

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

INDEX

FIRST CONFIRMATION SESSION

August 29, 1985

INDEX

SECOND CONFIRMATION SESSION

October 11, 1985

INDEX

FIRST SPECIAL SESSION

November 13, 1985

INDEX

STATE OF MAINE
 One Hundred and Twelfth Legislature
 First Regular Session
 JOURNAL OF THE SENATE
 In Senate Chamber
 Wednesday,
 June 19, 1985
 Senate called to Order by the President.

Prayer by The Honorable Nancy Randall
 Clark of Cumberland.

SENATOR CLARK: Let us pray. All gracious
 God, in these waning hours of our Legislative
 service, we humbly ask for the continuing
 strength to serve, wisdom to make those dif-
 ficult choices, and the courage to act. In this
 community of Senate service, help us to have
 not only good judgement and understanding
 hearts, but a sense of humor. Grant us Thy con-
 tinued grace that our service here, this Session,
 may be representative of our fellow men and
 women.

All of this, we ask in Thy Holy Name, Amen.

Reading of the Journal of Yesterday.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Make Additional Allocations
 from the Alcohol Premium Fund" (S.P. 505)
 (L.D. 1365)

In Senate June 12, 1985, **PASSED TO BE
 ENGROSSED AS AMENDED BY COMMIT-
 TEE AMENDMENT "A" (S-226) AS AMEND-
 ED BY SENATE AMENDMENT "A" (S-262)**,
 thereto in **NON-CONCURRENCE**.

Comes from the House Bill and Accompany-
 ing Papers **RECOMMITTED to the JOINT
 SELECT COMMITTEE ON ALCOHOLISM
 SERVICES in NON-CONCURRENCE**.

The Senate **RECEDED and CONCURRED**.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT
 AND VETERANS** on Bill "An Act Relating to
 Retirement Options for Legislators" (H.P. 703)
 (L.D. 1013)

Reported that the same **Ought to Pass as
 Amended by Committee Amendment "A"**
 (H-154).

Comes from the House, with the Report
READ and ACCEPTED and the Bill **PASSED
 TO BE ENGROSSED AS AMENDED BY COM-
 MITTEE AMENDMENT "A" (H-154) AS
 AMENDED BY HOUSE AMENDMENT "A"**
 (H-263), thereto **AND HOUSE AMENDMENT
 "B" (H-450)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-154) **READ**.

On motion by Senator GAUVREAU of An-
 droscoggin, Tabled until Later in Today's Ses-
 sion, pending **ADOPTION** of Committee
 Amendment "A" (H-154).

Divided Report

The Majority of the Committee on **AP-
 PROPRIATIONS AND FINANCIAL AFFAIRS**
 on Bill "An Act to Promote Industrial Stabili-
 ty" (H.P. 1145) (L.D. 1652)

Reported that the same **Ought to Pass as
 Amended by Committee Amendment "A"**
 (H-473).

Signed:

Senators:
 DOW of Kennebec
 PEARSON of Penobscot
 McBREAIRTY of Aroostook

Representatives:

SMITH of Mars Hill
 LISNIK of Presque Isle
 NADEAU of Lewiston
 CONNOLLY of Portland
 CHONKO of Topsham
 CARTER of Winslow
 McGOWAN of Canaan

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

Signed:

Representatives:

HIGGINS of Scarborough
 FOSTER of Ellsworth
 BELL of Paris

Comes from the House with the Majority
**OUGHT TO PASS AS AMENDED BY COM-
 MITTEE AMENDMENT "A" (H-473) Report
 READ and ACCEPTED** and the Bill **PASSED
 TO BE ENGROSSED AS AMENDED BY
 COMMITTEE AMENDMENT "A" (H-473)**.

Which Reports were **READ**.

On motion by Senator VIOLETTE of
 Aroostook, Tabled until Later in Today's Ses-
 sion, pending **ACCEPTANCE OF EITHER
 REPORT**.

Divided Report

The Majority of the Committee on **AP-
 PROPRIATIONS AND FINANCIAL AFFAIRS**
 on Bill "An Act to Authorize a General Fund
 Bond Issue in the Amount of \$850,000 for Ac-
 quisition of Certain Rail Lines in Maine" (H.P.
 1136) (L.D. 1642)

Reported that the same **Ought to Pass as
 Amended by Committee Amendment "A"**
 (H-476).

Signed:

Senators:

DOW of Kennebec
 PEARSON of Penobscot
 McBREAIRTY of Aroostook

Representatives:

McGOWAN of Canaan
 SMITH of Mars Hill
 LISNIK of Presque Isle
 NADEAU of Lewiston
 CONNOLLY of Portland
 CHONKO of Topsham
 CARTER of Winslow
 FOSTER of Ellsworth

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

Signed:

Representatives:

BELL of Paris
 HIGGINS of Scarborough

Comes from the House with the Majority
**OUGHT TO PASS AS AMENDED BY COM-
 MITTEE AMENDMENT "A" (H-476) Report
 READ and ACCEPTED** and the Bill **PASSED
 TO BE ENGROSSED AS AMENDED BY
 COMMITTEE AMENDMENT "A" (H-476)**.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMEND-
 ED Report was ACCEPTED**, in concurrence.
 The Bill **READ ONCE**.

Committee Amendment "A" (H-476) **READ
 and ADOPTED**, in concurrence.

Under Suspension of the Rules, **READ A
 SECOND TIME and PASSED TO BE EN-
 GROSSED, as Amended**, in concurrence.

Under Suspension of the Rules, ordered sent
 forthwith to the Engrossing Department.

Divided Report

The Majority of the Committee on **AP-
 PROPRIATIONS AND FINANCIAL AFFAIRS**
 on Bill "An Act to Appropriate Funds for the
 State Railroad Program under the Department
 of Transportation" (H.P. 1135) (L.D. 1641)

Reported that the same **Ought to Pass as
 Amended by Committee Amendment "A"**
 (H-477).

Signed:

Senators:

DOW of Kennebec

PEARSON of Penobscot
 McBREAIRTY of Aroostook

Representatives:

McGOWAN of Canaan
 LISNIK of Presque Isle
 NADEAU of Lewiston
 CONNOLLY of Portland
 FOSTER of Ellsworth
 CHONKO of Topsham
 CARTER of Winslow

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

Signed:

Representatives:

SMITH of Mars Hill
 HIGGINS of Scarborough
 BELL of Paris

Comes from the House with the Majority
**OUGHT TO PASS AS AMENDED BY COM-
 MITTEE AMENDMENT "A" (H-477) Report
 READ and ACCEPTED** and the Bill **PASSED
 TO BE ENGROSSED AS AMENDED BY
 COMMITTEE AMENDMENT "A" (H-477)**.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMEND-
 ED Report was ACCEPTED**, in concurrence.
 The Bill **READ ONCE**.

Committee Amendment "A" (H-477) **READ
 and ADOPTED**, in concurrence.

Under Suspension of the Rules, **READ A
 SECOND TIME and PASSED TO BE EN-
 GROSSED, as Amended**, in concurrence.

Under Suspension of the Rules, ordered sent
 forthwith to the Engrossing Department.

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

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

Off Record Remarks

On motion by Senator CARPENTER of
 Aroostook, **RECESSED** until the sound of the
 Bell.

After Recess

Senate called to Order by the President.

Off Record Remarks

Senator BUSTIN of Kennebec was granted
 unanimous consent to address the Senate On
 the Record.

Senator BUSTIN: Thank you Mr. President.
 For those of you who have not noticed by now
 you are missing your doorman today and for
 a very sad reason. Tom Hickey lost his wife this
 morning to cancer and I just wanted to put on
 the Record and I am sure I speak for all of us
 how unhappy and sad we are for him and wish
 him all our best wishes and thoughts as he goes
 through this very, very hard time.

As I understand it, I did not know Mrs.
 Hickey, but I understand she was a very active,
 concerned person and gave a lot to her com-
 munity and to her family and friends. I think
 she deserves a short moment of silence, Mr.
 President, to let Tom know how deeply we feel
 for his loss.

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

COMMITTEE REPORTS

House

Committee of Conference

The **Committee of Conference** on the
 disagreeing action between the two branches
 of the Legislature, on Bill "An Act to Prohibit
 Consumption of Alcoholic Beverages within 15
 Feet of a Public Way" (H.P. 529) (L.D. 749)

Have had the same under consideration and
 ask leave to report that the House **Recede** from
 Passage to be **Engrossed as Amended by
 Committee Amendment "A" (H-405)**;

Recede from Adoption of Committee Amendment "A" and Indefinitely Postpone same; Read and Adopt Committee of Conference Amendment "A" (H-478) and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-478) in Non-Concurrence.

That the Senate Recede and Concur with the House.

Signed on the part of the House:

Representative ALLEN of Washington
Representative MANNING of Portland
Representative LEBOWITZ of Bangor

Signed on the part of the Senate:

Senator VIOLETTE of Aroostook
Senator TRAFTON of Androscoggin
Senator SHUTE of Waldo

Comes from the House, with the Conference Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-478) in NON-CONCURRENCE.

Which Report was READ and ACCEPTED, in concurrence.

The Senate RECEDED and CONCURRED.

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

Joint Resolution

The following Joint Resolution: (H.P. 1154)
JOINT RESOLUTION IN HONOR OF THE BICENTENNIAL OF THE TOWN OF CUTLER

WHEREAS, along the 2500-mile concave coast of the State of Maine lies a horseshoe shaped harbor which is considered one of the best storm shelters on the entire Maine coast; and

WHEREAS, on a little island at the mouth of this harbor stands a lighthouse which guards the deep, ice-free harbor waters and a beautiful fishing village called Cutler; and

WHEREAS, this community was founded and settled by one Ephraim Andrews and other veterans of the Revolutionary War on May 30, 1785; and

WHEREAS, from the high land on the east side of the harbor called the "look-out" the view is far-reaching and magnificent; and

WHEREAS, this is also the site of the world's most powerful radio transmitting station operated by the Navy; and

WHEREAS, the residents of the Town of Cutler are joining to celebrate the 200th anniversary of the town and to pay tribute not only to a rich past, but to a bright and challenging future; now, therefore, be it

RESOLVED: That we, the members of the 112th Legislature of the great and sovereign State of Maine, take this opportunity to extend our congratulations to the citizens of Cutler and offer our best wishes for the future; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted forthwith to the bicentennial committee in token of our support and encouragement.

