

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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August 29, 1985

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STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Monday
June 3, 1985
Senate called to Order by the President.

Prayer by Reverend Robert Hargreaves of St. Marks Episcopal Church in Augusta.

REVEREND HARGREAVES: Let us pray. O God, the Creator of all that is. The Redeemer of the human race. We give you thanks for this great and beautiful State of Maine. For its' natural resources and people. For all of those who love it and those who serve it in positions of responsibility.

We pray, that at this time, you will grant the Members of this Senate special gifts of wisdom and discernment. That the choices that they make and the decisions on which they agree, may be governed by your will and the good of all the people. Grant that the people of this State may look to them with trust and pride and that those perceptions may be well earned, by these, your servants whom we now commend to you. In the name of Jesus Christ, our Lord. Amen.

Reading of the Journal of Friday, May 31, 1985.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 31, 1985

Honorable Joy J. O'Brien
Secretary of the Senate
112th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Authorize an Award System to Aid in Coyote Control" (H.P. 858) (L.D. 1217):

Representative SMITH of Island Falls
Representative DUFFY of Bangor
Representative CONNERS of Franklin

Sincerely,
S/ EDWIN H. PERT
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 31, 1985

Honorable Joy J. O'Brien
Secretary of the Senate
112th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Reduce the Hours Required for Master and Journeymen Electricians" (H.P. 419) (L.D. 599):

Representative THERIAULT of Fort Kent
Representative RYDELL of Brunswick
Representative BAKER of Orrington

Sincerely,
S/ EDWIN H. PERT
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

COMMITTEE REPORTS

House

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 Relating to Child Abuse Conviction Reform" (H.P. 880) (L.D. 1237)

Senate

Ought to Pass As Amended

Senator GAUVREAU for the Committee on **EDUCATION** on Bill "An Act to Clarify and Improve the Laws on Education in the Unorganized Territory" (S.P. 381) (L.D. 1048)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-182)**

Which Report was **READ** and **ACCEPTED**.
The Bill **READ ONCE**.

Committee Amendment "A" (S-182) was **READ** and **ADOPTED**.

The Bill was **AMENDED ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

SECOND READERS

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

House

Bill "An Act to Protect Deer Yards in the Organized Townships" (H.P. 1081) (L.D. 1573)

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

Bill "An Act Concerning Transitional Services for Handicapped Persons Beyond School Age" (H.P. 1131) (L.D. 1638)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, without reference to a Committee in **NON-CONCURRENCE**.

Sent down for concurrence.

House As Amended

Bill "An Act Concerning Inspection of Safety Seat Belts" (H.P. 432) (L.D. 612) (C "A" H-265)

Bill "An Act to Amend the Wood Measurement Laws" (Emergency) (H.P. 960) (L.D. 1381) (C "A" H-272)

Bill "An Act to Assist Workers' Displaced from Employment by Imports" (H.P. 594) (L.D. 864) (C "A" H-271)

Bill "An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife" (H.P. 408) (L.D. 561) (C "A" H-262)

Bill "An Act to Clarify the Rights of Tenants in Mobile Home Parks" (H.P. 534) (L.D. 909) (C "A" H-278)

Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations" (H.P. 1033) (L.D. 1485) (C "A" H-287)

Bill "An Act to Establish a Maine-New Hampshire Boundary Commission" (H.P. 1049) (L.D. 1525) (C "A" H-276)

Bill "An Act to Adjust the Statutory Ceiling for the Certificate of Need Development Account" (H.P. 1028) (L.D. 1480) (C "A" H-267)

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

Senate

Bill "An Act Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance" (S.P. 485) (L.D. 1313)

Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 210) (L.D. 568)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.
Sent down for concurrence.

Bill "An Act to Provide for Public Participation in the Development of Emergency Plans" (S.P. 554) (L.D. 1486)

Which was **READ A SECOND TIME**.

On motion by Senator GAUVREAU of An-droscoggin, Tabled until Later in Today's Ses-sion, pending **PASSAGE TO BE ENGROSSED**.

Senate As Amended

Bill "An Act to Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings" (S.P. 218) (L.D. 577) (C "A" S-176)

Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 335) (L.D. 898) (C "A" S-177)

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

Bill "An Act to Establish the State Employee Assistance Program" (S.P. 501) (L.D. 1362) (C "A" S-173)

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

Bill "An Act to Establish Mandatory Energy Standards for Publicly-funded Buildings" (S.P. 568) (L.D. 1496) (C "A" S-174)

Which was **READ A SECOND TIME**.

On motion by Senator BROWN of Washington, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED** Report.

Senator BROWN of Washington moved that the Senate **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Senator USHER: Mr. President, I request a Division and would like to speak briefly on this matter. We did Adopt Committee Amendment "A" (S-174) which was the Majority Report. The Bill states 'mandatory' which was probably the key word in the Committee. It was probably a sore spot because many, many people thought we were doing very well in the State without mandatory, and if we are going to start with mandatory work, let's start with our own State Agencies. The State Agencies now could stand a lot more work in forming their own energy standards throughout the State. As we discussed and found out that FAME gives out money and doesn't even require the certain energy standards.

So we figured that this is the first time this has been put before us and that let's start and set a good impression with the rest of the people, and if the State requires energy efficiency buildings, especially when they lend out money, that the example will continue on throughout the State.

The Committee "A" does state that and we felt that was sufficient enough to start it off.

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

Senator BROWN: Thank you, Mr. President. Ladies and Gentlemen of the Senate, you will find on your desk, this morning, an article that I have had distributed which deals with Committee Amendment "A" and Committee Amendment "B".

As the good Senator from Cumberland, Senator Usher mentioned a moment ago, the Committee Amendment "A" was Adopted last Legislative Day, and that was the Majority Report out of the Committee, by a small majority.

I would like to compare, for a moment, the differences between Committee Amendment "A" and Committee Amendment "B". One of the reasons that I am particularly concerned about this L.D. is as being a Sponsor of it, I have had some experience with it.

Six years ago, the State of Maine adopted a voluntary energy efficiency standard, and we have about fifty percent in compliance with that. Some of you know, part of the work I do,

involves nursing homes and building nursing homes and elderly housing. As a developer, and as someone who would be going after Federal or State dollars, either in the form of a Guarantee or a Direct Loan, it seems very reasonable to me, that there should be certain energy standards that are complied with.

What this Bill essentially was, is that it said that anyone who receives money from the State or the Federal Government to build any kind of a project, whatever it might be, should comply with certain minimum standards.

We have examples of elderly housing projects built around this State with electric heating — with minimal amount of insulation. The cost to the taxpayers is tremendous. Just a few examples — I could start with a site for you in Damariscotta, with the Miles Memorial Hospital was built by a Saint Louis firm and constructed with Federal dollars. According to the former President of the Maine Chapter of the American Society of Heating, Refrigeration and Air Conditioning, one inch of insulation was placed in the walls and the ceilings. When the contractor was talked to about this, he said the more the operating costs, the more the profit. That is the case in some instances, and it is true with nursing homes — it has been in the past.

In Biddeford, an old brick Webber Hospital was converted into a nursing home with no insulation. The developer said that insulation would reduce the operating costs and so reduce the Federal dollars, and no insulation is needed and all that, great.

In Dover-Foxcroft, a shopping center was built with one inch of insulation in the ceiling and none in the walls. The small store owners who are tenants have to pay a burden of excess in energy costs. A developer from Atlanta called the Energy Office here in Augusta, regarding the fact that we are one of five States, and the only one in New England, that doesn't have mandatory energy standards. When he was told there was no energy standards, he has very surprised, and then when he was asked what he expected to put into this building, he said "Well, maybe three inches."

There is no pressure to have to comply with any kind of standard. The good Senator from Cumberland, Senator Usher has indicated that we do not like to have things mandated to us, but there are certain things, ladies and gentlemen, that we have a right to have mandated — and one of them is having a mandatory energy standard with money that you and I are behind.

When State or Federal dollars are gone after, and the people who develop and build the buildings, should comply to certain energy standards. Drawing your attention again, to this distribution that you have on your desk, this very quickly summarizes two lengthy Committee Amendments. Committee Amendment "B" and Committee Amendment "A". The Minority "B", the one I would like for you to adopt today, require that all new publicly funded non-residential — that has been removed from the original Bill, the residential part — I would have liked to have seen that left in. All new residential construction conform to existing voluntary energy standards after January 1, 1987. But no comparable standards are in effect.

This gives the Office of Energy Resources the responsibility of insuring compliance which it will do with the existing staff, no new staff required, and it directs State Agencies to coordinate their energy building standards. It also gives them a time to comply.

Committee Amendment "A", the one that we Adopted, and the one the good Senator from Cumberland, Senator Usher, is suggesting that you stand behind, is going to require, and people from FAME have been to see me already, another person in their department at a cost of perhaps thirty-five thousand dollars. In addition, ladies and gentlemen, there are two

editorials attached to that distribution which I would urge you to look at, which simply supports this position.

Mr. President, Ladies and Gentlemen, I would urge that you would Adopt Committee Amendment "B". Thank you.

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

Senator **USHER:** Thank you, Mr. President. Could we have the Secretary read the Committee Reports?

THE PRESIDENT: The Senator from Cumberland, Senator Usher has requested that the Secretary read the Committee Report. The Secretary will read the Report.

Committee Reports were **READ**.

THE PRESIDENT: The pending question is the motion of Senator **BROWN** of Washington, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report. A Division has been requested.

Will all those Senators in favor of accepting the Minority **OUGHT TO PASS AS AMENDED** Report of the Committee, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative, and 9 Senators in the negative, the motion of the Senator from Washington, Senator **BROWN** to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILS**.

The Bill **READ ONCE**.

Committee Amendment "B" (S-175) **READ** and **ADOPTED**.

The Bill as Amended **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

Bill "An Act to End Subsidized Early Retirement Payments Under the Maine State Retirement System Laws" (S.P. 471) (L.D. 1274) (C "A" S-164)

Which was **READ A SECOND TIME**.

On motion by Senator **VIOLETTE** of Aroostook, tabled until later in today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

RECALLED FROM THE GOVERNOR'S DESK

On motion by Senator **VIOLETTE** of Aroostook, under suspension of the Rules, the Senate **RECONSIDERED PASSAGE TO BE ENACTED** on:

An Act Authorizing State Employees to Purchase State Property Upon Retirement or Leaving Office (H.P. 1036) (L.D. 1510)

(In Senate May 20, 1985, **PASSED TO BE ENACTED**, in concurrence.)

(Recalled from the Governor's Desk pursuant to Joint Order S.P. 623.)

On further motion by same Senator the Senate **SUSPENDED THE RULES**.

On further motion by same Senator the Senate **RECONSIDERED** whereby this Bill was **PASSED TO BE ENGROSSED**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

ORDERS OF THE DAY

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

Bill "An Act to Revise Rules Governing Certificate of Seed Potatoes" (H.P. 1080) (L.D. 1572)

Tabled — May 31, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED** in **NON-CONCURRENCE**

(In Senate May 29, 1985, the Minority **OUGHT TO PASS** in **NEW DRAFT** under same title Report **READ** and **ACCEPTED** in **NON-CONCURRENCE** and the New Draft **READ A SECOND TIME**.)

(In House May 28, 1985, the Majority

OULD NOT TO PASS Report **READ** and **ACCEPTED**.)

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

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

An Act to Restrict certain Agencies with Respect to Purchases of Real Property (H.P. 630) (L.D. 774) (S "A" S-125)

Tabled — May 31, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **ENACTMENT**

(In House May 30, 1985, **PASSED TO BE ENACTED**.)

(In Senate May 28, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A"** (S-125).)

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

Senate at Ease

Senate called to Order by the President

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

Resolve, to Establish a Study Commission on Government Competition with Private Enterprise (H.P. 996) (L.D. 1433)

Tabled — May 31, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — Motion of Senator **SEWALL** of Lincoln to **RECONSIDER** Acceptance of the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate May 31, 1985, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in concurrence.)

(In House May 30, 1985, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending the motion of Senator **SEWALL** of Lincoln to **RECONSIDER** Acceptance of the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered).

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

Bill "An Act Relating to Payment of Back Contributions and Withdrawn Contributions by Members of the Maine State Retirement System" (S.P. 241) (L.D. 636) (C "A" S-122)

Tabled — May 31, 1985, by Senator **GAUVREAU** of Androscoggin.

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

(In Senate May 28, 1985, **READ A SECOND TIME**.)

On motion by Senator **GAUVREAU** of Androscoggin, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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

Bill "An Act Renaming Registered Day Care Providers as Home Baby-sitting Service Providers" (H.P. 1120) (L.D. 1616)

Tabled — May 31, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED** (Division Requested)

(In Senate May 31, 1985, **READ A SECOND TIME**.)

(In House May 30, 1985, **PASSED TO BE ENGROSSED**.)

