engage in those endeavors is genuinely attempting to reflect the needs of their various constituencies in the budget process. As the Senator from York, Senator Dutremble, noted there are no heroes and villains in this piece. We're all trying to do our job. I think because of that and because of the diversity of opinion and perspectives and backgrounds which this legislature, as any diverse legislature would have, because the diversity does produce a cacophonous range of opinions we are a likely and convenient target for criticism and that's fair game because that's part of the American political experience.

But I suggest to you that the limited range of discussion in this chamber and certainly in the Maine press has done little if any to meaningfully advance the store of human knowledge in terms of the fiscal predicaments which state governments faced. Simply put, state governments do not have available to them the resources to serve any longer as a safety net for those people most in need. We cannot confine the discussion, we cannot confine the debate to the state legislatures in this country. If we do that we will pit group against group, town against town, constituency against constituency. We will simply lose sight of those factors which would naturally bind us together and the social contract will gradually erode.

As was noted by perhaps some unscientific radio poll there is broad distrust from people in their elected representatives. But the discussion can not end there and no matter what we do today or tomorrow or next year, that discontent will not go away. We have to develop the awareness at the local level and the state level and, yes, even the national level on what our current tax policy and our current expenditure policies are doing to the American

people. Twelve years ago our national government dedicated a fourth of its budget to state and local governments in vital programs in social services and education and mental health. Human development, human need, they spent money on people. Ten years later the federal government was spending 17% of its budget on those same services. Per capita spending at the federal level remained constant during those years. Our investment in international order and defense rose to 330 billion dollars every year. And so for people to suggest that we can in a week or a session or two years all of a sudden unwreck the havoc that has been caused by the fiscal policies at the national level over the last twelve years is naive. It's most painful for me, as somewhat of a rank and file member not intimately involved in the ongoing work of the Appropriations Committee over the past several months, to watch the members of that committee strive valiantly to try to address the critical needs before that committee with the patently inadequate resources available to them. And it is in that context that I address the comments of my friends and colleagues from Kennebec and Androscoggin, Senators McCormick and Cleveland respectively. They make the very cogent case that there's very limited, if any, tolerance at the local level for further taxation. And clearly if we cut back in general purpose aid, if we cut back on revenue sharing we're engaging in a tax shift, we all recognize that. My mayor, Mayor James Howaniec, of Lewiston penned an 18 page opus, which I circulated for your reading pleasure. Mayor Howaniec makes the same point and Mayor Howaniec is a bright, young fellow who I think has an excellent career in politics and I wish him well. But I sense, again, we're creating this dissonance and this discord between state and municipal officials. It shouldn't be there. We serve the same people and as long as we engage in this debate, or whatever one wants to style it, we're not going to advance. We're not going to advance to the next class. We're going to stay at the same level.

I've listened to the not often sonorous, socially anorexic, liberalism libretto of those who criticize the capacity of government to meet human need. I'm not sure what song most folks are listening to but, you know, I go back to my community on Sunday mornings I walk around Kennedy Park in Lewiston, I see people who clearly have major, major psychological impediments or physical impediments. They're good people. They can't survive without supports. They freeze. You see their hands, they're gnarled. People just freeze. They're malnourished, people don't have the requisite educational supports, the social supports. I cannot in good conscience and I will not in good conscience walk away from those people.

I ran for the State Senate in 1984, the year that Ronald Regan was triumphant and I suggested that Ronald Regan was a very good person with a very wrong message. I'm not sure whose right and whose wrong and I can't judge that but I know the people of Lewiston thought that Paul Gauvreau should serve in the State Senate. And so I will still advocate for those in need, I will do so as long as I'm privileged to serve in this institution. But we have to expand the debate. Let us not get so wound up in this special session that we lose the forest for the trees.