Comes from the House READ and ADOPTED.

Which was READ.

On motion by Senator BROWN of Washington, INDEFINITELY POSTPONED in NON-CONCURRENCE.

Under Suspension of the Rules, ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: (H.P. 1155)
ORDERED, the Senate concurring, the Bill "AN ACT Concerning Liability for Injuries Caused by Drunken Persons," (S.P. 598) (L.D. 1568), be recalled from the Governor's desk to the House.

Comes from the House, READ and PASSED.

Which was READ and PASSED, in concurrence.

ENACTORS

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

An Act to Permit Certain Persons to Obtain Certain Information Relating to the Real Estate Transfer Tax. (H.P. 764) (L.D. 1084) (CC "A" H-449)

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON TRANSPORTATION 112th LEGISLATURE

June 19, 1985

The Honorable Charles P. Pray

President of the Senate

112th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Transportation during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	94
Unanimous reports	79
Leave to Withdraw	23
Ought to Pass	13
Ought Not to Pass	21
Ought to Pass as Amended	15
Ought to Pass in New Draft	7
Divided reports	13
Carry Over Bills	

(Approved by the Legislative Council)

2

Respectfully submitted,

S/ Peter W. Danton S/ Raynold Theriault
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON STATE GOVERNMENT 112th LEGISLATURE

June 19, 1985

The Honorable Charles P. Pray
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Roger P. Michaud of Lewiston, as a member of the Finance Authority of Maine.

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

YEAS: Senators 1
 Representatives 10

NAYS: 0

ABSENT: 2 (Sen. Hichens of York; Sen. Andrews of Cumberland)

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Roger P. Michaud of Lewiston, as a member of the Finance Authority of Maine be confirmed.

Sincerely,

S/ JUDY C. KANY

Senate Chair

S/ DAN A. GWADOSKY

House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended that the nomination of Roger P. Michaud be Confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE GOVERNMENT be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS:—Senators None

NAYS:—Andrews, Baldacci, Berube, Black, Brown, Carpenter, Chalmers, Clark, Danton, Diamond, Dutremble, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, Perkins, Sewall, Shute, Stover, Traf-ton, Tuttle, Twitchell, Usher, Violette, Webster, The President—Charles P. Pray

ABSENT:—Senators, Bustin, Dow, McBreairty, Najarian, Pearson

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Roger Michaud was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

ENACTORS

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

Emergency

An Act to Establish the Costs of Forest Fire Protection. (H.P. 750) (L.D. 1073) (C. "A" H-460)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE pending PASSAGE TO BE ENACTED.

Emergency

An Act to Amend Certain Motor Vehicle Laws. (S.P. 605) (L.D. 1599) (H. "A" H-379; S. "A" S-200; H. "A" H-459 to S. "C" S-297)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 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.

Emergency

An Act Relating to the Administration of Vocational Education. (S.P. 628) (L.D. 1645) (H. "B" H-456 to H. "B" H-422)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE pending PASSAGE TO BE ENACTED.

Emergency

An Act to Amend Certain Provisions of the Oil Discharge Prevention and Pollution Control Act and to Establish a New Act Relating to Underground Oil Storage Facilities. (S.P. 641) (L.D. 1655)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 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.

Emergency

An Act to Improve the Availability, Quality and Delivery of Services Provided to Children with Special Needs. (H.P. 1010) (L.D. 1454) (C. "A" H-457)

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:

ENACTORS

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

An Act to Revise and Modernize the Charter of the York Sewer District. (H.P. 504) (L.D. 707) (C. "A" H-471)

An Act to Support the Growth and Development of Community Child Abuse and Neglect Councils. (H.P. 662) (L.D. 945) (C. "A" H-461)

An Act Providing for Administrative Changes in Maine Tax Law. (H.P. 861) (L.D. 1220) (C. "A" H-470)

An Act to Prevent Developmental Disabilities in Maine. (H.P. 964) (L.D. 1385) (C. "A" H-462)

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 Allow a Tax Credit Equal to 30% of the Net Cost of Operating a Child Care Facility to be Used Primarily by the Children of the Taxpayer's Employees. (H.P. 464) (L.D. 665) (C. "A" H-453)

On motion by Senator **CLARK** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **PASSAGE TO BE ENACTED**.

An Act to Provide for a Pilot Program for Treatment and Support of Incest Victims and Survivors. (H.P. 968) (L.D. 1403) (C. "A" H-463)

On motion by Senator **CLARK** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **PASSAGE TO BE ENACTED**.

An Act Relating to Increased Financial Support for the University of Maine. (H.P. 1002) (L.D. 1444) (C. "A" H-466)

On motion by Senator **CLARK** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **PASSAGE TO BE ENACTED**.

An Act to Adjust the Excise Tax on Watercraft. (H.P. 615) (L.D. 885) (C. "A" H-454)

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator **SHUTE:** Mr. President and Ladies and Gentlemen of the Senate. I am not very familiar with this Bill, but I wonder if somebody from the Taxation Committee could explain the reason for increasing the tax 25% on those vessels over 30 feet by the Committee Amendment, just immediately after the State and the people passed a referendum—a new excise tax on boats or vessels—and I wonder if somebody would explain what vessels this affects and why this is going to be Enacted.

THE PRESIDENT: The Chair recognizes the

Senator from Oxford, Senator Twitchell.

Senator **TWITCHELL:** Thank you Mr. President and Members of the Senate. This Bill came to our Taxation Committee this last Session and we did have a large, well attended hearing on the Bill. We also had several work sessions on the Bill. A study by the Bureau of Taxation reported a loss of revenue occurred in many towns and cities when the nature of the boat tax changed from a personal property tax to an excise tax and, for instance, the Town of Yarmouth collected \$22,000 in boat property tax in 1983, but collected only \$7,500 on boat taxes in 1984. In Southwest Harbor they collected \$40,000 to \$50,000 in personal property tax on boats in 1983. In 1984, they only collected \$7,000 in boat excise tax.

What this actually did was shifted everything back onto the property tax and then the towns and cities had to come up with more money. All we are talking about right now is boats, I believe it is 30 feet or more. In 1984, Tremont's personal property tax on watercrafts would have been approximately \$33,800. As it was, the excise tax revenues under the new system generated \$6,624 and that resulted in a loss of revenue to the town of \$27,176.

If you went out and bought a brand new Cadillac at \$18,999, the excise tax would have been \$315. If you bought a brand new 50 foot watercraft pleasure boat that sold for \$150,000, the excise tax would have only been \$270.

We think that the towns and cities are losing money on this and this is mostly a coastal bill I believe, it doesn't affect my area and I am a cosponsor on the Bill and it is a good Bill and I would hope that you support it.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator **SHUTE:** Mr. President, Ladies and Gentlemen of the Senate. I agree with the figures that my good friend, Senator Twitchell from Oxford has given you concerning this Bill, but I would ask if these aren't the figures the towns expected to receive when the people of the State passed this Bill through a referendum? I think the towns knew what money they would receive under this excise tax as opposed to a personal property tax.

I guess the only other comment I have is that the commercial fishermen, under this proposal, certainly get quite a bonanza and it was mentioned about excise tax on a Cadillac, well, I would submit that the excise tax on a Cadillac would be less than it would be on a commercial truck, if somebody is using a vehicle in their business, and I really don't agree with the legislation, but it seems that the skids have been greased on this and it may Pass the Senate but it may run into some trouble somewhere along the line.

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

Senator **SEWALL:** Thank you Mr. President. I would like to speak in support of this Bill and just read to you the statement of fact in the Amendment and see if you have any problems with that. "The Amendment increases by 25% the watercraft excise tax on pleasure boats which are 30 feet or longer."

Which was **PASSED TO BE ENACTED** in **NON-CONCURRENCE** and was signed by the President.

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 Prohibit Discrimination Against Handicapped People in Insurance. (S.P. 484) (L.D. 1312) (C. "A" S-305)

An Act Establishing Assessments to Defray the Expense of Maintaining the Bureau of Insurance. (S.P. 555) (L.D. 1501) (H. "C" H-458 to C. "A" S-192)

An Act to Provide for Greater Tax Expend-

iture Accountability. (S.P. 579) (L.D. 1521) (H. "A" H-447 to C. "A" S-294)

An Act to Authorize Aroostook County to Raise \$2,500,000 for Renovations and Additions to the Aroostook County Jail. (S.P. 617) (L.D. 1628) (S. "A" S-304; H. "B" H-446)

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 Improve the State of Maine's Safety Programs for Maine State Employees. (S.P. 408) (L.D. 1137) (C. "A" S-307)

On motion by Senator **CLARK** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **PASSAGE TO BE ENACTED**.

An Act to Fund Community Response Programs to Reduce Spouse Abuse in Maine Communities. (S.P. 487) (L.D. 1315) (C. "A" S-306)

On motion by Senator **CLARK** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **PASSAGE TO BE ENACTED**.

An Act to Encourage A Viable Agriculture for Maine. (S.P. 489) (L.D. 1316) (S. "A" S-114; S. "B" S-303 to C. "A" S-105)

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

An Act Concerning Transitional Services for Handicapped Persons Beyond School Age. (H.P. 1131) (L.D. 1638) (C. "A" H-469)

On motion by Senator **CLARK** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **PASSAGE TO BE ENACTED**.