On motion by Senator **VIOLETTE** of Aroostook, Tabled until later in today's Session, pending **PASSAGE TO BE ENGROSSED** (Division Requested).

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

Bill, "An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities" (Emergency) (H.P. 952) (L.D. 1371)

Tabled — May 31, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED.** (In House April 30, 1985, **PASSED TO BE ENACTED.**)

(In Senate May 31, 1895, **RECONSIDERED ENGROSSMENT.**)

On motion by Senator **VIOLETTE** of Aroostook, Tabled until later in Today's Session, pending **PASSAGE TO BE ENGROSSED.**

HELD ITEM

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter. Senator **CARPENTER:** Is the Senate in possession of L.D. 813?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senator's request.

Bill "An Act Relating to Night Court Sessions for Small Claims Court" (S.P. 324) (L.D. 813) (C "A" S-163)

(In Senate May 31, 1985, **PASSED TO BE ENGROSSED AS AMENDED.**)

Senator **CARPENTER** of Aroostook moved that the Senate **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED.**

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending the motion of Senator **CARPENTER** of Aroostook to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED.**

Senator **DANTON** of York was granted unanimous consent to address the Senate, On the Record.

Senator **DANTON:** Mr. President, Members of the Senate. The last week or so, we were debating consumer items, especially dealing with the automobiles. I just want to bring to your attention that last Saturday the State had an auction right here in the State parking lot.

Here is the auction sheet and I want to read one paragraph there. It says [The State makes no guarantee no warranties, expressed or implied on the condition of items. All items are sold 'as is — where is'].

Now, you know, Members of the Senate, if an automobile dealer tried to do that, he'd have the biggest court case in the world going against him. Now, when you go to buy an automobile, there are certain rules. You have to apply for licenses and God knows what else. The other day when they sold trucks, you pay for the truck, you went to a trailer, they gave you fourteen day plates to drive them off. Inspection stickers were not up-to-date. No one knew whether they had brakes or what have you.

On any automobile dealers' lot where you'll go today, and you will find two stickers. A Federal sticker and a State sticker. And they tell you EVERYTHING that is wrong with that automobile! They were not on these vehicles! So, I guess what we do here in the State of Maine, and especially in the Maine Legislature, we like to operate under dual standards. And the question that I would like to ask you, is what does the A.G. do about our own State vehicles? Thank you, Mr. President.

On motion by Senator **CLARK** of Cumberland **RECESSED** until 3 o'clock P.M. today.

After Recess

Senate was called of Order by the President.

There being no objections all matters previously acted upon, with the exception of those items previously held, were sent forthwith.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CLARK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act Relating to the Allowance of Prior Service Credit under the Maine Retirement Law for Military Service" (S.P. 243) (L.D. 638)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-185).

Which Report was **READ** and **ACCEPTED.** The Bill **READ ONCE.**

Committee Amendment "A" (S-185) **READ** and **ADOPTED.**

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

Senator **CLARK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act Concerning Minimum Ordinary Death Benefits" (S.P. 94) (L.D. 292)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-184).

Which Report was **READ.** On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE OF THE COMMITTEE REPORT.**

Senator **McBREAIRTY** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Relating to a Support System in the State for Epileptics" (S.P. 548) (L.D. 1462)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-191).

Which Report was **READ** and **ACCEPTED.** The Bill **READ ONCE.**

Committee Amendment "A" (S-191) **READ** and **ADOPTED.**

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

Senator **DANTON** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act Defining the Authority of the Bureau of Insurance in Testing, Licensing and Continuing Education" (S.P. 583) (L.D. 1532)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-183)

Which Report was **READ** and **ACCEPTED.** The Bill **READ ONCE.**

Committee Amendment "A" (S-183) **READ** and **ADOPTED.**

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Resolve, Authorizing and Directing the Maine State Housing Authority to Study and Report on Current Practices Relating to Enforcement of Safe and Habitable Conditions in Rental Housing (S.P. 313) (L.D. 802)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-186).

Signed:

Senators:

NAJARIAN of Cumberland
TRAFON of Androscoggin
STOVER of Sagadahoc

Representatives:

REEVES of Pittston
PAUL of Sanford
WARREN of Scarborough
BOTT of Orono

The Minority of the same Committee on the

same subject reported that the same **Ought Not to Pass.**

Signed:

Representatives:

PERRY of Mexico
MASTERMAN of Milo
RIOUX of Biddeford
NICKERSON of Turner
DILLENBACK of Cumberland
MURPHY of Berwick

Which Reports were **READ.** The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED.**

The Bill **READ ONCE.** Committee Amendment "A" (S-186) **READ** and **ADOPTED.**

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

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

SECOND READERS

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

Senate As Amended

Bill "An Act to Establish Mandatory Energy Standards for Publicly-funded Buildings" (S.P. 568) (L.D. 1496) (C "B" S-175)

Bill "An Act to Clarify and Improve the Laws on Education in the Unorganized Territory" (S.P. 381) (L.D. 1048) (C "A" S-182)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BUSTIN** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act Establishing Assessments to Defray the Expense of Maintaining the Bureau of Insurance" (S.P. 555) (L.D. 1501)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-192)

Which Report was **READ** and **ACCEPTED.** The Bill **READ ONCE.**

Committee Amendment "A" (S-192) **READ** and **ADOPTED.**

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

Senator **USHER** for the Committee on **ENERGY AND NATURAL RESOURCES** on Resolve, Authorizing the Sale of Certain Public Reserved Lands (S.P. 588) (L.D. 1545)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-193).

Which Report was **READ** and **ACCEPTED.** The Bill **READ ONCE.**

Committee Amendment "A" (S-193) **READ** and **ADOPTED.**

The Bill **READ ONCE.**

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

Senator **TRAFON** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Concealed Weapons Law" (S.P. 331) (L.D. 819)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-194)

Which Report was **READ** and **ACCEPTED.** The Bill **READ ONCE.**

Committee Amendment "A" (S-194) **READ** and **ADOPTED.**

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

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

COMMITTEE REPORTS

**Senate
Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Clarify the Laws Relating to Notary Public (S.P. 140) (L.D. 379)

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

Signed:

Senators:

CHALMERS of Knox
CARPENTER of Arostook
SEWALL of Lincoln

Representatives:

DRINKWATER of Belfast
COOPER of Windham
PARADIS of Augusta
LEBOWITZ of Bangor
CARRIER of Westbrook
MacBRIDE of Presque Isle
KANE of South Portland
PRIEST of Brunswick
ALLEN of Washington

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

Signed:

Representative:

STETSON of Damariscotta

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend Certain Sections of the Employment Security Law" (S.P. 493) (L.D. 1319)

In Senate May 30, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104) AND SENATE AMENDMENTS "B" (S-127) AND "C" (S-151)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104) AS AMENDED BY HOUSE AMENDMENT "A" (H-286)** thereto **AND SENATE AMENDMENT "C" (S-151) in NON-CONCURRENCE**.

The Senate **RECEDED AND CONCURRED**.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES

June 3, 1985

Honorable Joy J. O'Brien

Secretary of the Senate

112th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

House Paper 445, Legislative Document 627, AN ACT to Protect Lobster Gear, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Fifty-seven voted in favor and eighty-seven against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

S/ EDWIN H. PERT

Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

COMMITTEE REPORTS

House

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 De-authorizing State Positions which Remain Vacant" (H.P. 866) (L.D. 1223)

Bill "An Act to Increase State Involvement in Tourism Promotion" (H.P. 473) (L.D. 676)

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 Concerning State Assistance to Areas Affected by Non-English Speaking Immigrants and Refugees" (S.P. 399) (L.D. 1109)

Ought to Pass As Amended

Senator **DOW** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Relating to Medicaid Reimbursement Rates for Audiology and Speech Pathology" (Emergency) (S.P. 351) (L.D. 999)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-196)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-196) was **READ** and **ADOPTED**.

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

Senator **DOW** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Supported Employment for Disabled Persons" (S.P. 236) (L.D. 630)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-197)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-197) was **READ** and **ADOPTED**.

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

Senate at Ease

Senate called to Order by the President.

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

COMMITTEE REPORTS

Senate

Change of Reference

Senator **BERUBE** for the Committee on **HUMAN RESOURCES** on Bill "An Act Concerning Child Abuse" (S.P. 621) (L.D. 1633)

Reports that the same be **REFERRED** to the Committee on **AUDIT AND PROGRAM REVIEW**.

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

The Bill **REFERRED** to the Committee on **AUDIT AND PROGRAM REVIEW**.

Sent down for concurrence.

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

ENACTORS

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

An Act to Amend the Habitual Offender Law (S.P. 152) (L.D. 419) (C "A" S-130)

An Act Concerning Admission Contracts for Nursing Homes (S.P. 229) (L.D. 591) (S "A" S-143 to C "A" S-133)

An Act Concerning Variances for Elevators (S.P. 251) (L.D. 646) (C "A" S-128)

An Act Defining the Right of Employees of Public Utilities to Testify before Legislative Committees and the Public Utilities Commission (H.P. 514) (L.D. 719) (C "A" H-235)

An Act to Revise the Maine Certificate of Need Act for Hospitals (H.P. 578) (L.D. 849) (C "A" H-246)

An Act Relating to Requirement for Removal of Mobile Homes from Mobile Home Parks (H.P. 663) (L.D. 946) (C "A" H-228)

An Act to Provide for Motor Vehicle Registra-

tion and Inspection at the Same Time (H.P. 765) (L.D. 1085) (C "A" H-230)

An Act to Provide Adequate Facilities for the Public Utilities Commission (H.P. 921) (L.D. 1336) (C "A" H-234)

An Act Pertaining to Polling Times (H.P. 1061) (L.D. 1540) (S "A" S-162)

An Act to Facilitate Detection of Drivers Operating Under the Influence of Intoxicating Liquor or Drugs (S.P. 486) (L.D. 1314) (C "A" S-131)

An Act to Authorize the Public Utilities Commission to Act on an Expedited Basis in Certain Cases (S.P. 495) (L.D. 1321) (C "A" S-142)

An Act Relating to the Maine-New Hampshire Interstate Bridge Authority Portsmouth-Kittery Bridge and Approaches Thereto (S.P. 601) (L.D. 1577)

An Act Concerning Tax Exemptions for Certain Pollution Control Facilities (S.P. 602) (L.D. 1578)

An Act Concerning the Licensing of Small Maine Breweries (S.P. 603) (L.D. 1579) (H. "A" H-241)

An Act Relating to Absentee Voting for Residents of Coastal Islands (S.P. 607) (L.D. 1601)

An Act Relating to the Selection of Counters under the Election Laws (S.P. 608) (L.D. 1602)

An Act to Change Voting Booth Requirements (S.P. 609) (L.D. 1603)

An Act Relating to Collateral and Terms of Credit Transactions Under the Maine Consumer Credit Code (S.P. 612) (L.D. 1605) (S "A" S-137)

An Act Concerning Unemployment Compensation Contributions by Home Knitting Businesses (H.P. 1037) (L.D. 1511) (C "A" H-215)

An Act to Provide Protection to Boxers (S.P. 613) (L.D. 1606) (S "A" S-158)

An Act Concerning the Bureau of Public Lands (S.P. 616) (L.D. 1627)

An Act to Update and Improve the Education Laws of Maine (H.P. 801) (L.D. 1135) (C "B" H-201)

An Act to Amend the Liquor Laws (H.P. 852) (L.D. 1208) (C "A" H-213)

An Act to Establish a 5-day Special Muzzle-loading Hunting Season (H.P. 1027) (L.D. 1479) (C "A" H-221)

An Act Relating to Scalping and Dragging in the Frenchboro Area (H.P. 1055) (L.D. 1534)

An Act Concerning Times for Voter Registration (H.P. 1106) (L.D. 1595)

An Act Concerning Temporary Licenses for Members of the Armed Forces (H.P. 1107) (L.D. 1596)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

An Act to Require the State to Comply with Municipal Ordinances Governing the Construction of Buildings (S.P. 185) (L.D. 503) (C "A" S-123)

On motion by Senator **PEARSON** of Penobscot, placed in the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**.

An Act to Ensure Reduced Telephone Rates for Volunteers and Nonprofit Organizations Serving the Deaf, Hearing Impaired and Speech Impaired (S.P. 468) (L.D. 1271) (C "A" S-141)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**.

An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients (S.P. 477) (L.D. 1284) (S "A" S-154; C "A" S-139)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL AP-**

PROPRIATIONS TABLE pending ENACTMENT.

An Act to Protect Freshwater Wet Lands (H.P. 567) (L.D. 838) (C "A" H-191)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE** pending ENACTMENT.

An Act to Clarify the discretionary Authority of the Harness Racing Commission to License Pari-mutuel meets and Assign Racing Dates (H.P. 790) (L.D. 1120) (C "A" H-162)

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

Senator **DANTON:** I move that L.D. 1120 by Indefinitely Postponed, and I would like to speak on my motion.

