

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE

In Senate Chamber

Tuesday

February 7, 1984

Senate called to Order by the President.

Prayer by Pastor Bruce W. Meyer of the Prince of Peace Lutheran Church of Augusta.

PASTOR MEYER: Create in me a clean heart, O God, and renew a right spirit within me.

Heavenly Father, you taught us that we are to love You with all our heart and mind and spirit, and our neighbors as ourselves. Before we turn to the needs and the welfare of our neighbors today and attempt to serve them, help us earnestly and prayerfully to turn to You first so that we might know how to serve others with Your heart and mind and spirit, then give us council and direction for the decisions of this day.

Lord, God, look with compassion, we ask, on the whole human family. Take away the arrogance and hatred of nations, have mercy on those who live within justice, terror and death as their constant enemies. Let Your Word be heard, Your love be known and Your justice be done among those who seek peace and life.

We ask this in the Name of Him who is the Prince of Peace. Lord in Your Mercy, hear our prayer. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill, "An Act to Clarify Certain Laws Relating to Education" H. P. 1544 L. D. 2034

Bill, "An Act to Authorize the Commissioner of Educational and Cultural Services to Adopt Comprehensive Rules for the Regulation of Schools of Barbering and Schools of Hairdressing and Beauty Culture" (Emergency) H. P. 1545 L. D. 2035

Come from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

Which were referred to the Committee on EDUCATION and ORDERED PRINTED, in concurrence.

(Off Record Remarks)

Bill, "An Act to Establish a Community Right-to-know Concerning Toxic and Hazardous Substances by Amending the Environmental Health Program" (Emergency) H. P. 1546 L. D. 2036

Come from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill, "An Act Relating to Penalties for Hunting without a License" H. P. 1547 L. D. 2037

Come from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill, "An Act to Permit Reasonable Visitation Rights for Grandparents when a Parent is Deceased" H. P. 1548 L. D. 2038

Bill, "An Act to Include Handicapped Persons as a Protected Group under the Maine Human Rights Act" H. P. 1549 L. D. 2039

Come from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill, "An Act to Clarify the Right of Municipal-

ities to Establish a Probationary Period for Employees" H. P. 1550 L. D. 2040

Committee on LOCAL AND COUNTY GOVERNMENT suggested.

Come from the House referred to the Committee on LABOR and ORDERED PRINTED.

Which was referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Bill, "An Act to Establish an Income Tax Credit for In-home and Community Support Services Provided by Families" H. P. 1551 L. D. 2041

Come from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which was referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

COMMUNICATION

The Following Communication:

DEPARTMENT OF CONSERVATION

February 1, 1984

Honorable Gerard P. Conley
President of the Senate
111th Legislature
State House
Augusta, Maine 04333
Dear Senator Conley:

The enclosed report of the Forest Insect Manager contains a financial summary of revenues and expenditures for the 1983 Spruce Budworm Management Program.

If you have any questions about the report, I would be pleased to answer them.

Sincerely,

S/ THOMAS A. RUMPF

Forest Insect Manager

Which was READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill, "An Act to Redistribute Unused Home Fuel Assistance Program Money" S. P. 756

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Presented by Senator PEARSON of Penobscot.

Cosponsored by Representative STROUT of Corinth, Representative MacEACHERN of Lincoln and Representative RANDALL of East Machias.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill, "An Act Relating to Funding of Stoneham Schools for 1984-85" (Emergency) S. P. 755

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Presented by Senator TWITCHELL of Oxford.

Cosponsored by Representative JACKSON of Harrison.

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested.

On motion by Senator PRAY of Penobscot TABLED until later in today's session, pending REFERENCE.

(Off Record Remarks)

COMMITTEE REPORTS

House

Ought to Pass

The Committee on ENERGY AND NATURAL RESOURCES on Bill, "An Act to Eliminate the Requirement for a Separate Application for Lands within the Settlement Corridor to be Entered into the Spruce-Fir Forest Protection District" (H. P. 1480) (L. D. 1943)

Reported that the same Ought to Pass.