Senate At Ease

Senate called to Order by the President.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON BUSINESS AND COMMERCE 112th LEGISLATURE

June 19, 1985

The Honorable Charles P. Pray
President of the Senate
112th Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Business and Commerce during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	122
Unanimous reports	102
Leave to Withdraw	32
Ought to Pass	6
Ought Not to Pass	14
Ought to Pass as Amended	28
Ought to Pass in New Draft	22
Divided reports	16
Carry Over Bills (Approved by the Legislative Council)	4

Respectfully submitted,
S/ Beverly Miner Bustin
Senate Chair

S/ Joseph C. Brannigan
House Chair

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

Senate At Ease

Senate called to Order by the President.

ORDERS OF THE DAY

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

Bill "An Act Relating to Retirement Options for Legislators" (H.P. 703) (L.D. 1013)

Tabled—June 19, 1985, by Senator GAUVREAU of Androscoggin.

Pending—ADOPTION of Committee Amendment "A" (H-154)

(In Senate June 19, 1985, the OUGHT TO PASS AS AMENDED Report READ and ACCEPTED, in concurrence. The Bill READ ONCE. Committee Amendment "A" (H-154) READ.)

(In House June 18, 1985, the OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154) AS AMENDED BY HOUSE AMENDMENT "A" (H-263), thereto AND HOUSE AMENDMENT "B" (H-450).

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

Senator GAUVREAU: Thank you, Mr. President. Has the Bill currently received its Second Reading, if so, is it appropriate to offer Amendments to the L. D. at this time?

THE PRESIDENT: The Chair would answer in the negative. The pending question is the Adoption of Committee Amendment "A".

House Amendment "A" (H-263) to Committee Amendment "A" (H-154) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-154) as Amended by House Amendment "A" (H-263), thereto ADOPTED, in concurrence.

House Amendment "B" (H-450) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME.

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "A" (S-317) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator GAUVREAU: Thank you Mr. President, Men and Women of the Senate. The L.D. we are currently dealing with, L.D. 1013, pertains to the establishment of the Maine Legislative Retirement System. The Amendment which I am adding at this time is purely technical in nature. Earlier the Committee had met and issued a compromise amendment, unfortunately through a drafting error the compromise was not reflected in the legislation before us. Consequently, I am offering Senate Amendment "A" to resolve that discrepancy. Thank you.

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "A" (S-317) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

The President laid before the Senate the following assigned matter:

Emergency

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

Tabled—June 18, 1985, by **THE PRESIDENT.**

Pending—RULING OF THE CHAIR.

(In House June 4, 1985, PASSED TO BE ENACTED.)

(In Senate June 17, 1985, FAILED TO RECEDE AND CONCUR. FAILED TO INSIST. FAILED TO ADHERE.)

THE PRESIDENT: In reference to the inquiry of the Senator from Aroostook, Senator Carpenter, as to whether or not the motion of the Senator from Kennebec, Senator Kany, to Recede and Concur was properly before the

Body, the Chair would answer in the negative. The motion was not properly before the Body. The motion to Recede not having been entertained.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: I now move that the Senate Recede.

THE PRESIDENT: The Senator from Cumberland, Senator Usher, moves that the Senate RECEDE.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. The last time I stood here I said the day was late and the hour was long, the day is now later and the hour is now longer, however, to make one last effort the large part of the argument for this Bill was that the contractors had to have it now or never. You all remember a letter that appeared on our desks, which I questioned, some weeks ago from a certain contractor who said that because of this law he had to go out of business on the 7th of June. I have been unable to find out whether that gentleman went out of business or not, but if in fact, you support the pending motion to Recede there will be an amendment offered which will strip the emergency clause from this Bill.

In effect we are going to have several different levels of law operating over the summer. Consistently the parties have said they had to have it now or never.

This Bill has failed Enactment in this Body four times. The motion pending, when we came in this morning, was for Enactment, or to Recede and Concur for the fifth time. I would ask if you have made commitments to people. It seems to me that anybody who has voted as many times, as many of you have voted for the contractors side of this, have certainly fulfilled your word.

I would ask you to oppose the motion to Recede and join with me in putting this matter to rest once and for all. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland, to Recede.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator USHER of Cumberland, to RECEDE 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.

19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the motion by Senator USHER of Cumberland, to RECEDE, PREVAILS.

On motion by Senator USHER of Cumberland, the Senate RECEDED from its action whereby it ADOPTED Committee Amendment "A" (H-301).

On further motion by the same Senator, Senate Amendment "A" (S-299) to Committee Amendment "A" (H-301) READ.

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

Senator CARPENTER: Mr. President, just quickly glancing at the Amendment which has been on our desks, quite frankly for several days, but I haven't had a chance to read it yet. I believe that all it does is strike the emergency preamble. I guess I would pose a question through the Chair to the Senator from Cumberland, Senator Usher, if in fact that is all it does. I would ask you to oppose this motion because again, all it is going to do is add confusion.

This Bill has been jerked back and forth, back and forth, up and down several times. Portions of the law dealing with wood measurement relative to scaling were placed in the Part II Budget on Saturday, so this isn't the only place where the battle is going on. I want you to

know that. As a matter of principle I guess, I would ask for a Division, Mr. President, on Adoption of this Amendment.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter, has posed a question through the Chair to any Senator who may respond if they so desire.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Thank you Mr. President. Mr. President and Members of the Senate. The Senator from Aroostook is correct, it does strike the emergency clause. I would say if this could be adopted that it will take effect later this year, but everyone is aware of the possible problems that might arise, we will monitor everything. I would say that the Senator from Aroostook, Senator Carpenter is still concerned about a very parochial case in his area. We have to be concerned about the State as a whole. I am concerned about the small woodcutter and this is an agreement on both sides and I think it will work fine.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. I want to get one thing clear on the Record. I don't know whether the Senator from Cumberland, Senator Usher, spoke to the person representing the woodcutters yesterday or not when she was in the hallway, but I feel compelled to tell this Body that there is no agreement. The agreement, if there ever was one, was drafted by this person because she felt she had no option. It was either she was to draft the amendment which gutted the Bill or other persons in the lobby were going to draft that amendment. That was all that was to be done. Then there were things said, then there were changes made in the present Wood Measurement Law and the Part II Budget. "All deals are off," and those were the words of the person representing the woodcutters yesterday afternoon in the hallway.

This is not an agreement issue, the agreement has been abrogated. I consider it to have been abrogated several weeks ago, but to her credit, the person who lobbies for the woodcutters, has just finally said "enough is enough, there has been enough of a deviation from the agreement so I can no longer support it," the woodcutters, and this is really an issue between her and the people she represents, the woodcutters never did support the agreement.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland, to ADOPT Senate Amendment "A" (S-299) to Committee Amendment "A" (H-272). A Division has been requested.

Will all those Senators in favor of the ADOPTION of Senate Amendment "A" (S-299) to Committee Amendment "A" (H-272), 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.

20 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the motion by Senator USHER of Cumberland, to ADOPT Senate Amendment "A" (S-299) to Committee Amendment "A" (H-272), PREVAILS.

Committee Amendment "A" (H-272) as Amended by Senate Amendment "A" (S-299) thereto, ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED, as Amended, in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

HOUSE REPORTS—from the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Promote Industrial

Stability" (H.P. 1145) (L.D. 1652)

Majority Report—**Ought to Pass as Amended by Committee Amendment "A" (H-473)**.
Minority Report—**Ought Not to Pass**.

Tabled—June 19, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ACCEPTANCE OF EITHER REPORT**.

(In Senate June 19, 1985, Reports **READ**.)

(In House June 18, 1985, the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)** Report **READ AND ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)**.)

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-473) **READ AND ADOPTED**, in concurrence.

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

Senator **BALDACCI:** Mr. President, a parliamentary inquiry, if I may. Would it be appropriate at this time, to present an amendment to this particular measure?

THE PRESIDENT: The Chair would answer that if the amendment is to the Bill, the Bill would have to be in its Second Reading. If the amendment is to the Committee Amendment, then the Senator would have to Reconsider whereby Committee Amendment "A" was Adopted.

On motion by Senator **BALDACCI** of Penobscot, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-473).

On further motion by the same Senator, Senate Amendment "A" (S-314) to Committee Amendment "A" (H-473) **READ**.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **BALDACCI:** Mr. President and Members of the Senate. This amendment deletes from the Bill the provision that dealt with ordering the Public Utilities Commission to consider rate stability and let that out of the measure.

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

Senator **CLARK:** Mr. President. It is important that the Record on the Senate's discussion of this issue contain the following: "Committee Amendment 'A' will create a definition of rate stability to be used by the Public Utilities Commission in dealing with rate design changes. The amendment will have no effect on the overall level of a utilities rate. It will only require the P.U.C. to make sure that whatever shifts occur among the various customer classes, occur gradually. The amendment has no effect on overall utility revenue levels."

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

Senator **BALDACCI:** Mr. President and Members of the Senate. Very simply, in this particular area, we are talking about a pie. We are talking about that pie being a revenue requirement for the utilities. Then we are talking about how we slice that pie and you have three major classes in which you are slicing up. One of them is residential, one of them is small business and one of them is industrial. This amendment to this particular Bill deals with the industrial aspect of that particular structure and stability.

The concern is that by requiring the Commission to make sure that the rates are stable and gradual over a period of time, you are making the other classes pick up the slack. If you are guaranteeing the utilities revenue requirement on the one hand, on the other hand you only have that one pie and when you slice it up you are burdening the commercial small business and residential classes. It is very simple. This is exactly what the concern was with this particular issue when it first rose which was sub-

sidization through the rate structure.

I submit to you, Members of the Senate, that this does not just deal with one particular industry, it deals with the whole class of industries. In this measure it does not support the contention that you pay for what you use. The Public Utilities Commission does a cost study, it determines what those different classes cost in the electric rates. They try to put that into place, when they try to put that into place they have a statute staring them in the face that says stability. That is the problem, so if it is going to be increased to a particular level and it won't create stability in that particular class they won't be able to do it by statute, meaning it would be gradual to that particular point which means that the other two major classes of customers, small business, commercial and residential would have to continue to pick up the slack.