Mr. President and fellow Members of the Senate. I would like at this time to express my opposition to L.D. 1120 as Amended by Committee Amendment "A" (H-126), and place into the Legislative Record my reasons for opposing the Bill.

The principal problem with the Bill is Subsection three of Section 271. That Section forbids the Maine State Harness Racing Commission from Awarding overlapping race dates to race tracks located within fifty miles of each other, with the possible exception of eight days in 1986 or 1987. After 1987 the Commission will be strictly forbidden from experimenting with concurrent racing.

This provision of the Bill will only affect two businesses located in this State — Scarborough Downs and Lewiston Raceways. For several years now Scarborough Downs has been attempting to obtain permission from the Racing Commission to run races at its track earlier in the spring and later in the fall. Scarborough Downs has not objected to running its races at the same time races are being run in Lewiston. Scarborough has presented evidence demonstrating that there are enough horses for both tracks and that each track draws its fans principally from a different market area. The Downs has also presented evidence of the boon additional racing would provide to the general fund, the horsemen, the fairs and the economy of the State.

Recently, the Commission has indicated a willingness to experiment with overlapping dates in assigning dates for 1986 and thereafter. The Bill presented to you will hamstring the Commissioners in their experimentation and after dates are assigned in 1986 will absolutely forbid experimentation and competition.

I do not believe that the Legislature should involve itself in the sensitive process of setting racing dates. We have five excellent, well-informed appointees currently serving on the Commission. The Commissioners now consist of two lawyers, a former Superior Court Judge and two individuals with extensive experience in the harness racing industry.

They are much better equipped than is this body to sift through the evidence and determine when there should be concurrent racing and for how many days there should be concurrent racing. I think it is an insult to those Commissioners for this Legislature to presume that we know more than they about this complicated matter. Furthermore, it is ill-advised and inefficient to require that the Commission come back to the Legislature after 1986 if it wants to be able to set concurrent dates in 1987.

Aside from belittling the abilities of the Harness Racing Commission and creating an awkward and cumbersome procedure for obtaining authorization for concurrent racing after 1987, the Bill as Amended will likely have an adverse impact on the general fund, the harness horse owners in this State, the agricultural fairs and the economy of Southern Maine.

Scarborough Downs alone this year expects to contribute \$850,000 to the State in general sales taxes and \$50,000 in unemployment taxes. Furthermore, it will pay out to its employees approximately \$1 million in wages — all of which are, of course, subject to Maine income tax.

Scarborough Downs believes it can substantially increase these revenues to the State if it is allowed to race additional dates — even if it is racing at the same time as Lewiston. At the same time, if it is eventually allowed to race as much as it wants, it will be providing approximately 400 full-time jobs to the Southern Maine economy.

Since last October—in a period of approximately six months—Scarborough Downs has expended over \$2 million in improving its facilities. It has constructed a new clubhouse; it built a new road from the Turnpike to U.S. Route #1; it has had experts design and lay out new race track infield. In the few weeks it has been open this season, Scarborough Downs has set numerous records in regards to its handle as well as the times of its horses.

Scarborough Downs now has the potential to be the best racing facility in New England. Under the guidance of the Harness Racing Commission, it can reach that goal without presenting any serious risk to any other facility. The Bill you have before you today, will hamper any development of the harness racing industry. It will involve that industry in the political process and prevent growth. Therefore, I urge you to vote against this Bill as it is now drafted.

I want you Members of the Senate to know, Southern Maine is perhaps somewhat unique in that the people who want to gamble, when Scarborough Downs is not open, they can get into their automobiles on the Maine Turnpike, get onto the New Hampshire Pike and then they are right there at Seabrook—get onto Route 495, and go to the other tracks. So gambling is available. I am not trying to tell you that everybody should gamble, but whether they gamble in Scarborough Downs or not, doesn't mean they are not going to gamble. They are going to continue gambling.

I think it would be a very bad policy, and Mr. President and Members of the Senate, if we took the racing dates and had the Maine Legislature try to decide them, when we have a very capable commission to do that, and I think that is why we have this Commission. I would request a Division. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator **ERWIN:** Mr. President, Ladies and Gentlemen of the Senate. Anyone that attended any of the work sessions while this Bill was being discussed, would have very easily seen that the Agriculture Committee, at least twelve of us, the Bill came out 12 to 1, at least twelve of us believe quite strongly that we did not have the ability to run the Racing Commission, nor do we think the Members of the Legislature do.

If anyone had attended any of the hearings, that would have come on strongly. I have no strong personal feelings on this Bill, so how you vote has to be up to each and every one of you.

I would like to give you a little background. This Bill originally came from the Governors Office and I think, perhaps, the Attorney General's Office had something to do with it. There are two lawsuits—one by each of the major race tracks—that are in the process now. This Bill is an attempt to definitely clear up some of the areas that might be a little vague.

We were having difficulties trying to get some agreement and the major disagreement was concurrent racing. So I finally appointed a Committee and no Member of the Agriculture Committee was on it. It was the Commissioner of the Agriculture Department and the Secretary of the Racing Commission, it was members from different branches—like a

member of the Horsemen's Association, members representing Scarborough Downs, members representing the Lewiston Raceway.

After some time, an agreement was reached on everything except for concurrent racing. I found out that the Governor is going to have a study looking at the Racing Commission in all its' entirety. With that knowledge that there was going to be such a study and with working with this panel that I had, trying to work things out, we finally got down there to where we had this one last time—concurrent racing—where we could not reach any agreement.

The Committee decided—and we are only humans—that we would give to the Racing Commission—not order them—give to them—the concurrent racing, that they could have up to eight concurrent racing days. The problem is not during the summer, the problem is April and May. That appear to be the problem.

During this time, if the Racing Commission saw fit, after their thorough study, they could—not had to—they could have up to eight days of concurrent racing in 1986 and 1987.

I would like to repeat once more. The Members of the Agriculture Committee do not think that we have the ability to run the Harness Racing Commission, and we do not think the Members of the Legislature have the ability, either. This Bill, no matter how it is twisted, is not an attempt to do that!

It is an attempt to help the Attorney General's Office. Thank you.

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

Senator **CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate. I had a very enjoyable session with the Agriculture Committee sitting as a Member to a Democratic Senator and this was one of the Bills I was quite involved in from the beginning.

I just stand to echo the words of the good Senator from Oxford, Senator Erwin. Now, I started walking horses at the race tracks when I was about twelve years old. I have my own horses now, whether or not they are race horses, if there is anybody within the sound of my voice that hasn't seen the pictures of my horses, then see me after this session!

This noon time I had the pleasure of being kicked by one of Senator Perkin's horses. So I come with this with some degree of knowledge. If you remember back a few years ago, the racing industry in Maine was primarily fair racing and was a little on the seedy side, and it couldn't really be called an industry. You didn't have the Breeder Stakes and you didn't have the high-class operation that you see now; not only in Scarborough Downs, but in other places in the State of Maine today.

Over the years this has evolved and evolved and I have to give the constituents of the good Senator from York, Senator Danton, a lot of credit. Mr. Richi of Scarborough Downs has done a tremendous job. He has brought that particular facility and harness racing in Maine a long ways. Probably, at least partly due to his influence, the other raceways in the State are upgrading their facilities and improving the grandstands, and improving the quality of the racing. Putting tighter controls on the racing and all of that.

One of the unanswered questions, however, is how much of an overlap is there here in terms of the constituency and the patrons? How many horses are there in the State of Maine that are fit to race in this newer era in Maine of racing? These are the questions that we need answered. The Committee of Agriculture, Senator Erwin, has already told you, has spent a lot of time going over this. We have listened to testimony of Mr. Richi of Scarborough Downs and the people from Lewiston, and all the rest, and it was unclear in our minds as to whether there was any clear direction to go.

The Senator from Oxford, Senator Erwin, has

offered this compromise language which clarifies the authority, just as the title of the Bill implies. It does give the Commissioner of Agriculture, after study, the authority to move the next step—and that is to try, if he so desires, or the Legislature so desires, to try that next step of eight concurrent racing days and to see how it works.

This is an industry that has just begun to come into its own, if you will. You have to be very careful, I think, and I believe, and I was convinced, you have to be very careful not to move too quickly. Because you could very easily cut off the whole industry, if in fact, some of the fears expressed to the Committee of Agriculture, are, in fact, real. So I would hope the Senate, this afternoon, would not go along with the pending motion, and allow this Bill to go on its way, become law and take one more step, if you will, towards the modernization and the professionalism of this sport which we always call a sport, which has now become an industry.

All the signs show that it is going to very, very healthy and I would hope you would oppose the pending motion.

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

Senator **DANTON:** Mr. President and Members of the Senate. I don't disagree with too much with what the good Senator from Aroostook, Senator Carpenter, and Senator Erwin from Oxford had to say. But this is not a new industry and we have to be careful with it. This industry has been around a long time. Horse racing has been around a long time. It is because of these investments that Mr. Richi has made at Scarborough Downs, that has taken and turned this industry around, and now for him, after he has made these investments, after he has raised almost \$1 million dollars in sales taxes for the General Fund, thousand of dollars for the Unemployment Fund, a million dollar payroll. Now that he has done all of this and he is getting this into the proper perspective, we are coming around and we are changing the rules in the middle of the ball game.

After 1986 and 1987, if we want to have concurrent racing dates, we are going to have the Legislature do it. I think those of us, who have been here a long while, or a short while, know that if you come up here as a business person, and when you are talking about racing, or liquor, you have a tough time, and I would prefer that it be left in the hands of the Racing Commission. Let them make the decisions. That is why they were appointed to those Boards.

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

Senator **BLACK:** Thank you, Mr. President. As a serving Member of the Agriculture Committee, I wholeheartedly concur with the other two Senators. One thing to remember, because there were made, perhaps, some wise decisions made a few years ago in the experimentation of racing. Cumberland Fairs has one racing time and that is during the Fair. That is the very reason that we should do as this Bill says, so the Racing Commission could make the proper decision.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator **ERWIN:** Mr. President and Ladies and Gentlemen of the Senate. There is one other point that I would like to make that I should. After the Racing Commission had decided that they would like to see concurrent racing in April or May, or they would decide they would not like to see concurrent racing in April or May, and after the study panel, the Governor's Office is going to organize, reaches their conclusion, whoever is here in the 113th Legislature can consider those proposals. Whether they want to implement any of them or not. Once again, I would like to stress it isn't an effort of the Agriculture Committee to direct or to order the Racing Commission to do

anything. It is merely affording them an opportunity to thoroughly study what is going on in the harness racing industry, and to try to come up with some recommendations on what they would like to see with Legislative backing, and guidelines.

While it is quite true, that I believe firmly that we should not be trying to run the Racing Commission, we do have to provide them with some legal language that they may request of us, so their decisions will stand up in court.

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

Senator **BALDACC:** Mr. President and Members of the Senate. There are two points that bother me with this particular legislation. The first one, being involved in the Utilities Committee and getting involved in the local measured service issue, and having to overtake the Utilities Commission and remembering the separation between the Commission and the Legislative Branch, is one thing that is very disturbing to me. Because we do not have the staff nor the resources to be able to monitor that and to get into the degree that a Commission and a staff would. That is the first thing.

The second thing is that where we would end up with a decision out of this Body, or out of this Legislature, would tend to be more political than that based upon a Commission that has been appointed that doesn't have the political pressure that this Body would have, wanting to get reelected every two years.

So you are ending up with more of a political decisions than you are a situation that is based upon fact. You heard the good Senator from Oxford, Senator Erwin, talk about the Sunday Commission that is being set up, that the Legislature—the 113th—can deal with that particular issue. When this Bill originally went to the Committee, it was a Department Bill that expanded the criteria which the good Senator refers to, that was needed, because of the legal situations that were going on. In determining a solution to concurrent racing or any type of other racing. It expanded the criteria. Much like the shoe import situation. When we were having problems with the shoe import situation, Senator Mitchell and Senator Cohen expanded the criteria that the International Trade Commission could use in making a decision.

They wanted to expand the criteria. Now what has happened once this Bill has gotten into the Legislative blender, it has come out totally different than when it went in. Now it is not the Commission that is going to be making the decisions, but it is going to be the Legislature that is making the decision. Frankly, I don't want to see harnessmen from Bangor, Lewiston and Scarborough in the Legislature, telling me when we ought to have racing dates, and have us get involved in the setting of harness racing dates, fair dates and all those other things.

That is why we appoint this Board. That is why we staff this Board. We are there to help them, not overtake them. So I am very concerned and I will be voting with the good Senator from York, Senator Danton, on his Division to Indefinitely Postpone.