Come from the House with the Report READ and ACCEPTED and the Bill PASSED TO

BE ENGROSSED.

Which Report was READ and ACCEPTED in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on PUBLIC UTILITIES on Bill, "An Act to Conform the Safety Jurisdiction of the Public Utilities Commission over Gas Utilities to Federal Requirements" (H. P. 1457) (L. D. 1909)

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED in concurrence.

The Bill READ ONCE.

The Bill, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill, "An Act to Amend the Adult Protective Services Act" (Emergency) (H. P. 1426) (L. D. 1871)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-462).

Come from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-462) as amended by HOUSE AMENDMENT "A" (H-463) thereto.

Which Report was READ and ACCEPTED in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-462) was READ.

House Amendment "A" (H-463) to Committee Amendment "A" (H-462) was READ and ADOPTED in concurrence.

Committee Amendment "A" (H-462) as amended by House Amendment "A" (H-463) thereto was ADOPTED in concurrence.

The Bill as amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Leave to Withdraw

The following LEAVE TO WITHDRAW report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill, "An Act to Provide for the Negotiation of Union Security Provisions" S. P. 267 L. D. 812

SECOND READERS

House

The Committee on BILLS IN THE SECOND READING reported the following:

Bill, "An Act to Clarify the Definition of School Construction" H. P. 1462 L. D. 1914

Bill, "An Act to Permit School Administrative Units to Acquire Certain Small Parcels of Land without Following the School Construction Project Approval Process" H. P. 1447 L. D. 1899

Bill, "An Act to Allow One Beano Game to be Played in a 24-Hour Period in a Single Location" H. P. 1433 L. D. 1878

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Senate

Bill, "An Act Prohibiting Release of Animals by State Humane Agents for Experimentation or Vivisection Purposes" S. P. 748 L. D. 2052

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Bill, "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" (Emergency) S. P. 752 L. D. 2055

Which was READ A SECOND TIME.

On motion by Senator PRAY of Penobscot, TABLED for 2 Legislative Days, pending PAS-

SAGE TO BE ENGROSSED.

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

Emergency

AN ACT to Maintain Equality Between Home Improvement Loans and Other Consumer Credit Loans. S. P. 648 L. D. 1838 (C. "A" S-279)

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

AN ACT Facilitating Maine's Participation in the National Central Registration Depository. H. P. 1446 L. D. 1898

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules, the Senate voted to consider the following:

COMMUNICATIONS

The Following Communication:
COMMITTEE ON ENERGY AND NATURAL RESOURCES

February 6, 1984

The Honorable Gerard P. Conley
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Energy & Natural Resources has had under consideration the nomination of Elizabeth W. Swain of Pownal, as a member of the Land Use Regulation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	2
	Representatives	8
NAYS:	Senators	1
	Representatives	2
ABSENT:		0

Ten members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Elizabeth W. Swain of Pownal, as a member of the Land Use Regulation Commission be confirmed.

Sincerely,
S/ SEN. JUDY KANY
Senate Chair
S/ REP. DON HALL
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

SENATOR McBREAIRTY: Mr. President and Honorable Members of the Senate. The two Republican and one Democratic vote in Committee yesterday against the nomination of Elizabeth W. Swain was not because we thought she was not qualified for the job, we all think that she is well qualified.

The Land Use Regulation Commission is a planning board for the organized and deorganized area of the State which is more than half. This area includes at least fifty unorganized townships that have population, it includes

fifty, more or less, plantations which are municipalities, and do have the same number of officials as your town and mine. It includes several organized towns that were organized after 1972.

The reason that we voted against this nomination is, because the LURC statutes says: "of the potential appointees to the Commission, the Governor SHALL give consideration to persons residing in or near the unorganized areas of the State." Presently, of the seven-member Board only one member is from an unorganized territory. The fifty or more towns and plantations have absolutely no representative at all on this Board. Even though they are being zoned and planned for, and pay all of the bills, they have absolutely no representative. Under the present make-up of this Board we have taxation without absolutely no representation in at least ten percent of the municipalities in the State of Maine.