The concern, Members of the Senate, is that it may appear to be harmless, but in fact it is hamstringing, tying the hands in this particular area of this particular Commission, the discretion to do what is right. If this Legislature thinks this is a good idea, then it would be good for other industries that want to pay for what you use. Local Measured Service, arguments behind local measured service, pay for what you use or cost the system. I submit to you that this step in this particular measure is something that is not in the best interest of the people of the State. I would like to, if I have not already, move Passage and request a Division on the motion.

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

Senator **VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate. As you all know, the cost of new expensive generating plants like Seabrook has generated nationwide awareness of the need to implement a rate change slowly so that utility customers can adjust to changing at price levels. There are some cases before the Maine Public Utilities Commission which will affect how rate design changes are to be handled among utility customer classes. The intent of this legislation is to ensure that the impact of these rate design cases changes the so-called rate shock associated with rate design changes is moderated to avoid abrupt changes. This is why the statute emphasizes the need for rate stability.

I also want to make you aware that rate stability has long been recognized as an element of rate design and is described in text books in regards to rate stability as part of the criteria to be considered. I am sure we can all agree that the rate design changes should take place as gradually as possible or otherwise customers are likely to overreact or to take needless and irreversible steps in regards to rate increases. I also think it is important that we leave to discretion to implement certain principles to the Commissioners of the Public Utilities Commission, and that we state what principles they should consider. This change gives them the discretion to implement a 1% change immediately and perhaps a 5% change immediately. However, I think it is clear that it is the intent of this legislation that a more significant change should take place over several years.

This way, customers can adjust and adapt. I think it is also clear that a very large change should be implemented over a period of as many as five years so that customers can adjust and adapt to increases. I also want to emphasize that this concept is particularly to be applied by the Commission in the area of rate design or rate structure improvements under the Electric Rate Reform Act, Enacted by this Legislature several years ago.

There are several cases now, at the Commission, in which some people have argued for large changes for every customer class. The legislation would require that any change of any significance be implemented very gradual-

ly. In fact, in the rate design area, I believe it is clear that the intention of this legislation is to phase in, over a five year period, any increase in excess of 10% or 11% for any customer class. This will provide that customer classes with the opportunity to adapt and serve or generate its own electricity. I would also like to further state the Public Utility Commission is in support of this particular section of this Bill and opposes the Senator's amendment to delete this, as well as the Public Advocate.

I would hope that you would join me in opposing the good Senator from Penobscot, Senator Baldacci's amendment to delete, what I believe, is a section of this Bill that allows for what we are addressing in this Bill, a problem with respect to electrical rates. This amendment allows an opportunity for this legislation to have an impact on all the people of this State with respect to changes within the structure of electrical rates. So I would hope that you would join me this afternoon in opposing this amendment. I would move the Indefinite Postponement of this amendment. Thank you.

THE PRESIDENT: The Senator from Aroostook, Senator **VIOLETTE**, moves the **INDEFINITE POSTPONEMENT** of Senate Amendment "A" (S-314) to Committee Amendment "A" (H-473).

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI:** Mr. President. When I first came down to Augusta two years ago, I didn't know any more about utilities and utility rate structures than my phone bill. What Committee do I get put on, I get put on the Utilities Committee and I started learning about it for two years at a summer study. I spent a lot of time on it, a lot of issues get covered. This one particular issue was never brought to the Utilities Committee. There was a concern about Keyes Fibre for a very long time. This particular amendment on this particular Bill was never brought before the Utilities Committee.

This amendment is the third draft of the original amendment. The good Senator from Aroostook pointed out how the Commission was against my particular cause and the Public Advocate was against my particular cause, and probably there are a lot of you are against this particular Amendment, I don't know. But, their letter of June 18th, which was yesterday, said that "the Public Utilities Commission is taking no position on L.D. 1652 as originally drafted. However, the Commission opposes the amendment adopted by the Committee which would establish a specific rate design formulated by statute." That was the first amendment which dealt with over a five-year period if it is a 10% increase.

That has been amended down to a position, I'm sure, that there has been some pressures exerted here today to develop something in regards to that particular aspect of it to an amendment which directs the Commission to have stability in particular classes of customers. It is very simple. You grant Central Maine Power Company \$25 million in revenue, they don't set the rates based on what they are going to charge per kilowatt, it is a revenue requirement that they grant so much money. Now you back that up and you figure out how much the rates are going to be for the different classes, but the utilities are guaranteed that revenue requirement.

If you are going to gradually phase in the rate increase that the utility has been granted you are going to have to draw that from other classes of customers. I have asked the Chairman of the Commission if that is in fact what happens and the Chairman of the Commission said "yes." I asked the Public Advocate if that is what happens and the Public Advocate said "yes." Now I am not here to lobby against three or four lobbyists or causes or whatever else, I serve on that Committee, I am concerned with all the people, I am concerned with a balance. I am not coming off the walls attack-

ing this for any reason other than to say you are going to hurt all the other rate payers. Now if this Senate agrees to give a subsidy to Keyes Fibre, that is one thing and it is specifically geared to Keyes Fibre, but in that Bill, it amends it by saying all industrial customers are going to have rate stability. What about customers that are sitting there in Saco and Old Orchard and Bangor and Brewer and all over that are paying higher and higher electric rates? They are paying their share plus more. What about stability in their class? What about stability in the Mom and Pop operations that can't pick up and move and leave that state and blackmail us with saying "I'm going to leave?" They are stuck there and there is no protection or stability in their rate structures, they aren't down here fighting for this.

I don't like to make people upset with me, I don't like having people feel that well, John is not one of our friends. But my ultimate responsibility is not to the people here in the lobby, my ultimate responsibility is to the people that I represent and I submit to you that this is very poor legislative policy in the utility structure. If this Bill went to the Utilities Committee, I am sure that it would receive an Ought Not To Pass.

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

Senator **VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate. I won't take that much more of your time, I guess I have to disagree with my learned colleague from Penobscot, Senator Baldacci, when it comes to the issue we are discussing. I believe he is discussing the issue of rate increases and we are discussing the issue of changes in rate design and the structure of rates and how the pie is apportioned between the various groupings.

In essence what this section allows is that it will give every consumer, I don't care if it is industrial, commercial, home, any of those people, assurance, to the extent that is possible to do so, that the P.U.C. will implement rate changes on a gradual basis. If they have major restructuring on the way they are apportioning the percentage of the amounts when they determine they have to, in fact, increase rates, how that is going to be apportioned. In that restructuring, if it is in fact a major one, then they would implement that on a graduated basis rather than if they made a substantial change and that is part and parcel to the entire rate making process. These two issues do not go one rate here, restructuring there, these two go together, so to suggest otherwise is to suggest incorrectly.

What it means is that people can plan on certain things happening with regard to their electrical rates and adapt their behavior accordingly. They can conserve or use less on the alternative means of supply with respect to energy.

I would hope that you would join me in indefinitely postponing this amendment. I would like to say one thing, and this is to clarify in my opinion, the intent of this particular section. The definition of rate stability is only intended to apply to the issue of rate design and not to the issue of general revenue requirements of a utility. The amendment does not address the amount of a rate change, but only to its allocation among existing customer classes, and I think that really goes to the core of the issue here.

It is not with respect to the amount of the increase, this section goes to the issue of the allocation amongst the existing classes and provides the mechanism by which there is going to be some change in that allocation amongst the classes, that, that change be done gradually rather than immediately, so that consumers or industry or commercial users may have an appropriate amount of time to plan and that these changes be made gradually. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator

VIOLETTE of Aroostook, to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-314) to Committee Amendment "A" (H-437). A Division has been requested.

Will all those Senators in favor of Indefinite Postponement, 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.

22 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion by Senator **VIOLETTE** of Aroostook, to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-314) to Committee Amendment "A" (H-473) **PREVAILS**.

Committee Amendment "A" (H-473) **ADOPTED**, in concurrence.

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

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

Senator **BUSTIN:** Thank you Mr. President, Men and Women of the Senate. I just want to get something on the Record. I considered submitting an amendment for this, but I really do want to see the Bill Pass and I felt that my amendment might interfere with that Passage so I did not offer it.

When I first read this Bill, I took a look at it and I thought I was reading a Human Resources Bill, because what it does is set up eligibility criteria to receive some kind of aid from the State, and maybe that is not a bad thing for business. But, all the time that I am sitting down in Business and Commerce and all the time I have been sitting on Human Resources I hear, on the one hand, in Human Resources how much money we give to all those welfare cases and that can't we get rid of all this welfare fraud and we can't do this and can't we do that. On the other hand, I go down to Business and Commerce and everybody says that they are not getting anything. I hold that in both Committees you get something.

I am happy to see a Bill to try to address a problem that seems to be occurring out there in the business world. I would just like to say on the Record—we do indeed help businesses in this Legislature, as well as we help those who are less fortunate than ourselves.

Furthermore, I want to rise to point out on the Record that there are other industries in Maine that are having a difficult time besides Keyes Fibre. Here in Augusta, Statler Tissue Company employs over 500 people and has suffered pre-tax operating losses during the last two fiscal years and its annual cost for electrical energy is greater than 10% of its manufacturing costs. Statler's costs of electricity is \$3 million per year, not an insignificant cost. Statler will not qualify under L.D. 1652 because it does not use an electrothermal process to manufacture molded fiber products. Instead, it manufactures tissue paper products using a recycling process in which the product they manufacture comes from 100% secondary or recycled fiber.

The use of 100% recycled fiber in a mill this large also appears to be unique in Maine. I am not sure what public policies it suggests that one industry which satisfies certain economic criteria is favored over another industry which also satisfies that criteria. However, because it is not expected that there will be any expenditure based upon this legislation until after July 1986, I am not suggesting any amendment at this time.

I look forward to seeing the report of the proposed Commission on Industrial Stability. I hope this Commission will be able to make a proposal that will help all industries that are suffering economic difficulty and for which electrical costs are a significant part of this manufacturing cost. Thank you.