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

Senator **CARPENTER:** Mr. President. A couple of points in rebuttal, I guess. First of all, the authority of the Harness Racing Commission that they operate under presently, is a Legislative authority. It is not an authority that grew out of any other Body. Secondly, I think to compare the Maine Harness Racing Commission and the Public Utilities Commission, starts to break down somewhere. I don't think they are in anywhere near positions where you can compare them. The Public Utilities Commission has investigators, and they have attorneys, and they have staff people. If the Maine Harness Racing Commission

can have these people, perhaps, in fact, they could do this study and go on with their business.

This is a Legislative decision. It has always been a Legislative decision. The same kind of decisions that we make on hundreds of other kinds of issues. Many, many other issues that we decided that we give parameters within which industries operate. Whether it is on safety or on utility matters, whether it is on taxes, or whatever. We set the parameters often times within those parameters, we tell a particular bureaucracy, a particular department that you have certain leeway. What we have said here is "We're going to take the first step toward concurrent racing, but we want you to evaluate what the effects of that are." The Senator from York, Senator Danton, has told you about what the gentlemen from Scarborough Downs has done. Nobody has told you what the people from Bangor have done. Nobody has told you what the people from Lewiston have done. And I am not advocating one position over the other. I am just saying that there are more players in this whole scenario than just Mr. Richi.

Other people have made investments too, and I don't think it is in the best interest of the industry as a whole or the State of Maine, or our General Fund, to move too quickly into an area where it is going to be very, very difficult to back away. If we find out, in fact, concurrent racing between Lewiston and Scarborough kills one or the other, then we will have harmed ourselves, we will have harmed the horse racing industry.

The Committee, the Department of Agriculture, the Administration in this Amended Bill, has not said, "No, we are not going to consider concurrent racing, even though you make good arguments, Joe Richi, we are not going to consider it." We have said, "Let's go ahead and take the first step but only the first step—then let's take a look. If the first step is a positive one, chances are that the next year there will be no opposition to full authority of the Commission to hold concurrent racing."

It is something we really need to proceed to cautiously. Thank you.

THE PRESIDENT: The pending motion before the Senate is the motion of Senator Danton of York, to **Indefinitely Postpone** this Bill and all accompanying papers. A Division has been requested.

Will all those Senators in favor of the motion of Senator Danton of York, please rise and remain standing in their places until counted.

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

11 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator DANTON of York to **INDEFINITELY POSTPONE** Bill and accompanying papers **FAILS**.

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine (H.P. 1096) (L.D. 1589) (S 'A' S-145)

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

Senator **EMERSON:** Mr. President. I move that L.D. 1589 be Indefinitely Postponed and would like to speak to that motion.

Mr. President and fellow Senators. L.D. 1589, An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold In Maine, is one of two or three Bills which we had in the Energy and Natural Resources Committee, which if passed, would help to justify the continued existence of the Office of Energy Resources.

This Bill, is directed towards energy conservation. It would eventually remove from the

market place, some twenty percent of your most inefficient of some appliances. Namely refrigerators, freezers, gas and electric water heaters, and gas furnaces. This Bill would mandate through rules and regulations, penalties and fines. What has been happening and is happening, and will continue to happen, if left alone. That is a manufacturing, marketing sales and installations of more efficient appliances, is already happening. It is happening now without mandates.

Since I have some information from the Department of Energy regarding major home appliance energy use reductions. Since 1972 or between 1972 and 1983, the energy used in refrigerators has been reduced some 32.8 percent. Freezers, some 44 percent. This has been done without any mandates from the State Government. I have other figures here which do not matter on this.

The market place is already responding to the high cost of energy. Has been and will continue. In the first year of the program, CMP gave out over 4,000 rebates for energy efficiency appliances and over half of their customers are taking advantage of their water heater insulation program.

Consumers are aware of the high cost in energy and are purchasing more efficient appliances. I believe it is correct to say that Maine is a leading State in terms of energy conservation. And so far, without mandate. Simply because of the cost factors. We know it pays to save.

I get a little concerned when some people have so little confidence in the efficiency and effectiveness of the free market system, and would substitute for it a cumbersome, inefficient, self-serving bureaucracy.

Even if this Bill is Enacted and it does result in some savings, which I doubt would be greater than without the Bill, the savings would be small when considered on a total statewide energy-saving basis, because the Bill applies to only a narrow range of appliances—refrigerators, refrigerator-freezers, freezers, water heaters and gas furnaces.

Another bit of information from the Department of Energy. This regarding residential energy consumption. Water heaters consume 14.7 percent of the energy consumed in homes, refrigerators is 8.4, freezers are 2.8. So in total those would consume a little over 25 percent of the energy we use in our homes. This Bill has several exemptions in it.

For instance, this section here says, this section does not apply to: appliances installed in mobile homes at the time of construction, appliances designed especially for the installation and use in recreational vehicles, and appliances purchased outside of the State of Maine. Appliances purchased outside the State by Maine residents, when their appliance is installed for use by the purchaser are installed in a single family dwelling. So I suppose anybody that lived near the New Hampshire border could go over in New Hampshire and purchase any of these appliances regardless of whether they would be most efficient or not. So the State would lose a 5 percent sales tax, and whatever, and I am not sure the way this reads, that anybody that wanted to purchase appliances—inefficient appliances—to put into an apartment, I don't see why they couldn't go and do that, the way this thing reads.

Also the Bill says, in order to reduce wasteful, uneconomical, inefficient or unnecessary consumption of energy, the Office of Energy Resources shall. It is possible for the administration and enforcement of the appliance status, established by this section.

The Committee was told by the Office of Energy Resources at the hearing, that there will be no need for extra personnel to enforce this. I know what that tells me. It either tells me that they are not going to do much or they are not doing much now.

I guess it would demonstrate that there is a

need to justify their existence. I believe that if we pass this Bill, that it will not be long they will come in and they will need some sort of police force—an energy police. They may find somebody bootlegging hot refrigerators or something and they will need people to enforce it, I'm sure.

Twenty-odd states have adopted efficiency standards—only two include refrigerators and freezers. The others are on water heaters.

The Department of Energy has a policy booklet—it is a green book—we're partial to green, I guess, in the Committee of Energy and Natural Resources. We have the green book on wood measurement, and we also have a green book on comprehensive energy resources. I expect if we get a police force, they will have green uniforms, and they will probably have a green light on their car.

But I would like to read from this, I am not going to read the whole thing, so don't panic. The fact is, I don't know if I am going to read from it at all. This is a new policy recommendation and there are some eleven things here, but I would like to read three of them to you.

This is the policy of the Energy and Natural Resources Committee. Number eight: The market should play a preeminent role in determining energy resource utilization; state action should be designed to channel this force so as to achieve other objectives. Number nine: Government should not employ coercion to achieve public objectives. Number ten: State energy activities should be concentrated on education/information outreach as well as emergency planning.

I believe that last one is a good fair proper objective for the office to have and I believe that is exactly what they should do. I believe they should confine their efforts to this area. Education and outreach. I think the Bill is unnecessary. I think it is an unnecessary invasion of the government into the private market place and will do little or nothing. I would urge you to vote with me to Indefinitely Postpone the Bill, and I would ask for a Roll Call.

THE PRESIDENT: The Senator from Penobscot, Senator Emerson has requested a Roll Call. 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 Cumberland, Senator Usher.

Senator **USHER:** Thank you, Mr. President. Members of the Senate. I oppose the present motion from the good Senator from Penobscot, Senator Emerson. This is a consumer protection bill of modest proportions which establishes the minimum energy standards for new—or used—appliances which are refrigerators, refrigerator-freezers, freezers and water heaters purchased after January 1, 1988. The legislation does not establish the standards for furnaces. The standards provide for consumer protection in three ways. It will cost Maine residents less to purchase and operate their major appliances over the life time of the appliance. The resulting decrease in the demand for energy will help keep energy costs down and will eliminate the possibility of dumping inefficient appliances in Maine.

There was a comment that was made in regards to purchasing appliances out of state. This legislation does not in any way affect used appliances, also people who live along the New Hampshire side of the State for their own personal use, will not be affected.

The administration and the enforcement of these standards will not cost the taxpayers any more money, since the Office of Energy Resource will fulfill these responsibilities with the existing staff and current budget levels.

The administration and the enforcement of these standards is consistent with some of the Office of Energy Resources currently responsible for implementing throughout the State, as presently is in effect right now. These people claim that if you purchase a refrigerator, say from \$81 to \$389, an additional cost for energy efficient appliance will probably be around \$10. Over the life time of this appliance, they estimate you will save \$172 dollars. So that is energy efficient and I think it would be good for the consumer of the State of Maine.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **EMERSON** of Penobscot to **INDEFINITELY POSTPONE** this Bill and all accompanying papers.

A Roll Call has been ordered.

A Yes vote will be in favor of the motion to Indefinitely Postpone.

A No vote will be opposed.

The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Baldacci, Berube, Black, Dow Dutremble, Emerson, Erwin, Hichens, Maybury, McBreairey, Perkins, Sewall, Shute, Stover, Twitchell, Webster

NAYS:—Senators, Andrews, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Gauvreau, Kany, Matthews, Pearson, Trafton, Tuttle, Usher, Violette — The President — Charles P. Pray

ABSENT:—Senators, Gill, Najarian

16 Senator having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, the motion of the Senator from Penobscot, Senator **EMERSON** to **INDEFINITELY POSTPONE** this Bill and all accompanying papers **FAILS**.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator **SEWALL:** I would like to pose a question to the Chair. Is this Bill correctly before us, since it has no fiscal note?

Senate at Ease

Senate called to Order by the President.

THE PRESIDENT: In response to the question by the Senator from Lincoln, Senator Sewall. The Chair would advise the Senator that there is a notice from the Legislative Finance Officer responsible for fiscal notes. The Statement is for the Enactment of this new Draft and would require the Office of Energy Resources to administer and enforce the proposed appliance standards in which the cost would be absorbed by using the existing resources.

Which was **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

(See Action Later Today)

Resolve

Resolve, Establishing the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons (S.P. 355) (L.D. 963) (H "A" H-232 to C "A" S-110)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **FINAL PASSAGE**.

Emergency

An Act to Amend Certain Motor Vehicle Laws (S.P. 605) (L.D. 1599)

On motion by Senator **DANTON** of York, Tabled until Later in Today's session, pending **ENACTMENT**.

Emergency

An Act Relating to the Regulations and Distributions of Funds for All-terrain Vehicles (H.P. 723) (L.D. 1032) (C "A" H-222)

THE PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Pearson.

Senator **PEARSON**: Mr. President, I would like to pose a question through the Chair on L.D. 1032. What would be the distribution of funds for all terrain vehicles?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson has posed a question through the Chair which any Senator may answer if they care to respond.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON**: Mr. President. The only thing that I am interested in is — as — I recall the funding problems that the Fisheries and Wildlife had last year, and although it is not in my Committee, I still have a continuing interest in it. I was wondering if the Fisheries and Wildlife would be beneficiary of some of the money, under this Bill. I hope that they are, and that was all I wanted to know.

On motion by Senator **MATTHEWS** of Kennebec, Tabled until Later in Today's Session, pending **ENACTMENT**.

Emergency

An Act to Reauthorize the Forest Resource Assessment and Marketing Program (H.P. 1026) (L.D. 1478) (C "A" H-217)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Under Suspension of the Rules, the Senate voted to take up the following, Inclusively.

Emergency

An Act Concerning the Sale of Alcoholic Beverages to Certain Licensees (H.P. 1104) (L.D. 1593)

Emergency Resolve

Resolve, Relating to the Development of an Interdepartmental Plan to Identify Needed Resources for a Statewide Network of Out-of-home Placements and Aftercare, Follow-up and Traditional Services (H.P. 936) (L.D. 1342) (C "A" H-216)

This Bill and Resolve being Emergency Measures and having received the affirmative votes of 31 Members of the Senate with No Senators voting in the negative, were **PASSED TO BE ENACTED** and **FINALLY PASSED** and having been signed by the President, were by the Secretary presented to the Governor for his approval.

ORDERS OF THE DAY

The President laid before the Senator the first Tabled and Later assigned matter:

Bill "An Act to Provide for Public Participation in the Development of Emergency Plans" (S.P. 554) (L.D. 1486)

Tabled—June 3, 1985, by Senator **GAUVREAU** of Androscoggin.

Pending—**PASSAGE TO BE ENGROSSED**. (In Senate June 3, 1985, **READ A SECOND TIME**.)

On motion by Senator **GAUVREAU** of Androscoggin, Senate Amendment "A" (S-147) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

Bill "An Act to End Subsidized Early Retirement Payments Under the Maine State Retirement System Laws" (S.P. 471) (L.D. 1274) (C "A" S-164)

Tabled—June 3, 1985, by Senator **VIOLETTE** of Aroostook.

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

(In Senate June 3, 1985, **READ A SECOND TIME**.)