The budget process is not segmented. It doesn't have these arbitrary points of finality. It's a

continuum. Last night I just finished a trial, I came up and I watched the House proceedings. That was mistake number one because all you wise men and women went home. Well, I was soon to realize, though I was disappointed in members of the other body who failed to secure enactment of their amendments on the budget document, saw a Senator amongst their midst who could offer their amendments in this chamber and I realized the frustration of the members in the Committee on Appropriations and Financial Affairs because clearly in these amendments we're seeing today we're pitting group against group, homeless people against children in need of child protection services. I don't know whose right. How can we judge which group has greater need. We have to make those decisions but it's very, very difficult.

Disappointed suitors in the budget process will come back in January. There is a supplemental budget, there is always a supplemental budget and they'll always have, as they well should have, the chance to advocate for restoration of funds for critical programs. When we err and we don't put enough resources into certain areas we hear about it from our people. It's called democracy. It's not called partisan bickering, it's called democracy. This is a very healthy process. We're too large an institution, we shouldn't have 186 people around here to make these decisions but we do, it's in our constitution, we're trying the best we can. I remain disappointed at the level of media discussion and reporting of these proceedings. I think it tends to denigrate this institution and in it the faith of the people in their elected representatives but that's not my call to make. I'm not in the media but I think the discussion has been sincere. We will have a most difficult time getting two-thirds of us to agree at any particular point in time where we should spend our money.

But I have a point in raising tonight, this afternoon, I don't mean to scare you Senator Gill from Cumberland. We have to make a decision and we have to go on. I tend to think there is great wisdom in the comments of the Senator from Kennebec, Senator McCormick, that we should look at an eighteen month budgetary process. But I've been around these halls long enough to know what's going to fly and what's going to stay on the ground and in my judgement, this vehicle is going to stay on the ground and not leave the airport. Although it disappoints me, I do believe in the process available to us, available to every member in this legislature to come before the Committee on Appropriations and Financial Affairs and to advocate to restoring funds in January and to engage in a meaningful discussion on this state's tax policy and the Senator from Penobscot has often spoken to that issue with great clarity and great wisdom. I believe we should look at tax exemptions but I don't believe we should unilaterally cut out tax exemptions without knowing what Connecticut and Massachusetts and Rhode Island and other jurisdictions are doing because we're obviously trying to maintain some minimal level of manufacturing base in our state and if we unilaterally change our tax exemption policy do we really know what the consequences will be for companies which may want to expand? I don't know and I think I, as a responsible legislator, have to know that information before I vote on these exemptions. I tend to think I'd be inclined to scale those

exemptions back but I have to have an accurate base before I can do that.

The process of budget articulation is undergoing major change and for the men and women who are now serving their first terms in this institution, perhaps they don't realize just how fast the pace has changed but as I look around the chamber and see heads nodding of those legislators who served for many years with great distinction and been involved in the budget process, they truthfully do appreciate just how much this process is changing. In a few years we'll know exactly what the role will be of the committees of jurisdiction and they will have, I believe, a much more significant role. I believe that's all to the good but we're not there yet. We haven't yet restructured this legislature. We have to use the current vehicle. We may not like that, we may advocate for change in this vehicle but we have to use the mechanisms we have today and so I stand today to ask you to support the work of the Committee on Appropriations and Financial Affairs. I believe this amendment, although it has great merit, is offered too early in the process. Perhaps if we are unable to reach a two-thirds consensus on a budget document we can reconsider this amendment, that I think has some merit. I really believe the process can serve us well if we get about the business of passing the budget, the budget as recommended by the Committee on Appropriations with the amendments we've had adopted to date.

Yes, this will mean sharing the burden, sharing suffering, but you know all social good in the world order doesn't just occur at the local level. Some of it occurs at the state level as well. There are some vital programs at the state level that have been scaled back, emaciated. We can't completely desiccate the tenure of services at the state level in responding to our friends at the local level who are crying out for need. We have to arrive at balance and the art of balancing these issues is most painful and most difficult. Reasonable minds can differ on whether the Appropriations Committee has given us the most balanced vehicle but I think those people around the chamber today will agree that given the competing pressures on the Committee on Appropriations that committee has done a good job in giving a balanced budget. It may not be the budget you want or I want but it is a balanced budget. It will get us into the month of January and this process can go forward.