If this had been reversed yesterday, and we had been picking a board from Northern Maine to do the planning for Southern Maine this building wouldn't have held the people in opposition to that recommendation. So, the point I am trying to make is that if this LURC Commission is going to continue to be the planning board for half the State of Maine, we sure better get a few people from that area on it, so that they have say in what is being planned for them and what regulations they have to work under. Thank you very much.

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

SENATOR KANY: Mr. President and members of the Senate. I just wanted to point out to the Senate that ten members of our thirteen member Committee did vote in favor of this nominee and we were extremely impressed with the testimony at the hearing. All testimony was very strongly in favor of this nominee, extremely competent, technically qualified person who is a forester.

In addition, I would like to point out that this person is from Pownal, but the previous nomination was a neighbor of the unorganized territory from Eagle Lake in Aroostook County. I do believe that the Governor's Office has received the message that there are a number of people on the Committee who certainly would like to see more nominees come from the unorganized territory and certainly the Committee is very sympathetic to Senator McBreairty's statement.

I would point out, also, that probably most of the land in the unorganized territory is owned by other than those who reside there and I am certain that this nominee will be an excellent member and I expect that person to attend the hearings and to really do their homework, too, which as you are well aware is a problem on many of our citizen commissions.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

SENATOR McBREAIRTY: Mr. President and Honorable Members of the Senate. My attempt is not to defeat this nominee, but to give a little information of what's happening. I am going to name the present board and where they are from: Charles Blood is from New Portland, Beren G. Harrington from Jackman area I think he does live in unorganized territory, Woodbury Brackett is from Auburn, Reynold Raymond is from Eagle Lake, (Wallagrass is right next to Eagle Lake which is very capable of handling their business and is a plantation that doesn't have anybody on that Board), Ray Owen is a professor at the University of Maine, Susan Morris, I guess who has just been replaced by the nominee is from North Waldoboro, John Walker is from East Livermore.

I would like to make a little correction, in that the land in the unorganized and deorganized is not owned by people Out-of-State. We do have paper companies that are owned by stockholders, many of them who live in Maine. Half the unorganized belongs to people just

like you and I, small land owners, homeowners, campowners and many others. These plantations, which is over fifty of them, or around fifty, and towns definitely are owned by the people who live there. So the make-up of the unorganized isn't too much different in ownership than the rest of the State. Thank you.

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

SENATOR DIAMOND: Thank you, Mr. President. Members of the Senate, Elizabeth Swain who used to be from Pownal and is now from Pownal is a very qualified individual, and I think that is what we are talking about today. The issue of geography, I think, is well heard and well taken but the issue before us today is Elizabeth Swain and her abilities, and has been stated that she does have a Master of Forestry Degree from Yale. She has a degree from Hampshire College, Amherst, as well as, that she has studied at M.I.T. in the same areas. So the person and the abilities and LURC is what's here before us today.

Having been a member of the Audit and Program Review Committee this last year we've just finished reviewing the Department of Conservation and LURC and I, as well as four of the members of the good Senator from Kennebec, Senator Kany's Committee, worked long and hard on the review of this particular program. They do have needs and concerns: the industries there, the citizens there, and especially the resources there and this woman, this lady, Elizabeth Swain, I feel as did ten other Members of that Committee, would fit that bill very, very well.

So, I would remind us that we are talking about an individual that is here before us today, and if we have a geography problem that needs to be dealt with at another time.

I would, also, remind all of us that if you've ever been to Pownal even though it is in Southern Maine, it is not what you might perceive as Portland, Westbrook, South Portland area. If you were dropped off in an isolated area such as Pownal, I think that you might feel yourself, that you were in unorganized territory. The people there are very proud of their community, they work very hard and Elizabeth Swain personifies that. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate. I am not going to necessarily argue with the comments of the good Senator from Cumberland, Senator Diamond, that we should not confuse too much the issue of geography with a particular candidate who is indeed, or perhaps is well qualified at least academically, but time and time again I and other members of the Legislature, on both ends of this building, who come from that area of this State, who are impacted the most by the decisions of this particular entity, have complained time and time again on this very issue of geography. Evidently, it is like "hitting one's head against the wall." So today I am going to vote against this nomination because I am one who is tired, after having spoken as I have now for six years, ad infinitum it would seem, without any results.

