

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Tuesday
April 30, 1985
Senate called to Order by the President.

Prayer by Father Valmont Gilbert of St. Augustine's Catholic Church in Augusta.

FATHER GILBERT: Let us pray. Father in heaven we know that all we have comes from You.

This morning we pray, that You'll let the sun of justice shine on all here present. Send Your spirit on the Members of the Senate; we have come together in the name of all the people of our great State of Maine. In all their deliberations, may they render justice to all concerned. Make the Members of the Senate creative, make them see Your image in those that have elected them to represent them as citizens of Maine. Let their words, during this session, give praise to Your Name, and bring harmony and peace, justice and happiness to all who reside in our State.

This we ask in the Name of Your Son, Jesus. Amen.

Reading of the Journal of Yesterday.

(Off Record Remarks)

PAPERS FROM THE HOUSE House Papers

Bill "An Act to Reauthorize the Forest Resource Assessment and Marketing Program" (Emergency) (H.P. 983) (L.D. 1413)

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

Comes from the House, Ruled **NOT PROPERLY BEFORE THAT BODY** being in violation of Joint Rule 24.

THE PRESIDENT: The Presiding Officer of the Senate rules likewise pursuant to Joint Rule 24, the Bill is not properly before the Senate.

Bill "An Act to Assure the Future of Maine's Forest Resources" (H.P. 984) (L.D. 1414)

Comes 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 to Encourage the Establishment of Statewide Standards for the Identification and Management of Child Abuse and Neglect" (H.P. 985) (L.D. 1415)

Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Relating to Leases of Aquaculture" (H.P. 986) (L.D. 1416)

Comes from the House referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning State-guaranteed Mortgages" (H.P. 987) (L.D. 1417)

Comes from the House referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **STATE GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Provide for a Law Enforcement Telecommunications System" (H.P. 988) (L.D. 1418)

Committee on **STATE GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House, Ruled **NOT PROPERLY BEFORE THAT BODY** being in violation of Joint Rule 24.

THE PRESIDENT: Pursuant to Joint Rule 24, the Chair Rules that this Bill is not properly before the Senate.

Joint Resolution

The Following Joint Resolution: H.P. 982
JOINT RESOLUTION COMMEMORATING THE 125TH ANNIVERSARY OF KNOX COUNTY

WHEREAS, Knox County commemorated the 125th anniversary of its incorporation on April 1, 1985; and

WHEREAS, the bountiful shoreline of Knox County gave rise to an impressive fishing and commercial industry; and

WHEREAS, the coastal villages of Cushing, Friendship, Owls Head and St. George, while summer havens for artists, are also the homes of the rugged lobstermen famous for providing the world with Maine's most popular delicacy; and

WHEREAS, in Rockland, the State's most productive fishing village, modern manufacturing and traditional crafts, such as boat building, merge to form a strong economic and commercial base for the entire county; and

WHEREAS, the interior hill towns, such as Hope, Appleton, Warren, Union and Washington dotted with lakes and bordered by rivers, make up the agricultural center of the county with productive and expanding dairy, wood and berry industries; and

WHEREAS, Thomaston, ancestral home of the American Revolution and famous for its historic sea captains' homes is also the home of the county's limerock industry; and

WHEREAS, Knox County, widely known for its lively liming industry which began in the 1700's, has quarries which rank with the deepest excavations for limestone in the world; and

WHEREAS, historically, the thriving interior and active coast lured many a graceful clipper ship to the port towns within Knox County; and

WHEREAS, Knox County, including the Town of Camden and the Town of Rockport, still boasts a lovely and scenic coastline attracting visitors and natives alike; and

WHEREAS, Knox County actively supports and make available to the public fine works of art and traditional crafts; and

WHEREAS, historically, the thriving interior and active coast lured many a graceful clipper ship to the port towns within Knox County; and

WHEREAS, Knox County, including the Town of Camden and the Town of Rockport, still boasts a lovely and scenic coastline attracting visitors and natives alike; and

WHEREAS, Knox County actively supports and make available to the public fine works of art and traditional crafts; and

WHEREAS, the county, in celebration of 125 years of hearty existence, is hosting an open house in May, complete with exhibits from all the municipalities in Knox County; and

WHEREAS, county-wide participation in the anniversary of its incorporation on April 1, 1860, is being actively encouraged in the schools of the county with emphasis on art and history reflecting Knox County and exposure to the workings and importance of county government; now, therefore, be it

RESOLVED, That We, the Members of the 112th Legislature assembled in First Regular Session, join together in recognizing and commemorating Knox County on the occasion of its 125th anniversary of incorporation; and be it further

RESOLVED: That suitable copies of this resolution be transmitted to the Knox County commissioners.