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

Senator **DIAMOND**: Mr. President and Members of the Senate. I have had some constituent calls on this Bill, and maybe you have, about retired people and those folks who work as state employees who might fall into the teacher category.

I have expressed my concerns to the good Senator from Androscoggin, Senator Gauvreau. I think I would like to move for an Indefinite Postponement of this Bill, and I would like to explain some of my concerns and possibly he might agree.

Basically, L.D. 1274 is just one page, two sided L.D. and it does away with the incentive to have early retirement, that is early retirement after 25 years on the job. Just not to be too long, and trying to be rather brief, I would like to say that I think that taking away that incentive is going to have a negative impact on the people who they think they are trying to help.

I think the cause here is a good one. They are trying to protect the retirement system, but it appears as though, after being brought to my attention, that is it is probably is going to do just the opposite. I realize that those have been watered down a great deal, exempting all of those people who are currently in the system, but I guess we have to look at the system in itself, and I would just like to point out these things.

If we take away that incentive, what we are doing really, is that we are taking away, and its costing the system even more, and one of the things, I couldn't find out is exactly how much money is being saved by this Bill. As the original Bill proposed and as L.D. 1274 says, it says that it actually does save money for the system, and nobody in the retirement system can really come across and tell me exactly if, in fact, there is a savings.

I think that in itself is probably a major reason for not passing it. But then again, when you exclude all of these State employees and teachers from this incentive, what you really have done is ask that the people stay on board a long time. That does two things. One thing that it does is it takes the job from some younger person who might want to come on and financially what it does is it costs the system more. Because you have people, a new person, who will come in at a lower pay scale that the person at the top.

So those kinds of figures suggest that maybe it is even a wash, and I do not know if it makes money or not, I suggest that it probably doesn't but I do not think it takes away a lot of money as it states.

I could go on and on about this, but I know that you are tired and I do not want to extend it, even though I expect the good Senator from Androscoggin, Senator Gauvreau, to get up and say a couple of words. I would ask you to go along with this motion to Indefinitely Postpone. I think there are a lot of other things that can be said, but as I said, I would try to be as brief as I possibly can, and maybe I will stop right here. Thank you, Mr. President.

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

Senator **GAUVREAU**: Thank you, Mr. President. Men and Women of the Maine Senate. I would urge you this afternoon to defeat the pending motion so that we can go on and accept the unanimous Committee Report, of the Committee of Aging and Retired Veterans.

L.D. 1274 has under-gone substantial revision since it was originally presented as a Governor's Bill to the Legislature. I would refer you to Senate Amendment S-164, which represents or constitutes some major changes, which the Committee pended to the L.D.

To back up a little bit in discussing the subject matter. I think some of you are aware the Maine State Retirement system in currently saddled with a rather substantial unfunded liability in the approximate vicinity of 1.2 billion dollars. That unfunded liability is the

product of several questionable decisions in the past, whereby the system added on to the class of retirees, under the system, persons whose retirement plans were either unfunded or improperly funded.

It clearly is one of the major concerns, if not THE major concern of the Committee during this Legislative Session. How do we fairly address the problem of the unfunded liability in a fashion that will not unfairly restrict the rights of members in the system?

In its original form, L.D. 1274, would have applied to all current State employees. It would have substituted the present mechanism by which service and retirement benefits are reduced upon early retirement. Currently we have in force, in the State of Maine, an actuarial table which I believe was adopted in 1951, by which we compute penalties for early retirements.

So that, should a person decide upon attaining 25 years of credible service to retire, that person would receive his or her full retirement, unless the person had not yet attained normal retirement age. Under our law, normal retirement age is at sixty.

So therefore, if a person had served 25 years of credible years with the State, and had stopped at age 55 to retire, that person would realize a reduction computed by two and one quarter percent, which is the annual reduction benefits for early retirement times five years or a twelve percent reduction to his or her retirement benefits.

Now if we were to apply an appropriate or correct actuarial standard in computing the reduction, the reduction would not be twelve percent for that person who retires five years prior to normal retirement age. That reduction would be in the vicinity of thirty percent. It is actually the current actuarial reduction would acquire by six percent year reduction, not the two and one quarter percent reduction.

The reason for that is really very simple. In 1951, we adopted the present actuarial table, people just did not live as long as they do now. As a result, they draw more benefits from the system. It is basic arithmetic. As a result of this, we find more and more pressure upon the unfunded liability.

Now I do not stand here this afternoon and represent to you that the sole or even the major factor which is imposing pressure on the unfunded liability is early retirement. I do not believe it is. I believe it is a significant contributing factor, probably in the vicinity of around twenty five percent. The point is that we have to adopt a whole range of measures to properly bring our system into one of financial responsibility.

The original Bill, L.D. 1274, would have, in fact, imposed the current actuarial reduction of around six percent per year in penalties for all State Employees who opted for early retirement. The Committee felt that because people had entered State service and serve for substantial periods of time, and relied upon their retirement benefit, it would be grossly unfair to divest those persons of their retirement as they had planned it to be.

That is upon a two and one quarter percent annual reduction. Consequently we grandfathered each and every state employee, each and every teacher, who will be subjected to L.D. 1274. Not one of those persons will be affected by this legislation if it were to become law. Instead we opted for an effective date for this legislation, of January 1, 1986, and only, and I repeat only, those State Employees or teachers who come under the system after January 1, 1986, will be affected by this Bill.

So we are clearly indicating that, and from a perspective point of view, we are clearly going to be imposing a higher reduction for those persons who opt for early retirement. But for all current employees, they may proceed, throughout their tenure of State employment or teaching, and upon securing 25 years of

credible service, if they are below the age of sixty, they can retire and they will have no penalties, whatsoever, in their retirement benefits.

I would also point out that the Committee felt that adopting a strict six percent actuarial reduction would probably be too harsh, because we did concur with the sentiment articulated by Senator Diamond, of Cumberland, that we should provide some incentive to retain our valuable State employees, and clearly to some degree subsidizing early retirement makes sense. We do want to retain talented employees or we move them to the private sector. Consequently, we opted for a four percent annual reduction, and removed the six percent reduction. So to summarize, this Bill will achieve savings in the future. It is difficult with precision to place a specific dollar amount because we don't really know exactly what the average population, or how long they will be working in the year of 2010.

But we do know, based on current trend, people are living longer, and there is more pressure on the retirement system. We have an obligation to address that. The Committee felt unanimously that we did so in a prudent and reasonable fashion without unfairly infringing upon the rights of the State employees. So for these reasons, I would urge you to defeat the pending motion so we may go on and accept the unanimous Committee Report. Thank you.

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

Senator **DIAMOND:** Mr. President, Members of the Senate. The reason that senior citizens and teachers and State employees worry about this Bill, and many of them do is, that ninety percent of the private businesses right now, have pension plans and equal benefit. You are talking about a tremendous disadvantage to these people whether it is those who are currently in the system or those who are starting off in 1986.

The second reason why the senior citizens, teachers and State employees are worried about this, is if you look at the chart in the year 2011, if one is fifty-five years old and has an annual benefit right now of seventeen thousand, five hundred and seventy six dollars and fifty six cents, without this Bill, if this Bill were passed, they would lose five thousand four hundred and eighty three dollars and eighty eight cents a year. Now that is quite substantial if you are on a retired income.

If you were fifty eight years old, the same things show that instead of nineteen thousand, you get fifty nine, which means you lose three thousand ninety three dollars. Besides that, there is really no information on these cross figures and no indication that this Bill is going to save money. So I think that those groups that I have mentioned would be willing to take a sacrifice in some way, if there were some compelling reason and some, in fact, provable statistics that would show that they should.

Even those are missing, and I commend the good Senator from Androscoggin, Senator Gauvreau, for what he has done in the attempt here, and I think he has done it with all the information he has had. No one could have done better. But the fact remains there are some real problems with doing this, and I think we have to follow through with an Indefinite Postponement. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Men and Women of the Senate. In response to the remarks, the considerate remarks from my good friend, the good senator from Cumberland, Senator Diamond. I would concur with him that once again, it is difficult to pin down precisely the savings that would be realized by this measure. Clearly, the Committee felt unanimously and I think the evidence is overwhelming, that there will be

a major savings into the State Retirement System. Currently, we are funding, I believe, it is ninety seven million dollars biennium. The Retirement System for State Employees. That represents and it is going to be a twelve percent of our budget, that is an increase over the past years.

We have to make some very hard choices in this Legislature. We know that through the thrust of events in Washington, that the Federal role in resolving and with dealing with some problems at the State level, will be reduced. We also know that we have a very limited revenue base here in the State of Maine to draw upon. We have to make hard choices. One of the hard choices is how to most fairly and equitably appropriate our limited resources available to the State in a fashion that is best for all Maine citizens.

I think that this moderate measure of reducing only perspective, retirement benefits for State employees is consistent with that concern. I would also point out that some twenty or thirty years ago, State employees lived to under compensate. And one of the major inducements to attract the State employee and to retain them, was a good retirement plan. Today, State employees are now receiving some fair and equitable salaries, and also in the market we have a whole range of instruments to assist people and offer a prudent plan for their retirement.

These vehicles were not available twenty or thirty years ago. We are talking about IRA's, tax shelter annuities, these instruments were not available in prior years. They are available now, so clearly State employees, teachers can prudently plan for their retirement and once again, we are only talking about those persons coming in to the system after the year 1986.

And so for these reasons, and I am sensitive to the remarks by the good Senator from Cumberland, Senator Diamond, I would urge you to defeat his motion to Indefinitely Postpone. Thank you.

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

Senator **DIAMOND:** I would request the Yeas and Nays.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond had requested a Roll Call. 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 Cumberland, Senator Clark.

Senator **CLARK:** Thank you, Mr. President. Mr. President and Men and Women of the Senate. As the second Senator on the Committee on Aging and Retirement and Veterans, it is with great luxury and great pride that I listened to the Senate Chair of that Committee, explain with great accuracy and patience, our innumerable working sessions, and reflect for you a rather long public hearing on L.D. 1274. I am not naive to the extent that I do not recognize that there are certain elements on this third floor of the State House, who may have, as we say in legislative language, worked this Bill rather zealously.

But I would urge you to at least, accord to the Committee on Aging, Retirement and Veterans, the respect of accepting this Report. And according that unanimous Committee Report, at least an opportunity to address some of your concerns.

There is little that I can add to the questions and the responses of the two participants in the debate this afternoon. But there is one small speck of information that perhaps you might like to hear. And it may help you to at least be a wee bit more responsive to the Chair

of that Committee's position. That is this. During one of the interminable working sessions on this measure, a question was asked relative to the quality of potential State employees that might result, should this measure pass. And following the research of the Committee, it was determined that for a recent opening, there were in fact, four hundred and nine applicants for one single job opening for the State of Maine

I, as a citizen of this State, and as an elected Legislator, representing Senate District 26, feel assured that among that pool of four hundred and nine people, that in fact there would be more than one who would qualify for the opening. I would also remind Members of the Senate, ever so gently, as did the good Senator from Androscoggin, Senator Gauvreau, that in fact, State employee remuneration, is on a par with that, in the private sector. What State employees receive as benefits for service, that members of the private sector do not, is for all employees, a pension system.

We recognize that in large measure, people who work for a living and hourly wages across our State do not have that luxury. In addition to that, State employees will still have what we call early retirement. How many people who work at Eastland Shoe in Freeport, Maine or at Healthtex on the Church Road in Brunswick or Downeast Novelties Yarmouth can retire at age 60 with full benefits under a system? I would submit to you that they can not. Not even under Social Security.

That in fact, this Governor's Bill, which was reported out unanimously by that Committee that worked so hard on it, should be accorded at least a small breath of life, for indeed, there is merit to the remarks and the concerns of the good Senator from Cumberland, Senator Diamond. But the status of the retirement system, as explained by the good Senator from Androscoggin, Senator Gauvreau, is accurate.

I can assure you, as well as twelve other members of that Committee, that there will indeed, be savings. Increasingly, Members of the Senate, we have as Legislators, as do the members of the Federal Congress, a prior commitment when we take office, as we attempt to pass our budget, part one and two for the biennium. And that is an up-front, almost a hundred million dollar State commitment to the retirement system. We are doing no less to our across the board State employees, that, in fact, we addressed in the last session, when we addressed those who have a special retirement package.

I would urge that you would defeat the pending motion of Indefinite Postponement.

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

Senator **BUSTIN:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. I understand there is some question about the subsidy that was brought up here in this session, and I would just like to clear up a couple of things. One the subsidy was put in about 10 years ago, and it increased only the employees share, the employee pays that subsidy. And two, that perhaps this is an item that should be at the bargaining table and not before the Legislative Committee. So I would urge you to go along with the good Senator from Cumberland, Senator Diamond, with his motion to put this Bill into Indefinite Postponement.

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

Senator **CLARK:** Thank you, Mr. President. Mr. President, Men and Women of the Senate. State employees contribute 6.5 percent of their salaries, the State contributes about 16.88.