You know, a little article in the paper yesterday about the hearing, when Mr. Davies who represents the Governor's Office, his spokesman, said, "no applications were received from persons living in the Wildlands." "Wildlands," I love that! Evidently, Mr. Davies doesn't know what he is talking about and if he does he shouldn't have used that word to express the area that we are discussing today. I represent towns with several hundred people in them, some of them are organized communities, some of them are unorganized and some are plantations, they all fall under the Land Use Regulation Commission. Maybe a community with six-hundred people is a "Wildland," I don't think the people in Conner think so, and the people in Cyr, I don't think they think so either,

you know. I think it is very hard for somebody to think in the terms of what it is like to live where these people live unless you come from there. You simply cannot relate to the concerns and the problems that these people have unless you've lived there or unless you have had such an attachment to that area that you can understand the problems that these people are having.

You know, it is not like in the City of Portland or in other smaller communities also that I might represent such as Van Buren, and Madawaska where you can go to the local town office and receive approval for building or the like. You have to, if you live in these towns, go to some entity very far removed from where you live and on whose board there is, quite frankly, very little representation from the areas that you come from. You know, I have a feeling that whoever introduced the legislation to create the Land Use Regulation Commission didn't exactly envision that a board composed of seven members would have so little representation from the very places with the problems that they would be dealing with.

I think Senator McBreairty's comments are right on point. If this were some entity that was dealing with planning in the Southern part of the State of Maine, there wouldn't be people on it necessarily from the end where I come from and when you look at that map, ladies and gentlemen of the Senate, there is this huge chunk over there, about fifty percent of Maine and it all happens to be up my way. Well, I am just getting a little tired of this.

I don't know where the next appointments are going to come from on this board, but I know where this one is coming from and maybe there wasn't anybody that applied for this job from the Wildlands, but of course no one ever asked this Senator if there was anyone interested in his district because usually nobody ever asks us anyway and there are people down there that are paid to find these kinds of people and maybe they ought to try to find some of them.

I guess that what I am saying today is, and what I am going to start saying from now on, I am not just going to say it, I am just going to vote against these people. I don't care how qualified they are, you know, I understand the problems the Senator from Cumberland has and evidently this person is well qualified, but I don't think the Senator from Cumberland County can understand this problem in the way that I can and the majority of the Legislature that comes from the end of this State that I come from. Thank you, very much Ladies and Gentlemen.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pearson.

SENATOR PEARSON: Mr. President, Men and Women of the Senate, I think that you have graphically seen the level of frustration of Senators who are here from Northern Maine. I can appreciate that to a great degree, but I would like to tell you that Elizabeth Swain, in my opinion, has some of the best credentials I have ever seen any nominee have that appeared before any committee that I have been on: Masters Degree in Forestry at Yale, Planning at Massachusetts Institute of Technology. Her credentials are just superb.

I think that while I have, also, vented my frustrations with regard to the University of Maine Board of Trustees in this Senate Chamber, I am prepared to vote for good qualified people, and I think that she is one.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

SENATOR McBREAIRTY: Mr. President and Ladies and Gentlemen of the Senate, I just have to answer one question here, as to whether there has been any names presented from our area that are qualified. I submitted two or three names not too long ago, as quali-

fied people as I know of in our area that could have served on this Board. At this time there was a lady forester from our area just as qualified as this person, not more, this person is qualified. A lady forester we were told yesterday that she was turned down and wasn't considered because her husband works for the paper company. Now this should have nothing to do with whether you serve on a planning board or not, if you try to find people for a planning board that is not connected in some way with people who own property in that area you'll never find one.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended that the nomination of Elizabeth Swain be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Brown, Collins, Emerson, Hayes, Hichens, McBreairty, Perkins, Sewall, Shute, Teague, Violette.