Comes from the House, Under Suspension of the Rules, **READ** and **ADOPTED**.

Which was, Under Suspension of the Rules, **READ** and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: (S.P. 538)
112th MAINE LEGISLATURE

April 29, 1985

Senator Edgar E. Erwin
Representative John M. Michael
Chairpersons
Committee on Agriculture
112th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated James M. Begert of Lewiston for appointment to the State Harness Racing Commission.

Pursuant to Title 8 MRSA Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/ CHARLES P. PRAY

President of the Senate

S/ JOHN L. MARTIN

Speaker of the House

Which was **READ** and referred to the Committee on **AGRICULTURE**.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Allow the Department of Human Services to Investigate and Provide Information on Community Health Issues" (S.P. 535) (L.D. 1436) Presented by Senators **ANDREWS** of Cumberland Cosponsored by: President **PRAY** of Penobscot, Representative **CARROLL** of Gray, Representative **JACQUES** of Waterville

Which was referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Concerning Access to Telephone Toll Records by Prosecutors" (S.P. 536) (L.D. 1437) Presented by Senator **CARPENTER** of Aroostook

Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Establish a Job Development Training Fund for Maine's Shoe Industry" (S.P. 537) (L.D. 1438) Presented by Senator **TUTTLE** of York

Committee on **LABOR** suggested and **ORDERED PRINTED**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled for 1 Legislative Day, pending **REFERENCE**.

COMMITTEE REPORTS

House

Ought Not To Pass

The following **Ought Not to Pass** report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Reduce the Incidence of Motor Vehicle Accidents among Maine's Young Drivers" (H.P. 624) (L.D. 893)

Leave to Withdraw

The following **Leave to Withdraw** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Concerning the Placement of Plows on Motor Vehicles" (H.P. 689) (L.D. 975)

Bill "An Act Concerning Remuneration for Substitute School Teachers" (H.P. 391) (L.D.

540)

Bill "An Act to Exempt Certain Unused Railroad Crossings from the Requirements to Stop" (H.P. 600) (L.D. 932)

Bill "An Act to Require that the Educational School Year Consist of 175 Consecutive Days" (H.P. 694) (L.D. 989)

Bill "An Act to Amend the Law Relating to School Days, Holidays and Special Observances" (H.P. 481) (L.D. 684)

Ought to Pass

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act Relating to the Hancock County Trustees of Public Reservations" (Emergency) (H.P. 802) (L.D. 1136)

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.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

The Committee on **EDUCATION** on Bill "An Act Relating to Conferring Degrees by the University of New England in Biddeford" (H.P. 216) (L.D. 250)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-96)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-96) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass in New Draft

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Prohibit Open Burning at All Municipal Solid Waste Disposal Sites" (H.P. 323) (L.D. 438)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 976) (L.D. 1399)

Comes from the House, the Report **READ** and **ACCEPTED** and the Bill in **NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-99)**.

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

The Bill in **NEW DRAFT READ ONCE**.

House Amendment "A" (H-99) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass in New Draft under New Title

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Require Motorcycle Liability Insurance to Include Passenger Coverage" (H.P. 382) (L.D. 526)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Concerning Passenger Exclusions in Motorcycle Insurance Policies" (H.P. 975) (L.D. 1398)

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, in **NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED**.

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

The Bill, in **NEW DRAFT under NEW TITLE, READ ONCE**.

The Bill, in **NEW DRAFT under NEW TITLE, TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Limit Aquaculture Leases to a Period of 5 years" (H.P. 824) (L.D. 1165)

Reported that the same **Ought Not To Pass**.

Signed:

Senators:

SHUTE of Waldo
CHALMERS of Knox
BROWN of Washington

Representatives:

CONNERS of Franklin
CROWLEY of Stockton Springs
VOSE of Eastport
RICE of Stonington
COLES of Harpswell
SALSBURY of Bar Harbor
MANNING of Portland
RUHLIN of Brewer
MITCHELL of Freeport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

SCARPINO of St. George

Comes from the House with the Majority **OUCHT NOT TO PASS Report READ** and **ACCEPTED**.