THE PRESIDENT: A Roll Call has been ordered. The pending question is the motion of Senator **Diamond** of Cumberland to **Indefinitely Postpone** this Bill and all accompanying papers.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Andrews, Baldacci, Bustin, Chalmers, Danton, Diamond, Dow, Dutremble, Erwin, Hichens, Matthews, McBreairty, Pearson, Tuttle, Twitchell, Usher, Violette, Webster, The President — Charles P. Pray

NAYS:—Senators, Berube, Black, Brown, Carpenter, Clark, Emerson, Gauvreau, Kany, Maybury, Perkins, Sewall, Shute, Stover, Trafton

ABSENT:—Senators, Gill, Najarian
Senator **BALDACCI** of Penobscot was granted permission to change his vote from Nay to Yea.

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator **DIAMOND** of Cumberland, to **INDEFINITELY POSTPONE** the Bill and accompanying papers **PREVAILS**.

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

Senator **BALDACCI:** Mr. President, having voted on the prevailing side, I would like to move reconsideration whereby this Bill was Indefinitely Postponed.

THE PRESIDENT: Senator **BALDACCI** of Penobscot, moved that the Senate **RECONSIDER** its action whereby the Bill and accompanying papers was **INDEFINITELY POSTPONED**.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Mr. President, Members of the Senate. You live by the sword and you die by the sword. This is one thing that I think is a very appropriate move and I would ask that we might have a Division on that motion.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond has requested a Division on the pending motion.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending his motion of Senator **BALDACCI** of Penobscot, to **RECONSIDER INDEFINITE POSTPONEMENT** (Division Requested.)

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

Bill "An Act Authorizing State Employees to Purchase State Property Upon Retirement or Leaving Office" (H.P. 1036) (L.D. 1510)

Tabled—June 3, 1985, by Senator **CLARK** of Cumberland.

Pending—**PASSAGE TO BE ENGROSSED**. (RECALLED from the Governor's Desk Pursuant to Joint Order S.P. 623)

(In Senate, June 3, 1985, Under Suspension of the Rules, **RECONSIDERED ENACTMENT**. Subsequently, **RECONSIDERED ENGROSSMENT**.)

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

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

Resolve, to Establish a Study Commission on Government Competition with Private Enterprise (H.P. 996) (L.D. 1433)

Tabled—June 3, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—Motion by Senator **SEWALL** of Lincoln to **RECONSIDER** Acceptance of the Majority **UGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate May 31, 1985, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in concurrence.)

(In House May 30, 1985, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

Senator **KANY:** Mr. President and Senators.

I urge you to vote against the procedural motion before us. That procedural motion to Reconsider. Then go with the original Majority Ought Not to Pass Report of the Committee. I urge you to do so, because I think this was a very wasteful Bill. Very wasteful. It calls for six thousand dollars to be spent on a Committee which really would duplicate one that is in existence. I would like to call your attention to something that was placed upon your desk and may still be there. If not, you may probably check in the round file below. That is, one of a number of reports that have resulted from the Governor's task force on management that has been in existence since 1979. This particular task force is Chaired by a Commissioner, currently Commissioner DeVane of the Department of Business Regulation.

All members, the other members, a dozen or so, are from the private sector and private enterprise. Look at any task given to them by the Government and the Governor. Please do look at the membership of this particular task force. It has done an excellent job in a number of areas. Has looked at computers, has looked at cash registers, even, for the liquor stores, and presently is about to embark upon the task of looking upon the retirement system.

Of course the Governor, by the way, himself, has suggested that the State get out of the liquor business. There is a constant continuing effort to evaluate all services provided by the Government to see where and who can best provide them, and most cheaply. For the best interest of all of the citizens and all of the tax payers of the State of Maine.

Three Senators, by the way, Republicans and Democrats alike, on our Committee, voted Ought Not to Pass on this measure. I have mentioned earlier, when we first brought this up, there were at least forty one commissions being proposed, at last count. This particular commission would add a few more State Government members in addition to some private sector members. I urge you to vote against the pending procedural motion to reconsider.

THE PRESIDENT: A Roll Call has been ordered. The pending question before the Senate is the motion by the Senator from Lincoln, Senator **Sewall**, to **Reconsider** the Acceptance of the Majority **Ought Not to Pass** Report.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Black, Danton, Diamond, Dow, Emerson, Maybury, McBreairty, Pearson, Perkins, Sewall, Shute, Stover, Twitchell, Webster

NAYS:—Senators, Andrews, Baldacci, Berube, Brown, Bustin, Carpenter, Chalmers, Clark, Dutremble, Erwin, Gauvreau, Hichens, Kany, Matthews, Trafton, Tuttle, Usher, Violette, The President — Charles P. Pray

ABSENT:—Senators, Gill, Najarian

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator **SEWALL** of Lincoln to **RECONSIDER** Acceptance of the Majority **UGHT NOT TO PASS** Report **FAILS**

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

Bill "An Act Relating to Payment of Back Contributions and Withdrawn Contributions by Members of the Maine State Retirement System" (S.P. 241) (L.D. 636) (C "A" S-122)

Tabled—June 3, 1985, by Senator **GAUVREAU** of Androscoggin.

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

(In Senate May 28, 1985, **READ A SECOND TIME**.)

On motion by Senator **GAUVREAU** of Androscoggin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator the Senate **RECONSIDERED ADOPTION** of Committee Amendment "A" (S-122).

On further motion by same Senator, Committee Amendment "A" (S-122) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "A" (S-195) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

Bill "An Act Renaming Registered Day Care Providers as Home Baby-sitting Service Providers" (H.P. 1120) (L.D. 1616)

Tabled—June 3, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED** (Division Requested)

(In Senate May 31, 1985, **READ A SECOND TIME**.)

(In House May 30, 1985, **PASSED TO BE ENGROSSED**.)

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

The President laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities" (Emergency) (H.P. 952) (L.D. 1371)

Tabled—June 3, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED**. (In House April 30, 1985, **PASSED TO BE ENACTED**.)

(In Senate May 31, 1985, **RECONSIDERED ENGROSSMENT**.)

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

The Chair laid before the Senate the Tabled and Later Assigned matter:

Bill "An Act Relating to Night Court Sessions for Small Claims Court" (S.P. 324) (L.D. 813) (C "A" S-163)

Tabled—June 3, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—Motion of Senator **CARPENTER** of Aroostook to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED**.

(In Senate May 31, 1985, **PASSED TO BE ENGROSSED AS AMENDED**.)

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

Senator **CARPENTER:** Mr. President, I request permission to withdraw my motion to Reconsider.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter asks leave to withdraw his motion.

Is this the pleasure of the Senate?

It's a vote.

Which was **PASSED TO BE ENGROSSED AS AMENDED**

Sent down for concurrence.

Under Suspension of the Rules, the President removed from the Table and Later Today Assigned matter:

Emergency

An Act to Amend Certain Motor Vehicle Laws (S.P. 605) (L.D. 1599)

Tabled—June 3, 1985, by Senator **DANTON** of York.

Pending—**ENACTMENT**

(In House June 3, 1985, **PASSED TO BE ENACTED**.)

(In Senate May 28, 1985, **PASSED TO BE ENGROSSED**.)

On motion by Senator **DANTON** of York, the Senate **SUSPENDED THE RULES**.

Of further motion by same Senator the Senate **RECONSIDERED** its action whereby this Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-200) was **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease

Senate called to Order by the President.

The President removed from the Table and Later Today Assigned matter:

Emergency

An Act Relating to the Regulations and Distribution of Funds for All-terrain Vehicle (H.P. 723) (L.D. 1032) (C "A" H-222)

Tabled—June 3, 1985, by Senator **MATTHEWS** of Kennebec

Pending—**ENACTMENT**

(In House June 3, 1985, **PASSED TO BE ENACTED**.)

(In Senate May 30, 1985, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

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

Senator **USHER**: Mr. President, Members of the Senate. In response to the question on the distribution of funds. There were four bills in before our Committee this year in regards to ATV's. ATV's definition are the two wheelers, the three wheelers and four wheelers. This is a state-wide problem. It is happening everywhere. There are irresponsible acts of people's property being abused state-wide, and is of a major concern.

It might not sound like one, but it is. In my own community, they are discussing an ordinance right now to just ban them completely. There was legislation to increase the fees all the way up to eleven dollars and a quarter just like the snowmobile fund. If you recall, when we started the snowmobile fund, it originally started out at five dollars. The last session, when we put this into effect, we picked five dollars to get a hold on how many there were in the State. There are approximately twenty thousand already registered, to date.

They pay five dollars and they get a little license plate. We wanted to find out how many there were around. It barely covers the cost of the administration, the five dollars does. So we are not making any money on it. The problem is getting bigger every day and especially with this summer coming.

I will give you an example. Just this afternoon, I registered two ATV's for one of my constituents who is going to give away two brand new ATV's when they get out of school in two weeks. They are getting two thousand dollar presents to run around. We had some concerns down on the coast, some of the selectmen. They said it was just getting out of hand, and it is ruining all types of property. They are driving down the middle of the street, and they are just irresponsible.

It is too bad to have the six-year olds and eight-year olds, all the way up, all the children are running around on these bikes. But the parents give them a two thousand dollar machine to run around with. They are getting hurt, some of them are getting hurt on them. They are just riding over people's lawns and everything. So we, in this Amendment, added on two dollars. We figure the two dollars will help pay for the study. They estimate the study will cost around twenty thousand dollars. The Parks and Recreation, Mr. Farrin, who is heading up the snowmobile program, will do the study, and hopes to complete it by mid-December.

The Committee will have the final report on what some of the big problems are. Already in the State, there have been more than one half dozen clubs starting up, similar to the snowmobile clubs. They teach them responsibility and safety. They are very concerned about the safety in the usage of all of these machines. So the two dollars will pay for that. It is going to be conducted by the Parks and Recreation, and we hope to have better results and probably the end results will end up in the fund similar to the snowmobile fund, which now is broken down in three different ways. The money goes back to the community and everything.

We would like to see, probably areas of communities set aside for these machines to operate. If you put a total ban, you are going to have major problems in the State. We estimate still another ten thousand that are not registered. So that is thirty thousand machines ruining land. They go over the same spot. We get calls from farmers. I am sure you all receive the same calls that I do. They are very concerned about it. We hope to have a good formula in the second session of the 112th, and bear with us through this study.

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

Senator **PEARSON**: Mr. President, Men and Women of the Senate. Do you ever regret having set something aside? I do. I think the explanation that Senator Usher from Cumberland, gave is just fine. Parenthetically, because Senator Usher brought it up, sometimes the ATV's drive me absolutely crazy. I have a boat with a ten-horse power on it, and I pull it up on the beach, and the motor sort of protrudes into the water just a little bit. The other day, when I looked out of my porch, there were three ATV's going around the outside of my boat, in the water, down the beach in front of my camp where I own. And so I hope somehow or another, you can deal with it. But equally, I hope Senator Matthews, who is going to have a real problem in another year or so, when the funding for Fisheries and Wildlife gets tighter, that if there is an increase in the ATV registration, that Fisheries and Wildlife will get a substantial part of it.

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

Senator **MATTHEWS**: Mr. President, Members of the Senate. I will be very, very brief. First I want to thank the Senator from Penobscot Senator Pearson, and the Chair of the Appropriations Committee for raising the question. I think we are all very, very concerned about the Department of Fisheries and Wildlife.

On the ATV issue, I think I just wanted to stand and thank the Members of my Committee. Both the R's and the D's on that Committee for dealing with a tough issue. It is sometimes very easy to read the newspapers and come down here to Augusta with incense and emotion. I guess that many Members of the Committee felt very strongly, as the good Senator from Penobscot, Senator Pearson did, and others, that the ATV problem has gotten out of hand.

I think the merited way and the way for a Legislator and a Member of this Body to go, is to get all the available information from as many sources as possible. So the study is well merited. We're going to get the judicial questions, the constitutional questions ironed out from the A.G.'s Office. The expertise from the Bureau of Parks and Recreation, the snowmobilers and others. Without jumping into it and passing what would be a prohibitive fee, I think a fee that is merited and structured properly is the best way to go, so I hope you will go along with this Bill and the study.

THE PRESIDENT: This being an Emergency Measure and having received the affirmative vote of 25 and No Senators having voted in the negative and 25 being more than two

thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED**, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Senator **CLARK** of Cumberland, Recessed until the Sound of the Bell.

Senate called to Order by the President.

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

COMMITTEE REPORTS

House

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 to Establish a Budget Stabilization Fund" (H.P. 389) (L.D. 538)

Bill "An Act to Increase Appropriations for State Public Transportation Funds for Operating and Capital Assistance to Public Transportation Providers" (H.P. 706) (L.D. 1016)

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 404) (L.D. 557)

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

Senator **WEBSTER** of Franklin moved that the Senate **RECONSIDER** its action of earlier in Today's Session Whereby it **PASSED TO BE ENACTED**.