NAYS—Baldacci, Bustin, Charette, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gill, Kany, Minkowsky, Najarian, Pearson, Pray, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Carpenter, Redmond.

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being absent, and 11 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be confirmed.

The nomination of Elizabeth W. Swain was Confirmed.

The Secretary has so informed the Speaker of the House.

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

Emergency

AN ACT to Provide for Reapportionment of County Commissioner Districts. H. P. 1487 L. D. 1950 (S. "A" S-282; H. "B" H-456)

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

On motion by Senator PRAY of Penobscot the Senate voted to remove from the Table:

Bill, "An Act Relating to Funding of Stoneham Schools for 1984-85" (Emergency) S. P. 755

Tabled—earlier in today's session, on motion by Senator PRAY of Penobscot.

Pending—REFERENCE.

On further motion by the same Senator referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator PRAY of Penobscot the Senate voted to remove from the Table:

Joint Resolution Encouraging the Establishment of Day Care Services For State Employees. H. P. 1390

Tabled—January 12, 1984, by Senator PRAY

of Penobscot.

Pending—Adoption.

(In House, January 4, 1984, READ and ADOPTED.)

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

SENATOR BUSTIN: I present an Amendment and move its Adoption.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin, presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-285) was READ and ADOPTED.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: Mr. President, I think that we are all aware that in our times that day care is an important service rendered to parents and children. I have admired groups all over the State, mostly in the home communities who have banded together to provide this kind of service, in various ways, for young families.

I think that it is appropriate that the State of Maine should look at this as a program for employees. I would suggest however that in this program of exploration that it ought to be a policy that every State employment location be considered. Now when we get into that we are talking in the several hundred locations where State employees act, work and move about. We are talking about a program of considerable proportion and potentially considerable cost.

I would hope that in that process that the cost would be looked at on a sharing basis, I think that it is important for the parents, themselves, to have a share in the process. I don't think that we would be wise to suddenly find ourselves with a bill running into the millions for our locations all over the State.

So I shall await with great interest what is developed by the committee. I am pleased that it is a management and employee committee that will be doing the work and I wish them well.

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

SENATOR BROWN: Thank you, Mr. President. Ladies and Gentlemen. There were several concerns that were raised in my mind when this resolution was first printed about whether or not we were interfering with a process that was already established and under way between management and labor. And most of those concerns have been laid to rest at this point, at least in my mind.

I commend the good Senator Bustin from Kennebec for offering the amendment that does some of that. I expect that my concern today, over this Resolve is a larger issue than one that we are dealing with now. I am reminded of the fact that we have got approximately forty-four to fifty percent of the women in this State who have children below age six that have to work. Those women have to seek day care and it is estimated in this country that we have probably fifty percent of the day care that is needed and necessary and of that fifty percent that exists probably twenty-five to thirty percent of that is really quality day care.

We are talking about an issue that is almost at National scandal proportions. We have an administration in Washington that has cut back drastically in areas, and there was supposed to have been two hundred million dollars that had been included for day care Nationally in the Social Services Block Grant and none of that to my knowledge has been serving that much around the County.

The distance between the workers and the non-workers in this State and every other state is not as great as it ought to be. We have individuals who have to work whether they be single parents or not single parents, that have to place their children in less than desirable surroundings, and until we can get a greater distance between the worker and the non-worker so that there is some incentive for the person

who is working to continue that working then we are going to have continued problems and any investment that we make in children, young children and the quality of the care that they receive is dividends that pays off for years to come. If we do not invest in that than we suffer the consequences. So I expect that again my concern over this issue is of a greater concern than the resolve that is before us, but I do want to make note of those comments.

Yesterday I passed out an article that was out of the Calais Advertiser that indicated that Washington County Vocational-Technical Institute is the only VTI in the State that does offer day care. I was reminded last Saturday on the street in Lubec where an individual came up and said, "how much longer is it going to be before we set in place a system so that those who want to work or want to get an education or further an education will have the kind of day care that they need for the children?"

Last year in this Chamber, I might add, we defeated an issue to increase the minimum wage, which was an effort to go ahead and make a little greater distance between those that work and those that don't work and we defeated it with considerable pride on the part of those that helped defeat that issue.