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

Senator **TWITCHELL:** Thank you Mr. President. I Move that this Bill and all Accompanying Papers be Indefinitely Postponed and I would like to speak to my motion. Mr. President and Members of the Senate. What we are doing here this afternoon is solving the financial problems of one company at the expense of another and that is wrong. You know, way back, several months back in the month of March, I had a Bill before my Taxation Committee, L.D. 1139, and the first step of Keyes Fibre was to provide a sales tax exemption on electricity and that was \$146,000.

They told us that if we didn't help them then that they would pack up their bags and leave. Next came speaking to their help and the employees of the factory, and they wanted a wage concession. After three votes and many threats and rattling around, they finally got their way and they did receive their wage concession from the employees. Two or three weeks ago up from the Governor's Office came two additional ideas. One was a \$10 million State subsidy over six years and interest free loans from Waterville and Fairfield of \$6 million over a ten year period. Then the company wanted the money, but they didn't want to make the interest payments. Whatever we do here today won't change a darn thing because Keyes Fibre, in two or three years down the road will leave anyway.

I have upstairs in the Committee on Taxation right now a Bill which we are holding. I cosponsored the Bill and it will take care of the needs of all the companies of the State of Maine on their sales tax exemption on electricity and that only costs \$500,000 the first year.

Here we are asking today for \$900,000 to help one company when I have a Bill upstairs which I am holding that only costs \$500,000 and that will help everybody on the first year, and the second year it came to approximately \$1,900,000. Earlier on Keyes indicated that it needed to reduce its payroll if it was to continue its Waterville operation. Well, the payroll was reduced, the firm now seems to give the Legislature the same choice it gave its workers, help us or good-bye folks, and I say to you, bye-bye, because that is just the way I feel!

There are legislators who are properly upset at management of Keyes Fibre who have scored one victory, it is rolling on demanding legislative relief as well. If Keyes Fibre, one of the States major employers, needs assistance and can demonstrate the fact to the satisfaction of Legislators, the Legislature should first of all set up guidelines which will apply to all Maine industry who may experience financial difficulty in the future and not just Keyes Fibre.

The giant step toward socialism will surely open the flood gates of individuals and to corporations to demand the rights to dip into the public till almost at will. In the interest of fairness, if we bail out one company then legally and morally we should bail out all companies.

Keyes Fibre must either be terminally ill or grossly mismanaged to need massive wage cuts, shelter from increased electric rates, plus \$900,000 in taxpayers funds to remain in operation. Obviously, the closing of the plant would be tragic for the 600 workers and their families whose jobs would be lost. But, at a cost to taxpayers keeping this plant open would be even more tragic for all taxpayers of Maine who already bear one of the most heavy tax burdens of all the fifty states.

I have a letter here from the Public Utilities Commission and I will just read one or two quotes from it. "A conservative estimate of the impact of Keyes Fibre closing shows the ratepayers would save over \$700,000 per year if the plant was to close. Because marginal cost exceed average cost, rate payers would save if Keyes or any other large industrial customers were to close." And it explains in my letter here as to how you separate the marginal cost from

the operating cost and so forth, if anybody would like to see it. This Bill is poor policy, the Legislature should be conscious about legislation intended to benefit a single company no matter what it produces.

I talked to Mr. Sutton, Vice President of Keyes, and he told me that whatever we did wouldn't make any difference because there was no guarantees that they were going to stay here. The State does have a responsibility to help keep its economy productive and the citizens employed, but we should not be put into the position of tipping the table in favor of one business over another.

Keyes Fibre has admitted to me and to the Taxation Committee when we had the Bill, that it had been slow to better new products and markets and whose fault is that? It's not ours! Maybe, with a loss of \$4.3 million last year the company should make some dramatic shifts in production, management techniques, product mix, a marketing strategy which will put this company on its feet.

But there is no evidence to suggest this. It is my guess that in the short run it will take more than \$900,000 to turn this company around. That last time I got up to speak on Keyes Fibre, and I shall end my speech with this, if State Government should be run like a business as many have stated, then the Legislature as its board of directors should be more careful in a way that it invests the money that it holds in trust for the people of the State of Maine. Mr. President, I request a Roll Call.

THE PRESIDENT: The pending question before the Senate is the motion of Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE the Bill and Accompanying Papers. A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

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

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate. I guess if I really had to I couldn't disagree very much with what the good Senator from Oxford had to say. But, and there has to be a "but" on this issue, when should government get involved? You know, you have to ask yourself that simple little question. When should government get involved? Is this an area that government should get involved in? I guess if you think of Keyes Fibre, maybe you can just disregard the company itself. But you do have two communities and perhaps a couple of surrounding communities, and you do have 800 jobs at stake.

Should we allow this company to move? Fine, so they move and after they move the jobs are gone and when the jobs are gone, then we get the Development Office and say now we want you to do your job as a Development Office, go all over the country and see if you can find a company and bring them in so they can settle in the Waterville area because the people there are unemployed now.

They are no longer making \$20,000 a year they no longer can keep the payments up on their homes, they no longer can keep the payments up on their automobiles, they no longer can afford to keep their kids in school.

You see, when we talk about losing jobs in an area, I know it is easy for us to say that government shouldn't get involved, but in some areas, government does have to get involved, in different ways. The United States Government gave Chrysler \$500 million just to keep the company in business, just in the event of a national emergency we would have another automobile maker or truck maker or defense weapons maker.

So you see, we just have to think of these

things. Those jobs you know, once they are gone, \$8 per hour, I can tell you right now, or \$10.50 an hour that they used to make prior to the Union's making their concessions, I can tell you as a State Senator from York County, and I am sure that my other State Senators from York County, Senators Dutremble, Hichens and Tuttle, will agree with me. There aren't a lot of jobs in the York County area that pay \$10.50 an hour and that is a big impact on a community when they lose those jobs.

I was sure that this issue had gone by the wayside just a few weeks ago, but somehow, somehow through the political process, whether the Representatives and the State Senators representing those particular areas that are impacted by Keyes Fibre closing, along with Union officials got together and came to government to see if we could help them.

Now, that is our option here today. We are talking about a big payroll, we are talking about \$900,000, we are talking about those people paying income taxes, we are talking about a payroll that is in the millions going out to those communities spending money and sales taxes collected. How about the spinoff on other employees working in filling stations, in grocery stores, in drug stores, and we have to take these things into consideration. So sometimes, sometimes just maybe, government does have to get involved. I am not saying they should stick their nose into every little situation that comes up, but when an area is going to be impacted, and this area will be affected very, very badly, I think government does have to get involved.

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

Senator USHER: Thank you Mr. President. I would like to pose a question through the Chair. I understand that if this Legislation is Passed there is rumor that the company might invest up to \$10 million. I would like to know what type of investment is going to be made and how it would be broken down?

THE PRESIDENT: The Senator from Cumberland, Senator Usher, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate. Keyes Fibre has invested about \$8.5 million in the plant since 1980 in part of a wage agreement with its production workers now which those workers took a wage cut of over \$1.50 an hour and also agreed to accept profit sharing of up to 20% of any future profits over the next three years.

The company at that time did agree to make significant investments in the plant, approximately \$10 million is expected to be the capital investment. Both the wage concessions and the labor contract and any new capital investment in the old plant, by the way, which was built in about 1903, are contingent upon us doing something here at the State level regarding the upward trend in electric rates.

Now, the investments are to be made in major changes in the equipment, primarily an oven two product which is used in microwave ovens. There is a very positive future in that line and we are very hopeful that can really assure the long run future of the Waterville plant. In addition to that specific machinery and equipment there are plans for capital investment in just making things run more smoothly as far as handling within the plant because it is very long and narrow, if some of you have been there.

While I am up on my feet, I would like to say that since the end of March, when we did have over an hour debate regarding Keyes and its future and the impact of our much higher electric rates here in the Northeast particularly, than in other parts of the country, there are several events that have occurred.

One of which was the workers being willing

to take the wage concession, the promise from the company to invest the \$10 million in addition. I remember at that time Senator Matthews, the good Senator from Kennebec and I were talking about the area and we were mentioning Diamond Match in Oakland that there were indications that it might announce it would be closing. Well, it did announce that it would be closing and it has closed.

There were about 200 people working at that plant in Oakland when it closed, and years ago there were 700 people working at that plant. Wyandotte, the plant that closed in 1981, that had over 300 workers still is basically empty, it does a little warehousing for Hathaway Shirts and that is all. So, we are very concerned at the probable loss of 875 jobs and we ask you to help us out in this emergency situation of attempting to freeze the electric rate at this summer's rate and pay any electricity seller the difference between the rate and the increase that we will expect in the near future.

At the same time, the legislation seeks to address the problems that all industry and others will have because of the increasing electric rates too. It does call for a commission so that all industry can have the benefit of judgement of that commission in seeking to deal with this very, very serious problem.

Also in the interim, I would like you to know that we have had very, very active soliciting by other state's development offices for Keyes Fibre. Because those that look at it very closely believe there is a real future for the company, a real future and that those jobs will be there someplace, they just may not be here in Maine.

South Carolina sent a plane right here into our State Capitol, to the Augusta Airport to pick up people to take them down to offer all kinds of enticements to have them relocate there, including an economic development electric rate. Kentucky has offered them 3¢ a kilowatt hour electricity.

Now our industrial users are paying about 5¢ and it is estimated that it will go up over 9¢ a kilowatt hour within ten years. That's great in New England, it is very low for New England, but unfortunately much of our competition is not with New England or the Northeast for jobs, it is with other parts of the country and the rest of the world.

When you vote, I hope you keep in mind the reality of the different electric rates elsewhere and the probability if we have the time to address the problems at that big plant in Waterville, that we can succeed and keep it there permanently. I hope you think in terms not of perhaps the company itself, but of the people, the people that work at the plant, and people's jobs there. I ask you please, please, to plead with you to go along with us on this and give us the opportunity to have a future in our area.

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

Senator USHER: Thank you Mr. President. Mr. President and Members of the Senate. I do recall when we did get involved. The good Senator from York, Senator Danton stated should government get involved. We have gotten involved many, many past years in the Legislature. We got involved with Pratt & Whitney down in York County, we got involved with B.I.W., we got involved with Bar Harbor Airlines. I am sure I can't recall how I voted, but I think I supported them all.