Which Reports were **READ**.

The Majority **OUCHT NOT TO PASS Report ACCEPTED**, in concurrence.

Senate

Leave to Withdraw

The following **Leave to Withdraw** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Concerning a Maine Viet Nam Veterans' Memorial" (S.P. 456) (L.D. 1259)

Resolve, Concerning a Study of the Impact of Residential Heating by Wood Stoves on Ambient Air Quality (S.P. 401) (L.D. 1111)

Ought to Pass

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds to the State Library for Support of the Information Exchange" (S.P. 269) (L.D. 727)

Reported that the same **Ought to Pass**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

Senator **CARPENTER** for the Committee on **AGRICULTURE** on Bill "An Act to Clarify the Laws Requiring Certification of Seed Potatoes" (S.P. 395) (L.D. 1105)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-63)**

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-63) **READ** and **ADOPTED**.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act in Support of Increasing Per Capita Funds for Public Libraries" (S.P. 270) (L.D. 728)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-65)**

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-65) **READ** and **ADOPTED**.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass in New Draft

Senator **BERUBE** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Encourage Early Identification and Treatment of Impaired Physicians" (S.P. 295) (L.D. 784)

Reported that the same **Ought to Pass in New Draft** under same title. (S.P. 534) (L.D. 1435)

Which Report was **READ** and **ACCEPTED**. The Bill in **NEW DRAFT READ ONCE**.

The Bill in **NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass in New Draft under New Title

Senator **KANY** for the Committee on **STATE GOVERNMENT** on Bill "An Act to Grant Certain Political Rights to State Employees" (S.P. 167) (L.D. 435)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Relating to Solicitations and Public Office Holding by State Employees" (S.P. 533) (L.D. 1434)

Which Report was **READ** and **ACCEPTED**. The Bill in **NEW DRAFT under NEW TITLE READ ONCE**.

The Bill in **NEW DRAFT under NEW TITLE TOMORROW ASSIGNED FOR SECOND READING**.

Senator **VIOLETTE** of Aroostook was granted unanimous consent to address the Senate Off the Record.

Senator **PERKINS** of Hancock was granted unanimous consent to address the Senate Off the Record.

On motion by Senator **GILL** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

The Senate called to Order by the President.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Clarify the Use of the Hand Fishing Scallop License" (H.P. 411) (L.D. 564)

Bill "An Act to Study the Location of the Supreme Judicial Court in the City of Augusta" (H.P. 973) (L.D. 1395)

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

Bill "An Act to Require Notice of the Smoking Policy in Restaurants" (H.P. 970) (L.D. 1379)

Which was **READ A SECOND TIME**.

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

Senator **CHALMERS:** I request permission to speak on L. D. 1379.

THE PRESIDENT: The Senator has the floor.

Senator **CHALMERS:** I only want to make a comment to the Members of the Senate that this is the Bill that says restaurants ought to put up smoking or no smoking signs. I just want to comment that this Bill has no penalty, very much like the Spurs Bill or Senator Bustin's earlier Bill. I think we ought to be aware that sometimes just passing Bills because it would be a good thing if we passed them with no enforcement, and because eighty percent of the people will go along with them if we pass them, I question if that's a very good idea. I only want to make a comment. I don't ask you to vote any other way.

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

Senator **BERUBE:** Thank you Mr. President, and Members of the Senate. The Bill before you does not require that the establishment, the restaurant, have a policy. It does not require that. Senator Chalmers is right. It does require that it have a sign that says "This is a smoking area, or this is a non-smoking area." But it also says that in lieu of that, that whoever receives you in a restaurant will say to you "Do you want to sit in a smoking or a non-smoking area?" You can do it verbally or you can have it posted in printed form. What the Bill does

is accommodate the peoples' wishes, the patron's wishes who wish to dine in an area that might not have smoke coming across while they're eating. You know for years, the industry has said we will do it on our own and some have, indeed done it either verbally or posting a little sign, but this is merely to nudge the others who haven't done it. Thank you.