We are talking again about day care and about a lot more and we are talking about the minimum wage increase, or whether we are talking about day care provided to women who have to have day care in order to work or to continue their education.

So I expect that this Joint Resolve is not much better or worse than most joint resolves which probably are of more therapeutic value for those that offered it but nevertheless I am going to vote in opposition to this today. I request a Division, Mr. President.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President, and Members of the Senate, my party had a discussion on this issue last week, and I raised the concerns that had been projected to me by people I had discussed this issue with. Now let me make it very clear as I made this statement in the caucus that I am a firm believer in day care, but I believe as a Legislative Body we need more substantial facts as to why we are going in this direction. Yes part of the objections that I raised had been resolved in this amendment but it still leaves very clearly under the resolve part of the Bill, it states: "Resolve that we the Members of the House of Representatives and the Senate of the 11th Legislature on behalf of the people of the State of Maine encourage the development of a program to provide day care services to all or a substantial number of employees of the State of Maine and with due speed.

To all or a substantial number of employees is the key sentence, to this date I understand that figures are available but I haven't seen those figures as to what this projection means to all or a substantial number of employees in the State of Maine. This is critical. I believe we should have access to that information to know exactly what we are dealing with.

Secondly: "Resolve, the Legislature wishes to convey its hope and intent that day care program for all State employees will be operating at least as a pilot program by December 31, 1984." I haven't heard any discussion about a fiscal note of what this alleged pilot program is estimated or what it will cost as a pilot program or what the long-range projections are. I think this is of paramount importance that we have access to this information, and again, it is not because I am opposed to day care, I just need more information.

And finally, the last Resolve. That copies of this Resolution be transmitted to the Commissioner of the Department of Personnel, the Ex-

ecutive Directors of the Unions that represent State Employees with the intent that those individuals provide copies of this Resolution to all Members of the Committee currently studying the feasibility of providing day care services for State employees.

Now, if there is a Committee out there studying day care services, why are we putting the cart before the horse again in saying to these people: are we just trying to influence this particular committee? It's the purpose of the Committee to come back to the Legislature and tell us if it is feasible and practical based upon their findings. This is not a good resolve and I really encourage each and every one of you to analyze this thing very closely and do not act emotionally or impulsively but apply a little bit of reason and logic, at least in behalf of the people of the State of Maine and in behalf of the State Employees, whom, no doubt, are very worthy and deserving, but we need more information from the current Committee studying the feasibility of this program. There is absolutely no necessity for this particular resolve.

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

SENATOR WOOD: Mr. President, Members of the Senate. The necessity is if you don't act pretty soon Amanda is going to be grown up and she won't be able to take advantage of this day care program.

I would like to comment briefly on the need for day care and I would point out that, as Senator Brown alluded, day care is not simply a female issue, there are men that have to work and they have to have day care services, too. In this day and age, in most families both members have to work and they have to provide day care. So it's an issue transcends both sexes and it's an issue that if you've not been a parent looking for day care you don't understand the trauma that you go through. The trauma of making the decision that you both have to work, that's pretty much made for you, but then trying to provide the care that you feel comfortable with and that will allow you to work without having the anxiety of every day wondering how your child is being taken care of, and there is anxiety, even under the best of situations.

We are fortunate in our situation to have found someone who is willing to come in and take care of our child. But we, also, went to places where they had numerous children that would be taken care of in not the best of circumstances and we felt very unfortunate for those people that had no other choice but that. So I encourage you if you are concerned about children and concerned about parents working you have to, as a State, develop a program for day care.

There are many State employees that are not unionized, there are many State employees that work for the Legislature that have children, they also need services, there are many Legislators that also have children that could make use of these services and I can vouch for that.

The report that came out yesterday on Education in the State said that there was a lot of money needed for education and one of the areas that I was pleased that finally was recognized was early childhood education. You don't understand the impact you can make in those early years. I mean children learn how to talk, they learn how to walk, they learn how to do amazing things before they get into the school system, things the schools have nothing to do with and these types of skills, this type of training can take place in the day care setting and can lead to doing away with some of the problems we face later in life when that student is in high school and can't read or has a learning disability and it's really too late to do anything. If that child had been in an early childhood program maybe we would have prevented that.