An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine (H.P. 1096) (L.D. 1589) (S "A" S-145)

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

Senator **PEARSON**: Mr. President. I would ask for a Division and I would ask the Members of the Senate to vote against Reconsideration.

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

Senator **WEBSTER**: Mr. President. Ladies and Gentlemen of the Senate. For those of you who are not familiar with this issue now, I will explain, this is an act to establish minimum energy efficiency standards for major appliances sold in Maine.

It is my feeling that this Bill, which was defeated in Indefinite Postponement at 16 to 17, it is my feeling that this Bill still is not as good a Bill as it should be. As a matter of fact, I think it is unnecessary. I believe that Senator Emerson from Penobscot, made good points in this issue earlier. But I hope the Senate will Reconsider this matter so we can defeat this measure once this measure is Reconsidered. Thank you.

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

Senator **KANY**: Mr. President and Senators. We debated this Bill earlier. You will recall that the Senator from Penobscot, Senator Emerson, made some points and that Senator Usher from Cumberland, responded. I hope you stick with your vote, and vote against this procedural motion to Reconsider, so we can send this Bill on its way.

The reason is, is that we do have consumer safety standards. We do have standards for the safety of products such as for children's toys

and sometimes it seems necessary, when the market doesn't play out to the best interests of the citizens of the State, that we do have certain standards.

The reason why the American doesn't seem to work in this particular case, is because of the fact that many apartments, most apartments in the State, most rentals include appliances. It is simply not the best interest of the landlord to provide energy efficient major appliances. Because of this tradition, a custom here in the State of Maine, that most people in rental units, have to pay their own electric bills or for their own heat. It is for this reason, that I think most of us were convinced that for rental units, because of rental units and the problems with that, particularly the fact that most of our low income people are the renters.

We should have perhaps, an energy efficiency standard, so they would not have to pay unnecessarily high bills because some landlords bought the cheapest possible refrigerator, freezer or hot water heaters they could find.

I urge you to vote against the pending motion and I would like to point out that all of us benefit. All of us benefit because of the problem that we come across when we have to build more electrical generating facilities. We all end up paying.

Look at Seabrook, look at other expensive generating facilities, and if we can indeed, lower our electricity needs, then we all will benefit. Not just those who particularly will benefit from having to have energy efficient standards for those particular appliances that they generally find in their rental unit. So I urge you to vote against the pending procedural motion to Reconsider and to move this Bill on its way towards Enactment.

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

Senator **EMERSON:** Mr. President, Ladies and Gentlemen of the Senate. Just a couple of points. If this Bill would apply to people who are in the renting business, then I think we ought to write a bill that would apply to them, and not apply to everybody.

One other point was made in the Committee, at the Committee hearing by the proponents of the Bill. They admitted that there was a lot of area — a lot of room for conservation in commercial and manufacturing areas. I guess perhaps there is, but they are not touching that at all. They are only touching the residential areas. I think of we need to get at the renters, then we ought to pinpoint that and not take everybody in.

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

Senator **ANDREWS:** Thank you, Mr. President. Mr. President, Men and Women of the Senate. I just would like to echo the sentiments of the good Senator from Kennebec, Senator Kany, and the Senator from Cumberland, Senator Usher in supporting this Bill and in their very strong feeling that the motion before us should be defeated.

Benjamin Franklin once said "A penny saved is a penny earned," and in this particular case megawatt saved means millions of dollars earned. We're talking about between 1988 and the year 2000, a savings of over 15 megawatts of power, we're talking about a savings of over 50 million dollars to the State of Maine, to consumers and to the Maine economy.

I think we should heed the advice of one of the founders of this Country, Benjamin Franklin, and send this Bill on to the Governor's desk, by defeating the pending motion. Thank you.

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

Senator **WEBSTER:** Mr. President, Ladies and Gentlemen of the Senate. Perhaps, since I come from a more central location in this State, I should be supportive of this measure. Since I feel that this measure is going to be discriminatory to those who live on the New

Hampshire coast, or I should say the New Hampshire border. It would seem to me that if those of you who read the Bill, you can see if you live on the border next to New Hampshire, there is nothing that would stop the consumer — the individual should have the right to make the choice — from going across the border, purchasing his appliances in New Hampshire then bringing it back.

I would feel that the people in my District were smart enough, probably, to decide whether or not they wanted to buy a refrigerator at twenty dollars cheaper now and pay more later, or to buy a more expensive model now, and pay less later.

I think what we are talking about, at least from my perspective, we're talking about a decision again, being made by government that the people in my District could clearly make on their own.

I think it is understandable, I think we all realize that I happen to sell furnaces for a living. So I know that on many occasions, people who come to me and want to buy a new furnace, want to buy the most efficient model. There are also those who do not want to buy the most efficient model. It seems to me that we ought to leave that decision to the people in our Districts and not yet, pass another law to do for them what they should be able to do for themselves. Thank you.

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

Senator **BALDACC:** Mr. President. I would like to pose a question through the Chair to any one in the Body who might like to answer it. In regards to this particular subject matter, I have heard it has been stated we are not really hitting at the problem of the commercial or the apartment landlords, and the people that build or have these kinds of facilities and that make the purchases and then are not responsible for the light bills and the rents do not include that — it is up to the tenant to pay. So I would like somebody to explain to me how this Bill is addressing that particular concern.

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci, has posed a question through the Chair that any Senator that may care to, may respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Mr. President and Senators. This Bill would apply to all new such appliances — refrigerators — refrigerator-freezers-freezers and water heaters. And it would apply to all in rental units. Whether that appliance were purchased in Maine or outside of Maine. If the appliance is purchased outside of Maine, the Bill would not apply, if it were used in a single family dwelling. It would apply to the multi-family unit, so therefore, it really can help, particularly in the rental units, where it is customary to purchase and often and too often, in my opinion, a cheap appliance that is not energy efficient.

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

Senator **WEBSTER:** Mr. President. Could I pose a question through the Chair? Mr. President, Ladies and Gentlemen of the Senate, I would ask — in my District I have a number of people who live in camps in the summer time, they move here three or four months a year, and then they go home. Am I to understand that these people are going to be required to pay more money for an appliance that they are never going to recover the loss on the energy costs on. It seems to me that you are saying today, "if you live in a camp out there in Rockwood or Bingham or somewhere on a lake, we are going to make you pay thirty five or forty dollars more. You can not make your own decision on this matter. You are going to pay more, even though you are never going to save the money that you might save over the long term." I realize there is a savings, but I am sure you have to run this appliance a cer-

tain length of time before any savings can accrue. Thank you.

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

Senator **KANY:** Mr. President and Senators. I would answer the Gentlemen from Franklin, Senator Webster, by saying that if that camp is within a NEPOOL district, and of course that is in any major utility area, other than in Aroostook County, which is serviced by Maine Public Service and not part of NEPOOL, then the answer is there is probably will definitely be savings, even to that camp owner, because the highest use point throughout New England, throughout most of NEPOOL, it during the summer, for refrigeration, by the way.

It is just that point, an efficient appliance could send up the usage within the NEPOOL area, and once again, put our Mason station, and other inefficient electrical generating facilities on line, using costly oil at all. And I would say, or propose to you, that probably we could at least keep our electric rates down a little bit, if we can, indeed, pursue the idea of at least having new appliances that are more energy efficient.

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

Senator **BALDACC:** Mr. President, Members of the Senate. The only thing I think is of a concern, is that the good Senator from Kennebec, Senator Kany, has mentioned, is that of the energy situation. It is very well stated in utility matters, that a dollar spent on conservation is worth four dollars of new generating capacity.

With the situation of our utilities experiencing increasing consumption, and maybe not the generating capacity to meet the future consumption needs of the State, I do have a concern about the conservation methods. For those reasons, I will be voting against Reconsideration.

THE PRESIDENT: A Division has been requested. The pending question before the Senate is the motion of the Senator from Franklin, Senator Webster that the Senate Reconsider its action whereby this Bill was Passed to be Enacted.

Will all those Senators in favor of the motion to Reconsider, please rise in their places and remain standing until counted.

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

12 Senators having voted in the affirmative and 20 Senators in the negative, the motion of the Senator from Franklin, Senator WEBSTER to RECONSIDER ENACTMENT FAILS.

There being no objections all matters previously acted upon (with the exception of those items previously held) were sent forthwith.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide for State Research Grants" (H.P. 707) (L.D. 1017)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-297).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-297) READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189)

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

Signed:

Senator:

DANTON of York

Representatives:

ALIBERTI of Lewiston

TELOW of Lewiston

BRANNIGAN of Portland

MURRAY of Bangor

RYDELL of Brunswick

STEVENS of Bangor

MARTIN of Van Buren

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senators:

BUSTIN of Kennebec

SEWALL of Lincoln

Representatives:

BAKER of Orrington

ARMSTRONG of Wilton

HILLOCK of Gorham

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

Which Reports were **READ**.

On motion of Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**.

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

COMMITTEE REPORTS**House****Divided Report**

The Majority of the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Protect Shareholders in Maine Corporations" (H.P. 678) (L.D. 965)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-280)**.

Signed:

Senators:

DANTON of York

BUSTIN of Kennebec

SEWALL of Lincoln

Representatives:

BAKER of Orrington

ALIBERTI of Lewiston

HILLOCK of Gorham

ARMSTRONG of Wilton

MURRAY of Bangor

BRANNIGAN of Portland

TELOW of Lewiston

MARTIN of Van Buren

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-281)**.

Signed:

Representatives:

STEVENS of Bangor

RYDELL of Brunswick

Comes from the House the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280)**.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED** in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-280) **READ** and **ADOPTED** in concurrence.

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

Out of order and under suspension of the

Rules, the Senate considered the following:

COMMITTEE REPORTS**House****Divided Report**

The Majority of the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Clarify the Use of Public Reserved Lands Acquisition Fund Money" (H.P. 1032) (L.D. 1484)

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

Signed:

Senators:

USHER of Cumberland

KANY of Kennebec

EMERSON of Penobscot

Representatives:

MICHAUD of Medway

JACQUES of Waterville

RIDLEY of Shapleigh

COLES of Harpswell

HOGLUND of Portland

BROWN of Livermore Falls

HOLLOWAY of Edgcomb

LAW of Dover-Foxcroft

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

Signed:

Representatives:

MITCHELL of Freeport

DEXTER of Kingfield

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

Which Reports were **READ**.

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

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

COMMITTEE REPORTS**House****Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act Concerning Coverage of Certain Trials by the Electronic Media" (H.P. 820) (L.D. 1161)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-275)**.

Signed:

Senators:

CHALMERS of Knox

CARPENTER of Aroostook

SEWALL of Lincoln

Representatives:

PRIEST of Brunswick

COOPER of Windham

LEBOWITZ of Bangor

MacBRIDE of Presque Isle

PARADISE of Augusta

ALLEN of Washington

DRINKWATER of Belfast

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representatives:

CARRIER of Westbrook

STETSON of Damariscotta

KANE of South Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275)**.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-275) **READ** and **ADOPTED**, in concurrence.

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

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

ENACTORS

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

An Act to Clarify and Make Corrections in the Fisheries and Wildlife Laws. (S.P. 50) (L.D. 68) (C. "A" S-152)

An Act to Clarify Municipal Authority over Automobile Graveyards and Junkyards. (S.P. 136) (L.D. 375) (C. "A" S-149)

An Act to Annex the Towns of Brunswick and Harpswell to Sagadahoc County. (S.P. 374) (L.D. 1008) (C. "A" S-161)

An Act to Prevent the Hospital Cost Containment Law from Substituting for the Collective Bargaining Process. (S.P. 529) (L.D. 1424) (C. "A" S-156)

An Act to Amend the Law Relating to Employment and Dismissal of County Employees. (S.P. 530) (L.D. 1425) (C. "A" S-150)

An Act Relating to Financial Regulation of Insurance Companies. (S.P. 585) (L.D. 1535) (C. "A" S-155)

An Act to Permit the Manufacture and Sale of Higher Efficiency Laundry Detergents. (S.P. 604) (L.D. 1598)

An Act Requiring Treatment and Rehabilitation as a Condition for License Restoration when Convicted of Alcohol or Drug Related Vehicular Homicide. (S.P. 614) (L.D. 1613)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

An Act Concerning the Payment of Interest on Mortgage Escrow Accounts. (H.P. 945) (L.D. 1354) (C. "A" H-229)

An Act to Create the Advisory Commission on Radioactive Waste to Replace the Low-level Waste Commission. (S.P. 247) (L.D. 642) (S. "A" S-115 to S. "A" S-134; C. "A" S-107)

An Act to Promote Free Enterprise in the Banking and Insurance Industries. (S.P. 294) (L.D. 783) (C. "A" S-119)

An Act Concerning Handicapped Motor Vehicle Registration Plates or Placards. (H.P. 778) (L.D. 1099) (C. "A" H-225)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

An Act to Create the Bureau of Children with Special Needs in the Department of Mental Health and Mental Retardation. (H.P. 1045) (L.D. 1523) (C. "A" H-247)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**.