I am concerned about 800 jobs, but I am also concerned about management too, how do they run their outfit. I have a very good friend who has been at the factory more than once and he said it was in very bad condition. If they are going to invest \$10 million, they probably need it today not over a period of years.

I think this really is a serious message, a \$900,000 message to the employees in three years you are going to be out of a job that is the way I see it.

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

Senator **SEWALL**: Thank you Mr. President, Members of the Senate. I stand this afternoon to support the position of the good Chairman of the Taxation Committee in Indefinitely Postponing this Bill. It isn't because I am against business as my voting record shows, nor is it because I am against a partnership between government and business. This contract, it isn't a loan that is going to be repaid, it isn't a bail out with a team effort of community, employees, state and federal government and perhaps foreign imports, it appears to be a gift to one company at the disadvantage of others.

I am completely upset about the whole idea that the community isn't going to do anything, I understand they have been taxing them at a high rate, but they don't want to do anything, and that is where those people live and that it is my people and the people of the rest of the state who are going to be paying for this.

Senator Danton mentioned the bail out of Chrysler. Let's discuss the bail out of Chrysler, a little bit and what were the conditions of that? \$1.5 billion in loan guarantees over the next two years is what they got, to be repaid by 1990. Repaid. Their current lenders are required to extend \$400 million in new credit and \$100 million in concessions on existing loans. Foreign lenders are required to extend and additional \$150 million in credit. They had to raise an additional \$300 million through the sale of assets.

State and local governments with Chrysler plants had to provide \$250 million and then there were the employee cuts. For all those reasons and for the reasons that I feel this is a very bad contract and a very bad precedent I will be voting against this Bill today.

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

Senator **DANTON**: Mr. President and Members of the Senate. When I mentioned Chrysler I didn't in anyway mean to indicate that the money was given to them. The good Senator from Lincoln is right it was loaned, I am sorry if I indicated otherwise.

But, again I want to repeat one thing. This company, just a few months ago was here like the good Senator from Oxford, Senator Twitchell stated, looking for a \$140,000 tax break. At that point many of you can remember that I was opposed to it. I never thought they were concerned, or even cared about staying in the State of Maine. I even stated right here on the floor of the Senate that how interested can they be in getting a tax break, they never wrote us one letter as Legislators or State Senators. They couldn't be very well concerned.

Since then, there has been an effort made on the part of labor. There has been an effort made on the part of management, they got together, they need some assistance, it is assistance that is going to be reviewed it isn't going to be ongoing assistance. It is regrouping, sometimes you need that in a business.

As a small businessman I remember I needed a little period of time. Sometimes I would go to my bank and I would say, how about giving me a little break on a couple of payments for the next two or three months just to give me an opportunity to get readjusted so I can get some things done. This is what we are doing with Keyes Fibre, and if they stay around one or two or three years, at least we will be giving the state time to look around and get other people into an area and diversify our area.

I would like to tell you a story about the City of Saco back in the 50's when the Bates Manufacturing Company, which was a cotton mill, moved out of the City of Saco. We were in a depressed area, there were no jobs available and what came along at that time, the Saco Tannery that many of you have heard about and read about, about the pollution that they caused lately.

But do you know at that time when the Saco Tannery came in after the mills had moved out

and people were unemployed, everybody was happy to see them. They stayed long enough. They have been gone for a year or two or maybe three, no one misses them because we have had the opportunity to diversify and get into other types of employment and have jobs for people to go to and York County has grown.

I think these are the things that sometimes State Government has to get involved in. It has to give a company the chance to regroup. If they can't make it in two years I am sure the City of Waterville and the Town of Winslow and others will be out looking for other industries to take their place and for those employees to go to work there. I still do not think, nor do I believe, that those jobs will be replaced at eight or nine or ten dollars an hour.

Now if they move out, chances are we will get an industry in there that will pay half that amount of money or five dollars an hour, that is a big loss of income to someone that is used to making twenty or twenty-five thousand dollars a year because they start living on thirty or thirty-five thousand a year.

When we consider this issue it is a very important issue to Central Maine. You know, in Southern Maine, we are somewhat fortunate. We have industries, we have railroads, we have airports, we have ports, in fact when I first came to the Maine Legislature, York County was about ninety some odd thousand year round residents. We are up to about one hundred and forty thousand year-round residents, we are growing, in fact, we would like to see some other growth take place in Central Maine and Northern Maine and Eastern Maine and the mountain sections of Maine.

Let's not take and chase the industries out. Government sometimes has to play a role and I think in this particular case it is playing a responsible role.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator **SHUTE**: Mr. President and Ladies and Gentlemen of the Senate. Since the first time we were confronted by this issue, I still haven't received a letter from Keyes, maybe it was overlooked, I don't know, maybe some of you were overlooked, but I haven't received one. I guess there isn't any, you can't relate this issue to Chrysler, because Chrysler did have to pay their loan back and Keyes is not going to.

We heard statements of when should the State Legislature get involved? When should the Federal Government get involved? I would like to ask the question when should the municipalities get involved, are they involved and to what extent are they involved with a forgiveness loan of their taxes?

I have supported a lot of these loans to different companies, but I can't see continually supporting Keyes Fibre when the Legislature has walked the mile, the workers have walked twenty miles, and I don't think the municipalities have walked very far. So, Mr. President and Ladies and Gentlemen of the Senate I will be voting against Keyes Fibre and I think there are better places that the state could put their money than into a mismanaged company like this.

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

Senator **VIOLETTE**: Mr. President and Ladies and Gentlemen of the Senate. Very briefly I just want to highlight that there is more to this Bill than just the pilot program dealing to assist major industrial employers to just increase the electricity cost. That is in fact one of the components of this Bill. It just provides for a pilot program there is indeed monies on this bill, approximately \$900,000 to provide for such a pilot program.

In addition to this, this Bill, and I think it was one of the critical components of this Bill that in fact allowed for this Bill to go through the committee process, to be heard and to be reported out favorably by the Committee on Appropriations, because it has this second com-

ponent to it, and that component is the establishment of the Commission on Industrial Stability which will make a report to this Legislature no later than December 1st of this year so that this Legislature, in next session can address assisting industrial firms in Maine to adjust to increased costs of electricity.

On a state-wide basis, let's see, let's use this particular company perhaps, as in this pilot program, let's see how this works, let's see as we gain more information and more experience with respect to the expertise of the Finance Authority of Maine will gain by its interaction with this company during the period in which it will be involved under this pilot program.

Let's involve this commission in what is one of the most important issues facing the future of this State, that is the issue of the cost of electricity. In my opinion, there is no greater, some might have suggested it was workers comp. I am of the opinion that the greatest issue, with respect to the New England region is the cost of electricity, when it is going to come to our economic viability on an inter-regional basis. Within New England, New England's rates and Maine's rates are the highest nationally within regions.

I think this component, the second component, is in fact the far more critical issue that is included in this legislation, and yes, there is a third component to this legislation added in committee by the Committee on Appropriations, that will allow a mechanism that will affect all the consumers of electricity in this state to avoid rate structure shock. I think it is for these reasons we can address the pilot program alone. I do not think that is the correct way to look at this legislation.

I have always believed that it is part and parcel to government in its dealings with citizens in this State, businesses in this State, to do what is in the best interest of all the people in this State, and I believe that this pilot program will do just that. In the long run, I believe the State will be better served from it. It has no direct benefit on the area that I come from, but what is in the best interest of the entire State is a good healthful economy through the State of Maine, not just the area I am from, but the whole economy of the entire state.

I think this Bill goes to just that problem in addressing a very real and grave concern with respect to the economic viability of many of our industries, particularly those that are energy intensive industries, and those, some of them who have little capability to avoid replacing electricity with other sources of energy, perhaps in this case this company may in fact be able to do that. Many other companies will not.

So it is for these reasons that I agreed to co-sponsor this Bill after many, many discussions with many individuals being very hesitant about doing this. As I have stated, to a number of you, what we went through in coming down to this end product today from a very massive program to this program, this pilot program, the coupling of this pilot program with the two other components that I have addressed this afternoon. I would hope that you would join me in supporting the Majority Report this afternoon. Thank you.

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

Senator **BROWN**: Thank you, Mr. President and Men and Women of the Senate. I disagree with what the Majority Leader has just stated concerning this Bill. We could title the Bill "An Act to Do Whatever Is Necessary to Keep a Job." In the past we have sold our souls, our morals, environment, whatever is necessary at the time to keep work. It seems to be that the title is a little bit misleading here, this is an effort really to put in the pilot project and satisfy ourselves that this is not anymore than what it is.

There is piece in today's paper that said there

are 8,000 new jobs likely for 1986, 8,000 new jobs in Maine likely for 1986. I was thinking about the shifting of jobs that occur. You know we have been told back when the minimum wage was increased we are going to drive industry out of the state. We have been told we we passed the worker's comp bill that we need to establish a better business climate. Corporate entities all over this country are playing blackmail to the states where they reside. This is nothing more than corporate blackmail to get what that company wants for whatever period of time is good for that company and then it is going to head out of the state.

I was thinking as I was listening to the debate today, about somewhat of an analogist situation that exists in Washington County in the sardine industry. The sardine industry in Maine is using equipment that has been out-dated and antiquated for the past fifty to seventy years, they have done very little to update or do anything about trying to modernize. They can't compete anymore. They can't compete anymore with the imports, just not in a competitive position anymore.

There are going to be shifts that will occur in jobs all around with 8,000 new ones expected in Maine. I guess that it comes down to when is enough, enough. How long are we going to be held hostage by companies that will continue to threaten to get their way whether it is dealing with some little environmental quirk that they want to get an exception to. How long are we going to go ahead and play with companies in this State in that fashion? It seems to me that enough is enough.