And finally, this Legislature gives all kinds of

legislative sentiment. I mean: we recognize people if they've been married fifty years, we don't know if it's been a happy marriage, we recognize people that have lived to be 90, we don't know if it's been a worthwhile life for them, we tell Washington not to invade this country or not to do that and we never require a lot of proof. I think the proof is evident. If you have children you want to care for those children and as a Senate we are saying that we want to care for the children of the people that work for us. It is as simple as that.

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

SENATOR BUSTIN: I always take my life in my hands when I follow my good seatmate, the good Senator Wood in his very good deliveries in presenting his points of view but I am going to speak to the issue. It is a resolve that I have put in and I think that it is an important one, just so long as we as a Legislature use this system of a resolution and we recognize all kinds of different things, I think that is an important aspect of our society, that we recognize the importance of day care, especially as it relates to State employees. What we are looking for is to increase the quality of life for those children who are not otherwise taken care of by their parents during the working day. I think it is important to note that we currently have a pilot project kind of a situation going on at the Augusta Mental Health Institute at the present time and all the State does is donate a room and obviously the utilities and the heat, that kind of thing. I recognize that you can't say that is all that the State does because that, in fact, is a substantial contribution but all of the costs are borne by those people who have housed their children there during the day.

The current full rate is charged and it's \$50 per week for infants and toddlers and \$40-\$45 for two and one-half to five year olds. They can only handle twelve in the infant to two and one-half year old program and there is a huge waiting list, it is 40-45 people. I think that points up the need for setting up more day care centers.

Also, I commend the study and I hope that it continues but I want to read from a communication that I just received this morning, as a matter of fact, it's dated February 6 and it is from the Maine Commission for Women and signed by Jean Bailey-McGowen for the M.S.E.A. State Child Care Committee and she says: "Dear Interested Person: Due to a delay in the printing of the child care questionnaires for the State Government employees, the M.S.E.A. State Child Care Committee has rescheduled its employee informational meetings" and then it says "enclosed you will find a copy of the following: memo from Commissioner Bustin (that's another Bustin) to all Department Heads, re: questionnaire, and the questionnaire and cover letter which also lists the rescheduled meetings" and along with that is a memo dated January 23rd from said Commissioner Bustin to the Department and Agency Heads transmitting the child care questionnaire. So it is ongoing, it is important, we want to make sure that the Legislature give ample consideration to it and that we give an impetus to this commission to study the issue and get the study back to us. Thank you.

(Off Record Remarks)

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

SENATOR MINKOWSKY: Mr. President and Members of the Senate. Again there is no objection to day care, per se, but both previous speakers have addressed it only from the view point of the quality of life that are not taken care of by the parents, but they don't address the other part that there is a private sector out there, we have a lot of other kids who deserve day care services just as much as State em-

ployees. So let's not be elusive in our wording of this entire thing. We're talking specifically of State employees' children in this particular case.

The word trauma was used. I am impressed. If it that much of a trauma, people don't have children. I had six and I went through many traumas for the past thirty years and I know what trauma means. From the time they're born to hospitalization to critical situations, some people grow up and find out what it is all about, they won't be so receptive to use and ambiguous statements like trauma.

The private sector, if you are going to address this thing properly, let's be fair and equitable and address it on behalf of all the people in the State of Maine, whether it is the private sector or public sector but let's not use subterfuge or deception in trying to address this particular issue.

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

SENATOR BROWN: Thank you Mr. President. It is not often perhaps that I can agree with my good colleague from Androscoggin, Senator Minkowsky, but on this issue I agree one hundred percent, he is exactly right and on the point with this. It is not a matter of a war, whether or not we need or don't need day care. That is not even the issue. That was not the issue that I was trying to establish a moment ago and the reason for objecting to this is precisely for the reasons that he has articulated so well. Our two able colleagues here have stated very ably the anxiety that exists on the part of parents that have to go off and leave children in less than quality day care, who have to leave them at home when they have to go to work or children who have to come home after school into an empty house where there is no mother or father waiting with hot chocolate or cookies, or whatever things that the rest of us perhaps had when we came home. I am concerned about a lot of those things.