Which was **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Investigate the Importation and Disposal of Solid Waste and Hazardous Waste in Maine" (H.P. 775) (L.D. 1096) (C "A" H-93)

Bill "An Act to Amend the Municipal Development District Law" (H.P. 370) (L.D. 525) (H "A" H-94; H "B"; H-97)

Bill "An Act Concerning the Removal of Child Abusers from the Household" (H.P. 954) (L.D. 1373) (C "A" H-98)

Bill "An Act Validating the Vote to Convert Wallgrass Plantation into the Town of Wallgrass" (H.P. 974) (L.D. 1396) (H "A" H-95)

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

Senate

Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provision of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 532) (L.D. 1427) Which was **READ A SECOND TIME**.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-74) **READ**.

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

Senator **BUSTIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate, I think most of you are either aware or have heard strong words about this amendment. I realize what I am doing, I realize that the Appropriations Committee was going to cut the entire payment for services in lieu of taxes entirely and then very graciously funded to the level of three hundred thousand dollars in the first year, and two hundred thousand dollars in the second year.

I was thankful for that. The towns involved are very thankful for that, and I am told I shouldn't upset the balance, that I shouldn't put in the amendment.

I am not putting the amendment to open up the Budget process. I want you to listen to that very closely because I know this is how you have been lobbied—if you accept this amendment that you are opening up the budget process. You are not, in my opinion.

We are not dealing with a money item at all. Not at all. All I am asking for on this amendment is that you not kill the program entirely, because what you are asking me to do is to come here again two years from now and put in another Bill that would ask you to fund the payment of services in lieu of taxes.

The City of Augusta, which is one of the towns that I represent, gets one hundred and sixty-nine thousand dollars under this program. I don't know what the figure will be with the cut, but nevertheless, that's what it is.

If we figure out our budget, for the services we deliver to the State, we spend seven hundred and sixty thousand dollars. Now I don't think one hundred and sixty-nine thousand is very much to give in respect to that. That is only one part of the picture. The arguments you will hear is wouldn't we love to have the State Capital in our city. Well I say, take it. If you want one-third of your tax base untaxed, and put it on the rest of your taxpayers, then take the State Capital.

I'm told that it brings in all kinds of money. I could show you figures on how much of that

money is earned in this city, and that we provide the services for, i.e., snowplowing, keeping the roads and sidewalks up to par, all of that. A good amount of that money goes out of this State, goes back to Portland, or Bangor, or wherever to be spent. It is not spent in the City of Augusta.

Further than that, I wonder if the Town of Millinocket would like to not tax Great Northern for their real estate. If the city of Westbrook would not like to tax S.D. Warren for that tax base. Would they all like to spread that over to their taxpayers? Because, after all, look at all of the money that's being made out of those two mills. I could go on and on of all of the tax bases that you have in your towns and cities. One-third of Augusta's base is untaxed. The taxpayers pay for the rest of it. I ask you, do you want that to happen to you? This does not open up the budget process, it merely gives the opportunity of this being funded two years from now. Now if they don't want to fund it two years from now, all they have to do is kill it then. At least I get the benefit of a hearing, the benefit of marshalling some forces, and arguing for it. At least I get that, that I don't have with the Sunset. Mr. President, when the vote is taken, I request a Roll Call.

THE PRESIDENT: A Roll Call has been requested. Under the constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is Ordered.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Mr. President, I move that Senate Amendment "A" to L.D. 1427, (S-64) be Indefinitely Postponed.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson moves that Senate Amendment "A" be Indefinitely Postponed.

The Senator has the floor.

Senator **PEARSON:** Mr. President, Men and Women of the Senate. In order to put together a budget, it is a very difficult process, it is long and tedious. It involved a lot of give and take, compromise and discussions, input and everything else. Toward the end of our discussions, well I should say actually about two-thirds of the way through or maybe three-quarters of the way through, as we were going from page, to page, to page, looking for the possibility of saving some revenue for what we anticipate will be difficult times ahead, it was thought by the Committee at the time, nearly unanimously with the exception of two people, that we should do away with the program dealing with money in lieu of taxes from communities.

As the process continued and we got to the very last day, and we were doing our last negotiations, compromises and dealing with both of the honorable parties which serve in this particular body, we thought it wise to instead of ending the program suddenly, to compromise with those people who supported it, much to the chagrin of those people who did not, to go to three hundred thousand, two hundred thousand and then end the program. With some member of the committee that was the only acceptable way that we could do it. We attempted to compromise, we attempted to please as many people as we possibly could. What's most important, we tried to hurt as few people as possible, with all the cuts we dealt with. We have very many more things to think about than that one particular item, but that obviously is important.