I apologize for the length of these remarks this afternoon but I really feel, from my perspective, it's important to rise and express this point of view but I don't want the discussion to degenerate to a question of group against group, town against town, town against county, county against the state. As Americans and as Mainers we are going to have to work together. We're going to have to forge collaborative strategies to make government work for people.

As I was coming up to Augusta yesterday I heard comments of a national politician on the role of government. This fellow said it's not that the government is inherently good or inherently evil, it's the quality and dedication of the people who run the government who ultimately decide whether the government will be good and just or not. I believe there's great wisdom in those remarks and men and women it's up to us to work together through the process we have to craft a budget. That doesn't mean we cannot at the same time work to forge a new

process, a new way of developing the budget and I believe that will happen in the not too distant future but we have to use the tools available to us. There is no other reasonable alternative. For these reasons I rise today to urge that you reject House Amendment "UU" so we can go on to pass the budget document. Thank you very much Mr. President.

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

Senator **MCCORMICK:** Thank you Mr. President. Men and women of the Senate, just briefly, I feel I should answer one or two points that the good Senator from Androscoggin has made. First of all, I was not aware that I was speaking for an eighteen month budget process by advocating for amendment "UU". Although I will yield to the greater experience of the good Senator but I believe that basically what this amendment advocates for is 53 million dollars of cuts right now and as the other good Senator from Androscoggin so eloquently said, we will be back here in January, we will be dealing with holes in the budget. And at that time it is more appropriate to deal with, what I call, tax issues.

So, let's talk about taxes for a minute. Taxes is something that, after having taken the temperature of this and the other body, I have understood, we do not want to deal with during this Special Session. We do not want to deal with taxes. Then I say, and that is the reason why I cannot vote for the unamended budget. The unamended budget contains lots of taxes and what this amendment does, amendment "UU", takes out about 35 million dollars of taxes that are contained in the unamended budget. Let's just enumerate a few. Revenue sharing, 12.1 million, a shift to the property tax. Funds to eliminate general purpose aid to education, 16.1 million, shift to the property tax. Funds to eliminate tuition increase, 3 million dollars, basically cost shift to students or a tax on students. State employee health insurance, tax shift to businesses and people who have health insurance. I'm not counting all of that three, let's just say that half of the state employees, which I think is a very reasonable number, will not be able to pay the \$1,000 a year that we are asking them to pay on their health insurance. That means that's going to be 1.5 million dollar tax shift to businesses and people who have health insurance. And last, but not least, general assistance, a 2.2 million shift to the property tax. Now I add all that up with my little calculator and I get about 35 million dollars of taxes contained in this budget that we all are thinking of passing. We all who have said we don't want to deal with taxes now. Well, I don't want to tax either, I do not want to tax the middle class or low income people. I will not vote to do that and I will not vote for a budget that contains these things. I will not and that is why I am going to support amendment "UU" and I urge you to do it as well. 53 million dollars of cuts is what we need now. We do not need taxes now. If we're going to talk about taxes let's talk about them in January. Please vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** House Amendment "UU" (H-831) as Amended by House Amendment "A" (H-849) thereto, in **NON-CONCURRENCE**.

A vote of Yes will be in favor of of **INDEFINITE POSTPONEMENT**.

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**, **BOST**, **BRANNIGAN**, **BRAWN**, **CAHILL**, **CARPENTER**, **CLARK**, **COLLINS**, **CONLEY**, **DUTREMBLE**, **ESTY**, **FOSTER**, **GAUVREAU**, **GILL**, **GOULD**, **HOLLOWAY**, **KANY**, **LUDWIG**, **MILLS**, **PEARSON**, **RICH**, **SUMMERS**, **THERIAULT**, **TWITCHELL**, **WEBSTER**, **THE PRESIDENT - CHARLES P. PRAY**

NAYS: Senators **BUSTIN**, **CLEVELAND**, **ESTES**, **MATTHEWS**, **MCCORMICK**, **TITCOMB**

ABSENT: Senators **EMERSON**, **VOSE**

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **BRANNIGAN** of Cumberland, to **INDEFINITELY POSTPONE** House Amendment "UU" (H-831) as Amended by House Amendment "A" (H-849) thereto, in **NON-CONCURRENCE**, **PREVAILED**.