A couple of years ago, I had to make a trip to a different part of the country to make some purchases, that part of the company happened to be in Georgia. I was talking with a gentlemen there at this particular company and he had said over lunch, we were talking about the fact that they weren't native to Georgia, they were from Massachusetts, and they decided that, I said how come you didn't stay in Massachusetts. He said it wasn't competitive for us to stay in Massachusetts, we have right to work laws. Here in Georgia we can go ahead and pay laborers \$4.20 an hour — up there is \$8.65 an hour. It costs us a lot more for heat up there, it costs us a lot more for this and that. There are certain things that that we can stay competitive in and there are certain things we cannot.

The question comes — how long do the people from my part of the country, from Washington County. You know, we were talking about earlier, the good Senator from York, Senator Danton talked about the but, but. When does government become involved? You know, it sounded like when we were talking about the jobs in the southern part of the State, like Waterville, was off in the hinterland somewhere. That is on the mainstream, right on the main drag of things, where you have got good transportation and all the rest of it.

If those communities decide to go to \$6 million for the bonding, whatever they decide to do to keep the jobs for those individuals that reside in those communities and benefit from them, that is well and good and I applaud them for doing it. But to spread that cost to subsidize that company on the backs of all the rest of the people in this State is not good. That is wrong. I would urge that you would support the motion to Indefinitely Postpone.

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

Senator **MATTHEWS:** Mr. President, I will be very, very brief. I think most of us in this Chamber have our minds made up. I am not going to attempt to change anyone's mind. I think we're all compassionate, rational people. Obviously, supported very, very strongly by the constituency that we represent and held in honor and prestige by the citizens of the State of Maine, or we would not be here. I do want to take exception to a couple of things that

were said, talking I guess, you can raise the red flag of increased government intrusion and socialism, and you can raise the flag of subsidies, an yet, I guess I ask just one question. Where were the comments when the State decides that, and the good Governor and this Legislature decided that it was appropriate to help bring jobs to Portland with BIW, Pratt and Whitney, and you can go on and on and on down the road?

* I guess I just want to mention one thing that has kind of stood out to me here today and I got thinking about it actually before this weekend. We debated very strongly the V.T.I. issue in this Legislature and Lord knows that issue may still be present, I'm not sure we have debated so long. But I think the essence of the argument was that the State Legislature and the people of the State of Maine were concerned about young people, not only that they got a good education, whether that be a secondary one and that was it, or post-secondary at our V.T.I.'s or somewhere else. Ladies and Gentlemen, the people in my area, the people I directly represent here in the Maine Senate, young people, want to have a future too.

I can remember going through Keyes Fibre during a campaign with then our Governor, meeting and shaking hands with working people in that plant and you know what they told me, they said: Zack and Governor Brennan, you can send a message down to the Legislature, keeping fighting for jobs, keeping fighting for the best welfare program that the country has to offer, a good solid paying job" and I said I will do all that I can. Not just to attract new business and industry to the State of Maine, but to try to keep good employers in the State of Maine, and I will make my decision on whether or not the State should help or some kind of help should be made on the merits of the case because I am a rational person and I run for the Senate and I believe I can make a good judgement when that judgement has to be made.

I think that is appropriate again today. You have got to look at the issue. The other day, the press release on the study that young people are making in determinations in the State of Maine because they can't further their job or professional goals here in the State and they have got to leave. Yes, we could turn around after the company leaves and as the good Senator from York mentioned, go through the whole process of attracting a good employer for the State of Maine, I would submit also spending thousands of dollars in doing so.

Ladies and Gentlemen, I think we do have an employer who will stay, and I know dog-gone well we have approximately 900 people who do want to work hard and who have worked hard all their lives and pay taxes, property taxes and state taxes and federal income taxes and sent their kids to school and did all the things that the American dream epitomizes in this country and I just hope that you will hold firm or if you are on the fringe, reach down in your conscience. Again, I trust in whatever decision you make.

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

Senator **GILL:** Thank you, Mr. President and Members of the Senate. As the good Senator from Kennebec, Senator Matthews indicated that we had helped out Bath Iron Works. Indeed we did, but the Portland community also put something into that, it was not a hand out it was a hand up to help them, and I think that everybody in this whole Legislature would be willing to support Keyes Fibre if the communities involved did something that was a good faith effort and concrete so we could see it and understand it. The management from Keyes Fibre met with Leadership several times and we offered suggestions and one of the suggestions I offered particularly was get other companies involved who are in the same situa-

tions and maybe gathering together.

I see in the package the Governor has offered this study to be done and looking at what can be done for those types of companies, I applaud that effort, but the other suggestion was go back to your community and see what they will do for you and we still have that to hear. We mentioned that several times to them. The good Senator from Kennebec, Senator Kany had mentioned that the last time we had discussed this was in March. Here we are on June 19th, the communities have not responded and we are still waiting. You know, the Legislature can act very slowly or we can act with speed and I think those communities if they are really interested in keeping that firm they could act with speed too.

Senate at Ease

The President requested the Sergeant-At-Arms to escort the Senator from Aroostook, Senator **VIOLETTE**, to the Rostrum where he assumed the duties as President Pro-Tem.

The President then took a seat on the floor of the Senate.

The Senate called to Order by the President Pro Tem.

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

Senator **PEARSON:** Mr. President, Men and Women of the Senate. I do respect the opinions and comments of the Senator from Cumberland, Senator Gill, but I would remind the good Senator and all the members of the Senate that it had not always been our requirement that communities have participation in every plan that has gone by and I would remind you that at least in my memory in the Legislature, there has been a number of breaks that have been given to different businesses and a number of them have been outlined in here. First, Bar Harbor Airlines is one, Jet Fuel at the Bangor International Airport, Spencer Press, electrical taxbreaks at the Soap and Chemical Company in Orrington, Pratt Whitney, and Thomaston Cement Plant in Thomaston and so forth.

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

Senator **DUTREMBLE:** Mr. President and Members of the Senate. I guess the Senator from Cumberland, Senator Gill talks about local concessions I think that anytime you find that the workers in that community who gave that concession have given enough and I guess I can accept that. I just want to imagine what would happen if Keyes Fibre was not located in the State of Maine but were trying to come into the State of Maine and all the State Senators here were trying to get them in our own communities. I am sure we would all back the \$900,000 plan or whatever to have Keyes Fibre locate in our own community creating 800 jobs so that we can all go back home and say look what I have done for you.

I guess when we are trying to protect an industry from moving out, we call it corporate blackmail, and I guess I have a lot of problems understanding that. We work so hard to get jobs in the state and when they get here we tend to forget about them and when they get into trouble we hesitate to help them out.

I have no problem with backing this Amendment, this Bill of helping Keyes Fibre. I can also remember as does Senator Danton from York, my good colleague has stated, when Pratt Whitney came to York County and we helped them out and Spencer Press and we helped them out and Bath Iron Works. We may have helped them out in different ways but I cannot remember that those people who represented those areas really wanted us not to support them.

When the shoe changes the foot it appears they are not so willing to help because it

doesn't involve their area. I have problems understanding why people would think like that. I represent a district and the people in my constituency are very important to me and I represent them first. But I am also concerned about the rest of the people in the State of Maine, the people of Waterville, the people of York, the people of Bangor, anybody who is in the State of Maine.

Those 800 jobs are not only going to effect those 800 people, it will effect their families and a lot of the businesses in the surrounding areas, the service jobs. The good Senator from Washington, Senator Brown says that the State of Maine is going to get 8000 new jobs in 1986 and I understand the unemployment rate in the State of Maine went down this year too. Those are service jobs, they are very important to the State of Maine. Those are not the type of jobs that will raise the standard of living in this State. Maine ranks pretty low right now compared to the other fifty states in the standard of living. What we want in the State of Maine is about fifty-fifty. The industrial jobs, whether it is in fishing or agriculture or manufacturing, those are the major jobs and the other fifty percent are service jobs. Both are needed, but I would much rather see the growth in jobs in the State of Maine and the major paying jobs in the service jobs.

If it takes a bill like this to keep a company like Keyes Fibre in the State of Maine, I think it is important that we do it because someday it may be in your area. I am not saying that everytime there is a problem the State of Maine is going to be able to correct it. We don't have the resources to do it, but I think that when it comes up like this if we can do it in this particular case we should, and take them as they come.

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

Senator KANY: Thank you, Mr. President and Members of the Senate. A couple of questions have so far remained unanswered and I thought I had better get up and answer them. Number one, the Senator from Waldo, Senator Shute talked about the worker concession and I would like you to know that the agreement actually states that those worker concessions that were voted upon by the production workers are actually contingent upon us addressing the electric rate trend, and secondly that the towns of Fairfield and the City of Waterville would share the plant. It is actually right on the border. The Town Council of Fairfield and the City Council of Waterville did vote, did make a public commitment to actually try and raise \$6 million a few weeks ago when there was talk about the State, perhaps contributing \$10 million and the community \$6 million. Thus unanimously, the counselors of both towns are committed to helping out with the long-run future of that plant, definitely.

I also would like to remind you all that the payroll last year for Keyes was \$22 million and that the State income tax alone was over \$900,000, which is all that is being sought in appropriation. The sales taxes were almost \$600,000, Maine Sales Tax, all of which would all be lost if that particular plant were not here. And something like \$11 million of other supplies were purchased here within the State of Maine in addition to paying over a \$7 million electric bill.

All of those expenditures would be a direct loss to Maine's economy if Keyes pulled out now. Some estimate a further 600 jobs if Keyes left. There are obviously many numerous direct and indirect economic benefits from keeping those good jobs here in Maine because Maine still has a fairly low income per capita, limited industrial base in many parts of the State and high unemployment rates in parts of the State. So it is a vitally important public purpose to retain the good jobs we have and to demonstrate to all that the State of Maine is

willing to go to great lengths to keep those good jobs, those people's jobs by investing their future.

I would also like to say that the company and others are exploring other avenues now, New Brunswick Power, interruptible rates and further conservation, and I just ask you to please help us out during this interim period just so we can tread water so that our future will remain there.