In an attempt not to look at cuts, I repeat that we tried to hurt as few people as possible. The people, I can tell you right off the top of my head that get hurt the most under this par-

ticular program are Augusta. Of the five hundred thousand dollars all together, Augusta gets I think one hundred sixty-four thousand dollars of it. The next in line is the City of Bangor which is forty-eight thousand dollars and the third is New Gloucester which has the Pineland Institution. From there it goes down considerable until it gets to the point where some towns that have fire towers get eleven dollars, or whatever. Many, many Maine towns get nothing at all from this particular provision. In addition to that, it is done on the basis of the square feet of the buildings that you have in your community.

Everybody has their concern about their individual communities, as well they should. I understand Senator Bustin's concern. If I were in Augusta, I probably would be articulating them also. My position was one of trying to hurt as few people as possible and we think we achieved that.

In my home community, and I suspect in a lot of yours too, there's lots of land with no buildings owned by the state, that is going tax free, and a burden. For example, in my community which is a University Community, the University owns probably twenty-five percent of the town. We can't expand, we can't put up buildings, we can't tax the property and we get no relief. Under the plan that we have in existence here, only if you have buildings would you get relief, and then not if you had University buildings. That's another issue, because they do get some other State Services in the University towns, in some of them anyway, not all of them.

So we made an honest attempt to try to deal with the different problems we had, and to raise the money that we could, by cutting lots of different programs. This was one of them. As we saw the need, as the good Lord gave us the wisdom to see the need, we increased some other allotments where we felt they were underfunded. We got to the point where we came up with the idea where we would do it three, two and then Sunset. For that reason, I ask you to Indefinitely Postpone this Amendment.

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

Senator **BALDACC:** Mr. President and Members of the Senate. Having been involved with the good Senator from Penobscot, Senator Pearson, and other Representatives that were affected when the Appropriations Committee initially had gotten together to decide to cut the appropriations for this particular area all together. I do applaud the Appropriations Committee in the work they did to come out with some sort of a compromise so it wasn't done away with out of hand. I think they did do a good job. The problem I have and why I think this amendment is needed is because it is a policy question. You have a policy question where the State is setting an example for the way others, who are tax exempt from property taxes ought to follow. A lot of services are required for buildings for Federal, State, County, other tax exempt organizations. A lot of services are required: snow removal, public works, garbage collection, police and fire. Those services have to be provided, rather than if you have a vacant piece of property, the services required for that are totally different.

I think the policy question here is that we've seen in the past two years, where the State set the example and others volunteered along with the State. As we heard about what happened in the Augusta area with different tax exempt organizations. I think the Governor and the proposal and the people that developed, the proposal were having the State set the example. I think to reject out of hand and to phase this project out is commendable, to a certain extent, but not allow this a public hearing at the end of that time, so municipal officials and others can come in and testify as to the worthiness, then I think we're all losing out.

I think those public policy questions ought to be decided by the body and not just curtly handed out of hand by the Appropriations Committee. I think it's up to this Legislature to decide the policy questions involved here. I think there are some definite positives here. Bangor has fifty percent of its' property as tax exempt; it doesn't receive anything for that property tax exemption. We have four hundred and fifty-five million dollars worth of property; fifty percent of it is tax exempt, but services have to be provided. Bangor happens to be a major city with public services, public oriented organizations requires services in these large cities and they are tax exempt. It doesn't cover it, but I think forty-eight thousand, which is what they were getting. It sets a good example. At least the State is trying to, and I think to reject this amendment would be a definite step backwards. So I would encourage you to support the amendment.

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

Senator **NAJARIAN:** Mr. President, Members of the Senate. I support this amendment for the same reasons that Senator Bustin and Senator Baldacci have given. I support it for another reason, because the Sunset would affect not the next biennium which is what the Part 1 Budget deals with, but the biennium after next. I think that it would be perfectly legitimate to amend this out of the Budget, especially since it doesn't require an appropriation and two years from now, someone could put in a Bill at the January Session in 1987, to repeal this and we would be no worse off than we would if we took it out now. Thank you very much.