Off Record Remarks

On motion by Senator **TITCOMB** of Cumberland, **RECESSED** until 3:15 in the afternoon.
After Recess
Senate called to order by the President.

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Recess, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the following:

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

H.P. 1402 L.D. 1985

(In House, December 19, 1992, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "C" (H-785), "V" (H-804), "W" (H-805), "Y" (H-807), "BB" (H-810), "LL" (H-821), "NN" (H-824), "WW" (H-833), "BBB" (H-839), "CCC" (H-840), "III" (H-848) and HOUSE AMENDMENT "UU" (H-831) AS AMENDED BY HOUSE AMENDMENT "A" (H-849) thereto.**

(In Senate, December 19, 1992, Report **READ** and **ACCEPTED**, in concurrence. The Bill **READ ONCE**. House Amendment "C" (H-785) **READ** and **ADOPTED**, in concurrence. House Amendment "V" (H-804) **READ** and **ADOPTED**, in concurrence. House Amendment "W" (H-805) **READ** and **FAILED ADOPTION** in **NON-CONCURRENCE**.

Subsequently, **RECONSIDERED** and **ADOPTED**, in concurrence. House Amendment "Y" (H-807) **READ** and **ADOPTED**, in concurrence. House Amendment "BB" (H-810) **READ** and **ADOPTED**, in concurrence. House Amendment "LL" (H-821) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. House Amendment "NN" (H-824) **READ** and **ADOPTED**, in concurrence. House Amendment "WW" (H-833) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. House Amendment "BBB" (H-839) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. House Amendment "CCC" (H-840) **READ** and **ADOPTED**, in concurrence. House Amendment "III" (H-848) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. House Amendment "UU" (H-831) **READ**. House Amendment "A" (H-849) to House Amendment "UU" (H-831) as Amended by House Amendment "A" (H-849) thereto, **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Under suspension of the Rules, the Bill **READ A SECOND TIME**.

On motion by Senator **DUTREMBLE** of York, Senate Amendment "O" (S-493) **READ**.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I move the Indefinite Postponement of Senate Amendment "O". This, I believe, is another partial approach to the budget and even though not as extensive as the last one that we voted on it does remove certain portions, those that are most difficult for us to vote for and therefore more sympathy for it. However, it does the same thing as before. It postpones pain and gives false hope to some that we can, through some mechanism in the near future, taxes I'm afraid is the one that people have hope for, that we can postpone that pain for municipalities indefinitely. I believe that if we do have problems that are so sufficient, so serious, in early 1992 that any relief that we can get will need to be applied at that time. And so, I ask you to support my motion of indefinite postponement. Thank you.

Senator **BRANNIGAN** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "O" (S-493).

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

Senator **DUTREMBLE:** Mr. President, members of the Senate, when we started this process the Governor of our state said that he would not accept any taxes and I think that a lot of us agreed with that. A lot of us also said that we shouldn't shift the burden onto the property taxes. As a matter of fact both caucuses, if you remember, took firm stance not to shift the burden to the property tax payer. So what's happened in the last few months? We had a situation where you had some groups going around saying let's raise taxes to solve the problem. I didn't support that, most of you didn't support that and that sort of died. We had some other people saying let's look at tax exemptions. I could have supported some of those but that's gone by the board. We had just about everybody, everybody, saying no shift to the property tax. People back home, people we work with, municipalities, schools, democrats in the legislature, republicans in the legislature, right up and down the line. We said no shift to the property tax, no shift to the communities.

People talk about bologna sandwiches, I'll talk about bologna sandwiches. It seems that this place here that the people of Maine want you to do