The people of Washington County would be delighted to have one of the jobs, the State jobs, that pays the kind of money that most of the positions pays and then offer the day care. They would be delighted to have one of those jobs and day care also in Washington County. For us to go ahead and offer this encouragement now with a specific group, without addressing the much larger need that exists in this State, is not reasonable or not rational on our part. Thank you Mr. President.

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

SENATOR WOOD: Mr. President and Members of the Senate. I would only point out that if you follow the good Senator from Washington, Senator Browns' comments to the logical conclusion, if we can't do something for someone, let's not do anything for anyone and then we're all happy. We have an opportunity to provide day care service for State workers. That is a beginning. I would like to see day care services available for all those people that need it, but at this point we are responsible for State workers and it would seem to me to be logical to make a beginning because I don't think there is any solace in knowing that everyone is anxious about this. I would think people would be happy to know that at least someone's needs are being met and if we follow that to its conclusion we might as well not be here because if you can't solve the problem completely, let's make everyone miserable.

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

SENATOR BUSTIN: Mr. President, Ladies and Gentlemen of the Senate, I hope not to delay this too long but I do think that I have to answer the charge, and I have to wonder where the deep emotion comes from and I'm not sure that it is an historical one or whether it is a current one or whether it just has something to do with how we put Resolves through these bodies.

I would say to the good Senator from Androscoggin, Senator Minkowsky, that I would be more than happy to entertain co-sponsoring a piece of legislation with him that would resolve to look into day care for the private employers if that's what he prefers to do. However, we have a piece of legislation before us, it's there, it needs to be voted on.

One of the things I didn't mention before were the latch-key children concept, and yes, that does hit private people as well as State employees, and it is a big problem that we have to address and day care centers could address that. You could have them in schools, as a matter of fact, and just keep the children right there if you set up a day care center for those children for after school.

However, I would appreciate whatever support I have in this Senate and that I would hope that we could vote on the issue now. Thank you.

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

SENATOR MINKOWSKY: Thank you Mr. President. The whole argument goes back to the original point of the second Resolve and we are still looking for how many people are we talking about who would be covered under day care services in State Government? What is the estimate of the fiscal note on this particular resolve? It's actually ironic to have this thing before us when you have got a committee that is studying the issue at the present time.

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

SENATOR PRAY: Mr. President, Ladies and Gentlemen of the Senate. I would only attempt to bring this debate back to the central point that we are discussing and that is that whether or not this Joint Resolution should receive the endorsement of this Chamber.

This is a non-binding expression of this Body. When I originally laid this on the table, I had the concerns that the Senator from Washington, Senator Brown, had first expressed and that was in reference to the influence that it may have in the collective bargaining process. Since that time I have been reassured, did some research myself, and came to the conclusion that the statement that I just made is the basic statement that this makes, a non-binding expression of this Body. It doesn't mandate that the State will establish but that it encourages and expresses our desire that a day care program be instituted. The State does not have to go through the collective bargaining process to adopt this, there is no requirement that the State pay for this program as was the concern that was expressed by the Senator from Knox, Senator Collins, and I believe in the sense that I have absolutely no problem of stating again, reaffirming my belief that this is a program, and there is no better place than this Body and for us to express to other employees throughout the State, that perhaps it should be addressed, to address those concerns that many parents have throughout this State.

(Off Record Remarks)

THE PRESIDENT: A Division has been requested.

Will all those in favor of the Adoption of this Joint Resolution, as Amended, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

18 Senators having voted in the affirmative and 7 Senators having voted in the negative, the Joint Resolution was ADOPTED, as Amended, in non-concurrence.

Senate At Ease

The Senate called to order by the President.

(Off Record Remarks)

On motion by Senator PRAY of Penobscot, Adjourned until 10 o'clock tomorrow morning.