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

Senator **TRAFTON:** Thank you, Mr. President. Mr. President, Members of the Senate. I rise, also in support of the proposed amendment and in opposition to the good Senator from Penobscot, Senator Pearson's motion for Indefinite Postponement. I echo the same reasons given by earlier testimony here today. I think the principal issue we are voting on today is the budget document. The Budget Bill we are now considering isn't an appropriate place for Sunset provisions on a program that expires after the term of this particular Bill. I don't think it is an appropriate place. The original concept behind the law that we are being asked to Sunset was to provide property tax relief to our municipalities. We took a step in the last Session to provide property tax relief to those towns and municipalities in the State that have substantial burdens on their backs due to the locations of State owned property.

Yes, I represent two towns that have substantial State holdings within their boundaries. So that yes, I am concerned about my constituents' interests, but more at issue today is: is the budget document an appropriate place to take this kind of action? Now I understand that this proposal is the result of a compromise within the Appropriations Committee. I understand the art of compromise. However, I think at some point the Legislature has to speak independently of its various committees, and say, "We want a hearing, we want the process to be open." I ask you to support this particular amendment as presented, and I ask you to oppose the motion currently before the Senate for Indefinite Postponement.

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

Senator **BUSTIN:** Mr. President, I request a Roll Call on this vote, and ask that the membership vote against the pending question.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution in order by the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those members present and voting.

Will all those Senators in favor of ordering a Roll Call please rise and remain standing un-

til counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by Senator Pearson of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-74).

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Black, Brown, Clark, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Maybury, McBreairty, Pearson, Perkins, Sewall, Shute, Stover, Tuttle, Violette, The President — Charles P. Pray.

NAYS:—Senators, Andrews, Baldacci, Berube, Bustin, Chalmers, Danton, Diamond, Hichens, Kany, Matthews, Najarian, Trafton, Twitchell, Usher, Webster.

ABSENT:—Senator, Carpenter.

Senator **DIAMOND** of Cumberland was granted permission to change his vote from Nay to Yea.

20 Senators having voted in the affirmative and 14 Senators in the negative, with 1 Senator being absent, the motion to **INDEFINITELY POSTPONE SENATE AMENDMENT "A" (S-64) PREVAILED.**

The Bill was **PASSED TO BE ENGROSSED.** Sent down for concurrence.

ORDERS OF THE DAY

The President laid before the Senate the Tabled and Specially Assigned matter:

HOUSE REPORTS — from the Committee on **EDUCATION** on Bill "An Act to Provide Whole Milk at Public Schools" (H.P. 482 L.D. 685)

Majority Report — **Ought Not To Pass**
Minority Report — **Ought To Pass**

Tabled — April 29, 1985, by Senator **VIOLETTE** of Aroostook

Pending — **ACCEPTANCE OF EITHER REPORT**

(In House, April 26, 1985, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, April 29, 1985, **REPORTS READ.**)

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

Senator **BROWN:** Mr. President, I would move the acceptance of the Majority Ought Not To Pass Report.

THE PRESIDENT: The Senator from Washington, Senator Brown moves the acceptance of the Majority Ought Not To Pass Report.

The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** Mr. President, I would ask for a Division on that motion, and would like to speak on my motion.

THE PRESIDENT: The Senator has the floor.

Senator **HICHENS:** Mr. President and Members of the Senate, this Bill was heard by the Education Committee a week or so ago, and we worked on it for quite a long time.

This Bill provides that the school boards have the whole milk available for the youngsters in their school lunch program. A few years ago, the Federal Government issued an ultimatum to all school boards that required 2% milk be available for the youngsters in the schools. They did not say that whole milk could not be available, but a great many school boards took that assumption, and since that time have required that all students have 2% milk.

This was brought to my attention a couple of years ago when I was on the Agriculture Committee to a different Bill on a different subject. I sent to all of my school districts in my area, and I found out that only one SAD District was providing a choice. All the others were requiring their youngsters to have the 2 percent milk. I wrote that up in one of my news articles, and I began to receive calls from many parents who said that they did not realize that their youngsters were refused whole milk in the school, and they did not like that idea. Apparently they did not put that much pressure

on in my area, because at the present time, three of the Districts still serve only 2 percent milk.

We had many arguments that were brought up against this Bill in the work session and in the hearing. Some were that it would slow down the line with youngsters making the choice. I refute that statement, because it is very easy to find out at the very first or second day when the choice is given to these youngsters as to what they will want from that time on.

They also said that there would be need for more storage room. I cannot understand why it takes more storage room to have two different kinds of milk available to the youngsters in their lunch program.