An Act to Examine the Lobster Resources of the State. (H.P. 1124) (L.D. 1620)

On motion by Senator **CHALMERS** of Knox, the Senate **SUSPENDED THE RULES**.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by the same Senator, Senate Amendment "A" (S-188) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**.

Sent down for concurrence.

An Act to Prohibit Certain Practices Which Encourage Excessive Drinking. (S.P. 615) (L.D. 1614)

On motion by Senator **PEARSON** of Penobscot, placed upon the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**.

Emergency

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Department of Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987. (H.P. 632) (L.D. 900) (C. "A" H-226)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected membership of the Senate was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency

An Act to Permit the Incorporation of Subsidiary Trust Companies. (H.P. 1056) (L.D. 1536) (C. "A" H-238)

Emergency

An Act to Allow the Use of Botanical Pesticides in the Production of Foods Labeled or Advertised as Organic. (H.P. 1074) (L.D. 1563)

Emergency Resolve

An Act to Authorize an Elderly Housing Project at Pineland Center. (H.P. 582) (L.D. 852) (C. "A" H-245)

These Bills and one Resolve being Emergency Measures and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected membership of the Senate were **PASSED TO BE ENACTED** and **FINALLY PASSED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS**House****Ought to Pass As Amended**

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act Relating to Retirement Compensation for Judges who Ceased to Serve Prior to December 1, 1984" (H.P. 841) (L.D. 1191)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-303).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-303).

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

The Bill READ ONCE.

Committee Amendment "A" (H-303) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW AS-SIGNED FOR SECOND READING.**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Create the Maine Rainy Day Fund" (H.P. 521) (L.D. 741)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-301).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-301).

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

The Bill READ ONCE.

Committee Amendment "A" (H-301) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW AS-SIGNED FOR SECOND READING.**

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Provide Penalties for Violations of Antitrust Statutes" (H.P. 809) (L.D. 1156)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-305).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-305).

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

The Bill READ ONCE.

Committee Amendment "A" (H-305) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW AS-SIGNED FOR SECOND READING.**

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

PAPERS FROM THE HOUSE**Non-concurrent Matter**

Bill "An Act to Implement the Recommendations of the Maine Land and Water Resources Council Ground Water Review Policy Committee" (S.P. 353) (L.D. 961)

In Senate May 30, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-132) AS AMENDED BY HOUSE AMENDMENT "A"** (H-244) thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-132) AS AMENDED BY HOUSE AMENDMENT "A"** (H-244) thereto, **AND HOUSE AMENDMENT "A" (H-295) in NON-CONCURRENCE.**

The Senate **RECEDED** and **CONCURRED.**

COMMITTEE REPORTS**House****Ought to Pass As Amended**

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act Concerning Extension of the Permit Processing Period for Hydropower Projects" (H.P. 1051) (L.D. 1527)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-304).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-304).

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

The Bill READ ONCE.

Committee Amendment "A" (H-304) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW AS-SIGNED FOR SECOND READING.**

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

COMMITTEE REPORTS**House****Divided Report**

The Majority of the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Control Acid Rain" (H.P. 263) (L.D. 317)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-273).

Signed:**Sensors:**

USHER of Cumberland
EMERSON of Penobscot

Representatives:

MICHAUD of Medway
RIDLEY of Shapleigh
COLES of Harpswell
HOGLUND of Portland

DEXTER of Kingfield
BROWN of Livermore Falls
HOLLOWAY of Edgecomb
LAW of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-274).

Signed:**Sensor:**

KANY of Kennebec

Representatives:

JACQUES of Waterville
MITCHELL of Freeport

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-273) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-273) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-300), thereto.

Which Reports were **READ.**

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

Senator **KANY:** Mr. President. Regarding L.D. 317, I move the Minority Ought to Pass as Amended Report.

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

Senator **USHER:** Mr. President. I ask for a Division and would like to say that we had two acid rain bills before the Committee. We chose to use the Governor's Bill for the vehicle. In this Bill, it contains parts of both the acid rain bill, it includes a study and also a cap movement which will go from two and one half to two percent. There was a technical amendment put on from the other Body in regards to the years—there was a mistake during the printing and that has been resolved so that has been accepted and that is how it stands before you.

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

Senator **KANY:** Mr. President and Senators. I urge you to go along with the Adoption of the Minority Report and would like to speak to the difference briefly. As I see it, and the difference is, the Majority Report just simply primarily put a cap on what is on our civic deposition here in the State of Maine.

I urge you to reject that and go with the reduction. A twenty percent reduction is what is being offered in the Minority Report. I don't think that is asking too much! Here we have Senator Mitchell leading the charge nationally toward acid rain legislation. Asking other states throughout the country to reduce their emission and I would think that the State of Maine could at least do that to a degree.

All other Members of our Congressional delegation are backing him up in that. They too, are urging states throughout the United States to reduce their sulfur emissions. Here in the Northeast, a number of states have already taken action. New York State has enacted legislation which has called for reduction. There is presently legislation before the Massachusetts Legislature and right next door, good old conservative New Hampshire, Governor Sununu actually proposed legislation which first called for a twenty-five percent reduction, and secondly called for a further twenty-five percent reduction if the Federal Government does not take action.

Now certainly, here in the State of Maine, this Minority Report is hardly too radical calling for a twenty percent reduction. We are talking about our natural resources. I think we're talking about the future of our economy. Earlier today, speaking with the good Senator from Cumberland, Senator Black, he was pointing out the effect upon the soils from too much acidity in much of the State because of our granite base. It affects our agricultural segment of our economy. It affects our recreational base. It affects our fisheries, our aquatic

life. All of a sudden we reach a point where the fisheries, the aquatic life is simply gone in a water body because of too much acidity. And thirdly, we know already from studies, that it can affect our forests.

I urge you to go along with this Minority Report and send this Bill on it's way.

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

Senator **BALDACCI:** Mr. President and Members of the Senate. This is very frustrating to listen to this kind of debate when we are trying to do something here in the State of Maine for Maine industry. Penalizing Maine industries to conform to standards that should be applied to nationally. We are going to require Maine industries to spend from ten to twelve million dollars to come to an efficiency standard to reduce acid rain, which is not affecting the Maine environment.

The problem with Maine is on a national scale, the midwest utilities that are burning coal, that are traveling up to the northeast. They are causing a tremendous amount of problems here in the State of Maine. We are penalizing our Maine industries and utilities and asking them to foot the bill. I think what we ought to be doing if we want to send a message to Washington, is to take the ten or twelve million dollars that it is going to cost in either report, take that money, tell Washington that we're prepared to pay a portion of the cost of cleaning up the midwest utilities high sulfur usage of burning to create electricity and get this thing resolved once and for all.

I went to San Antonio for that National Conference and we tried to get some recommendations down to the Congress. Seemingly all of the states get there and nothing gets accomplished because they wanted to preserve jobs in the midwest, seeing the northeast trying to get something done but not willing to put anything towards the effort. I think we have to resolve it because our natural resources by the day—by the week—and by the month are eroding and I think it is important to do something.

If we want to send a message to Washington, then the message should be 'we're prepared to pay some of the cost in getting this problem resolved and let's get on with it.' Not by penalizing our own industries and saying to Washington 'see, we did it here in Maine, what about you in Washington?' because frankly, when you go through the Roll Call and they say 'Maine—four electoral votes' I don't think it adds much to the debate in Washington.

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

Senator **KANY:** Mr. President and Senators. I would like to point out that ten percent of our acid deposition is from Maine sources. Secondly, and this is the one thing that I hope you will keep in mind as you vote, I don't think the Majority Report passes the straight-face test. I would be embarrassed for our poor Congressional Delegation to have to point to Maine's legislation that only has a cap and doesn't even call for a reduction.

I urge you to reject the Majority Report and go in favor of the motion before you now. Set an example for the rest of the nation. That is the least we can do when we are asking them to reduce their emissions.

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

Senator **ANDREWS:** Thank you, Mr. President. Mr. President, Men and Women of the Senate. I just want to clear up what I think were some inconsistencies in some of the debate today, with what I see as being presented by the Majority Report.

Namely, it is my understanding from the Majority Report that if the Majority Report is accepted and if that cap is adopted, then we would be saying that the sulfur dioxide content could be increased. That the Majority

Report would actually call or allow—not call, but allow—for an increase in sulfur dioxide in the State of Maine.

I would just like to point out that while the State of Maine is at 2.5 with its current cap, our neighbor, New Hampshire is at 2.0, Vermont at 2.0, Massachusetts at 1 percent, Rhode Island at 1 percent, Connecticut is point 5 percent. We have the highest cap in New England and if we do not accept the Minority Report that is now before us, we'll be calling for a cap that actually allows the sulfur dioxide content to increase in the State of Maine.

I urge you to support the Minority Report.

THE PRESIDENT: A Division has been requested. The pending question is the motion of Senator **KANY** of Kennebec, to **ACCEPT** the **Minority Ought to Pass as Amended Report**.

Will all those Senators in favor of Accepting the **Minority Ought to Pass as Amended Report** please rise in their places and remain standing until counted.

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

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI:** Mr. President, I request a Roll Call.

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci, has requested a Roll Call. 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 pending question before the Senate is the motion of the Senator from Kennebec, Senator **KANY** to **ACCEPT** the **Minority Ought to Pass as Amended Report**.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator **USHER:** Thank you, Mr. President. Mr. President and Members of the Senate. We are concerned about our neighbors. It is true that we are 2.5. If we Accept the Majority Report, we would be down to 2.0. We are concerned about New Brunswick. The way the wind goes, we have to set an example for them. We will be taking steps and studies. We need more studies. We attended different seminars and they said that fish were not surviving in certain ponds, then they had more data that came in from ponds that said that fish didn't live there before.

So they do not know if it was all acid rain. The way everything has been moving, the changes in industry in new methods of burning for energy, it has cut down the sulfur. Over a period of eight years, they are expected to be lowered anyway. The extra cost that is going to be given to the industry in the next few years is going to be way out of reach. Millions and millions of dollars. We would like an additional study to find out what the report will say back in the next session of this Legislature.

Senate at Ease

Senate called to Order by the President.

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

Senator **ANDREWS:** Mr. President and Men and Women of the Senate. I may be wrong. If I am, I would appreciate it very much if anybody would correct me on the floor here in the Senate.

It is my understanding from reading both Committee Reports, that only one of the Committee Reports call for a reduction from 2.5 to 2.0 in the sulfur dioxide levels. But in fact, the alternative report to the Minority Report actually allows an increase in sulfur dioxide emissions, from what we have right now. The only

reduction is in the Minority Report. If I am wrong, I would appreciate someone correcting me, but I believe that is the case, and that is what you will find, Ladies and Gentlemen, if you read those Committee Reports. The only reduction vehicle we have before us.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator **KANY** to **ACCEPT** the **Minority Ought to Pass as Amended Report**.

A Roll Call has been ordered. Is the Senate ready for the question?

A Yes vote will be in favor of the motion to Accept the Minority Report.

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Andrews, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Gauvreau, Hichens, Kany, Pearson, Sewall, Trafon, Tuttle, Twitchell, Violette.

NAYS:—Senators, Baldacci, Black, Emerson, Erwin, Matthews, Maybury, McBrearty, Perkins, Shute, Stover, Usher, Webster, The President—Charles P. Pray.

ABSENT:—Senators, Berube, Gill, Najarian.

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the motion of Senator **KANY** of Kennebec, to **ACCEPT** the **Minority OUGHT TO PASS AS AMENDED Report** in **NON-CONCURRENCE PREVAILS**.

The Bill **READ ONCE**.

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

Senator **KANY:** Mr. President, having voted on the prevailing side, I now move Reconsideration and I would urge you to vote against my motion and request a Division.

THE PRESIDENT: The Senator from Kennebec, Senator **KANY**, moves that the Senate **Reconsider** its action whereby it **Accepted** the **Minority Ought to Pass as Amended Report** and requests a Division.

Will all those Senators in favor of Reconsideration, please rise in their places and remain standing until counted.

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

14 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion of Senator **KANY** of Kennebec, to **RECONSIDER ACCEPTANCE** of the **Minority OUGHT TO PASS AS AMENDED Report FAILS**.

Committee Amendment "B" (H-274) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

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

Senator **PEARSON** of Penobscot was granted unanimous consent to address the Senate Off the Record.

Off Record Remarks

On motion by Senator **CARPENTER** of Aroostook,
ADJOURNED until 9:00 A.M. tomorrow.