Then the humdrum of the whole thing was when one of the nutritionists stated that kids are not as active as they were forty years ago, so they do not require whole milk. Well, I have expressed that opinion to a great many people, and I haven't had one person agree that their grandchildren or even their children are any more inactive now than the kids were forty years ago. I believe that there are children in our school systems that require whole milk. Maybe a great many of them don't, but I think that the schools should provide a choice for them.

So, I hope that you'll vote against this motion to Indefinitely Postpone the Bill.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator **ERWIN:** Mr. President, Ladies and Gentlemen of the Senate, one or two points in addition to what the good Senator from York, Senator Hichens has made.

Since this program has been adopted of two percent milk nation wide, school milk consumption has dropped almost twenty percent. I'd like to give you the butter fat content: whole milk is ninety-six and three quarters of a percent fat free, and has one hundred and fifty calories; two percent milk is 98 percent fat free with one hundred and twenty calories. The difference in fat for the two milks is .0125. Thank you.

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

Senator **BROWN:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. I respect very much the good Senator from York, Senator Hichens remarks in regard to the Bill, and some of the arguments that he said were stated at the hearing—at the public hearing.

The point that I would like to make: The majority of the Committee felt that the present practices that are enforced in the public schools in Maine are adequate. If there are youngsters that reside in a school district whose parents feel that they should have whole milk, they have the option of going and requesting whole milk, and it will be provided.

Because of ease, and a number of reasons, local school committees and local educational institutions just routinely decide to offer two percent. Again, that was the milk of choice whenever a decision has to be made—over whether it's skim milk, or the two percent, or the whole milk—two percent, it was stated by the Maine Dietetic Association, by the people in the Nutrition Department of the Department of Education Cultural Services.

Some of us have children who have been brought up on two percent milk and never had anything else. So consequently, when they drink whole milk, they feel it leaves an after-taste in their mouth.

The fact remains that it's an issue that is locally determined presently. If parents want their children to have whole milk, they can go and request it. So, I would urge that you would accept the Majority Ought Not to Pass Report. Thank you.

THE PRESIDENT: A Division has been

requested.

Will all those Senators in favor of Acceptance of the Majority Ought Not to Pass Report, please rise in their places to be counted.

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

20 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence **PREVAILED**.

The President laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Provide that Cost-of-Living Plans for Retired Persons under the Maine State Retirement System shall Apply to All Participating Local Districts that do not Provide Social Security Benefits for Employees" (H.P. 661) (L.D. 944) (C "A" H-89)

Tabled — April 29, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED**

(In House April 25, 1985 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89).**)

(In Senate April 29, 1985, **READ A SECOND TIME.**)

On motion by Senator **VIOLETTE** of Aroostook Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

The President laid before the Senate the third Tabled and Specially Assigned matter:

Bill "An Act to Provide Coverage for Chiropractic Services Under Hospital Service Plans, Medical Service Plans and Insurance Policies" (S.P. 518) (L.D. 1392)

Tabled — April 29, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED** (In Senate, April 25, 1985, **READ A SECOND TIME.**)

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**.

On motion by Senator **VIOLETTE** of Aroostook, the Senate removed from the Tabled and Unassigned matter:

Bill "An Act to Provide for the Negotiability of Transfers, Reassignments and Promotions for Teachers" (H.P. 530) (L.D. 750) (C "A" H-61)

Tabled — April 22, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **FURTHER CONSIDERATION**

(In House, April 9, 1985, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**)

(In Senate, April 12, 1985, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-61)** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-61)** in **NON-CONCURRENCE.**)

(In House, April 19, 1985, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **LABOR** in **NON-CONCURRENCE.**)

On motion by Senator **VIOLETTE** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

THE PRESIDENT: In reference to the action of the Senate on April 29, 1985, whereby the Senate **INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE** on:

Resolve to name the Wiscasset Bridge the Donald E. Davey Bridge. (H.P. 373) L.D. 492)

The Chair appointed the following on part of the Senate:

Senator **DANTON** of York
 Senator **CHALMERS** of Knox
 Senator **SHUTE** of Waldo

Senator **TWITCHELL** of Oxford was granted unanimous consent to address the Senate Off

the Record

Senator **USHER** of Cumberland was granted unanimous consent to address the Senate Off the Record.

On motion by Senator **USHER** of Cumberland,

ADJOURNED until 10 o'clock in the morning.