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

Senator DIAMOND: Thank you Mr. President and Members of the Senate. As one member of the Taxation Committee who has heard this first proposal back several months ago now, I would like to say that I am very displeased with Keyes Fibre and their corporate representatives that dealt with our Committee. They did a very poor job in terms of sharing with us all the facts that should have been shared with us. They were not at all willing to share some of the inner sanctums of their corporation which I find afterwards that I think they should have. I think many of us who supported this proposal back a few months ago, after the fact, felt like we had been kind of bounced around a bit.

Having said that and I hope that message goes wherever it might want to go, having said that, I think that in fact, I feel much better now knowing that the Public Advocates Office has been involved in the research of this need and the Governor's Office certainly has as have others.

I think that now before the fact I feel much more comfortable supporting this issue. I think more than just because it is Keyes because this program is going to help a lot of industry in this State of Maine. A lot of companies, it is not just one and I think that is something we will have to remember and I would also say, secondly in response to the community question. What is the community doing? I think the communities have shown an interest and are willing to participate, however, we must remember that a community can only go so far when they start taking from one pocket and putting into another and that doesn't make too much sense.

We are talking about \$900,000 on the State's side and I think that the communities have shown a willingness to help and get involved and I would urge that despite Keyes Fibre's initial action in response, in spite of that, I would hope that we would now support this proposal. Thank you very much.

THE PRESIDENT PRO-TEM: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you Mr. President and Members of the Senate. Several times I have asked the good Senator from Kennebec, Senator Kany what have the communities done to help Keyes Fibre and what she just now said they have talked about raising \$6 million. That is all they have done is talked, they haven't done a darn thing. I guess they are going to have their property reassessed or reevaluated. They did talk about raising \$6 million, but they just talked about it, they didn't do a darn thing.

I would like to answer a question that Senator Danton brought up. Since our last debate in March, he said he hadn't received one letter or one brochure or anything from Keyes Fibre. I would like to ask the good Senator how much has he received from them since March? I can tell you he has received nothing. No letter, no brochure, nothing! Now, the good Senator from York, Senator Danton, says that labor and management are working well together and they have made some concessions, but gosh, it took them three times to go to the polls to vote on a \$1.56 wage cut, three times after much arm breaking and threatening and "I'm going to pack up and leave" threats, three times. They didn't do it cheerfully, they were dragged to the polls three

different times.

He also mentioned too that the Federal Government had given Chrysler some money and that is true, but also Chrysler had to pay the money back. At least the Federal Government had brains enough to put some strings on the thing and not just hand them out a blank check like we are doing here. This is a blank check for \$900,000. I hope you will support my motion.

THE PRESIDENT PRO-TEM: The Chair recognizes the Senator from York.

Senator DANTON: Mr. President and Members of the Senate. I just took half a minute here to write down that I voted in some way to assist Pratt Whitney, Spencer Press, Soap & Chemical up in Orrington, Maine, Martin Marietta in Rockland, Bar Harbor Airlines wherever they are stationed.

You know, in response to the good Senator from Washington, Senator Brown when he talks about 8,000 new jobs in 1986, that is fine. I hope all those statistics are true and I hope it isn't 8,000, I hope it is 18,000 jobs. I think what we are talking about now, you know we are talking about a situation perhaps that we can keep in place. 800 jobs ranging in salaries of \$18,000 to \$25,000 or even \$30,000 a year. The only thing I can say is, in Central Maine and I agree it is in the mainstream of the State, I'm not saying it is in some isolated area, but you know, getting jobs that pay that kind of money is not an easy task.

Some people have made reference to the community in Portland helping Bath Iron Works, of course they would help Bath Iron Works. How many boats yards do we have in the State of Maine? How many do you have in the country? And if Bath Iron Works wasn't financed and located in Portland, they were all set to go to the Boston Army Base, and that just means 8,000 jobs in Maine rather than Massachusetts, and it is a nice thing for the City of Portland. If we had an area in Saco, I'd be the first one fighting the fight to do whatever we had to do to come up with the money to have Bath Iron Works be located in Saco, and anyone in this Senate Chamber would be glad an industry like that located in their community.

Now, when we talk about communities helping, what are we suppose to do? Tell the communities now look, why don't you give Keyes Fibre a property tax break and then you just go up on the poor little property owners. Is that what we want to do, take it from this pocket like the good Senator from Cumberland, Senator Diamond said and put it into the other pocket. I think that the Maine Senate has to grasp with one thing. Does government from time to time get involved to help an area out, keep its jobs, keep its economy healthy, keep people working? Or is State Government going to say tough luck, there is nothing we can do, you people are going on welfare, your going to lose your house, you can't afford to have your children in the university system, you can't afford to have your automobile.

I don't think that is what the Maine Senate is all about, I don't think that is what government is all about, I think government should make wise choices. This is a wise choice, this is a choice where down the line some other areas in this State might need this very same assistance and I would hope we would go along with this Bill and in the future, if this works out well, help out some other areas that might be distressed.

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

Senator CLARK: Thank you Mr. President. L.D. 1652 carries my name as the co-sponsor and I, among many of my colleagues here in this Chamber, share the same reservations that have been articulated in opposition to the Enactment of this Bill and in support of the Indefinite Postponement motion before us.

Yes, I have to be convinced that L.D. 1652 merited the infusion of \$900,000 of State taxpayer's money and that convincing was not a particularly easy task, at least for those who were trying to do the convincing. But, I listened carefully, as I have this afternoon, and I listened closing and I remember as a young girl back in the early and mid fifties when the Town of Freeport in which I lived, as have my parents and grandparents and great grandparents five and seven generations back resided. And I remember during that time that we were the bustling shoe factory town along the gold coast of Cumberland County. We were not complimentarily referred to as the slum of Cumberland County, And then the shoe factories closed and my classmates moved away and we had a general assistance, we called it openly welfare department in our burdening town government.

And if it hadn't been for one employer who stuck with Freeport citizens and was successful with good and efficient management, and it we had not been geographically located approximated fifteen to twenty minutes from Portland, twenty-five minutes to the Lewiston/Auburn area, fifteen or ten minutes to Brunswick, we probably wouldn't have survived. We also were fortunate to be located within a whisper of I-95 which made still another slice through our town.

We have survived, but it took us thirty years to survive the trauma of the demise of what was the mainstay of the economy of that small geographic area. It was as I listened to all the statistics and all the data that was shared with me that I could relate personally, to the potential experiences of what may be the case for the citizens of the Waterville/Winslow area. This Legislation, L.D. 1652, is symptomatic of the serious problems faced by some, fortunately not all industry in our State. But especially, those industries which are energy intensive.

L.D. 1652 is not the perfect Bill, I don't think I am going to live long enough to see that. But, it is a pilot program and it designed to do the things that I can embrace and that is to save jobs and concurrently, the sinking opportunities that may be facing the citizens of the Waterville area.

We all have heard this afternoon what this means to the Waterville area and its citizens financially and probably socially and economically, but we haven't talked extensively about what it is going to do to the spirit of that geographic area in the State, I leave that to your imagination for I have attempted to share what it did to the spirit of my small, no longer the slum of the gold coast of Cumberland County, but big retail nugget. Proud, it takes some adjusting, but I'm still proud.

I know how difficult it is for some of you to vote for 1652 and I know how difficult it is probably for some of you to vote for the pending motion of Indefinite Postponement, for we all have been faced with these difficult choices. The good Senator from York, in his marvelous fashion, has dramatically reviewed with us repeatedly this afternoon, as have others, the litany of the industries crisis that this Legislature in earlier sessions has addressed. And I am proud to say that I have been here long enough as have many of you to have supported all of them.

It was probably with that track record that I began to lean towards this issue. There are to some that I candidly say if I had known what I know now instead of what I knew then, I might not have supported them. But I really don't know that I just think that or play with that.

Waterville and Keyes Fibre, Scott Paper and Hathaway Shirt as I have been told, have been the mainstay and the foundation of the Waterville area economy. Now I don't know Waterville intimately, but I do know that the legislators from that area have done a superb

job in lobbying me and attempting to make me familiar with all that's contained therein. I do know that the Keyes Chinet product is a particularly high quality product and that the opportunities for its acceptance in the marketplace are extremely positive and perhaps, because I hold a bias for Maine-made products, it is the highest quality product in its field, and I have been over the desk of the Senator from Kennebec, Senator Matthews to examine it. It looks just fine to me.

The families that you associate with Keyes Fibre are proud and industrious people who provide the best possible opportunities for their families. They educate their families in that geographic area. They sustain their families with drugs, pharmaceutical products and clothing and groceries purchased in that area. They buy their cars and their snowmobiles and their rifles and ammunition and their ski goggles in that area. They vacation at the many lakes in that area and send their children to some camps in surrounding areas. They participate in their many community service and civic organizations, and they attend the local secondary schools, post-secondary educational institutions. The level of sacrifices that have been asked of the workers of Keyes Fibre to preserve their jobs has been the highest, the employee wage concessions equal \$3.5 million and that contribution to me represents a local contribution.

We cannot, as responsible members of the Maine Senate, ignore the crisis and the problems of Keyes Fibre and the economy of the Waterville area. I share some of the concerns as expressed by the good Senator from Cumberland, Senator Diamond. But the need of a manufacturer who is floundering in the water, who wishes now much less arrogantly, and much more sincerely, to do business in Maine and wanting to stay in Maine is the business of this Maine Legislature and this Maine Senate. The company itself is healthy with eight domestic companies and five foreign divisions. I know and you know that the company will survive, but I want you to go with me because I hope that the Maine Senate wants that company to survive and do business in Maine.

L.D. 1652 isn't a bail out. It is an investment in the economy of that geographical area, as well as the economy of our whole State. But, more importantly is an investment in the lives and the jobs of Maine's working men and women, 600 to approximately 825 working men and women. We can do no less and I would encourage and invite you to join with me in defeating the pending motion of Indefinite Postponement.

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

Senator **BALDACCI:** Mr. President and Members of the Senate. This is a bad Bill as amended and I don't plan on supporting it the way this Bill is right now. I think that if the company and the community and the State got together again and drafted a proposal which made sense, I think that we could accept it a lot better than being rushed at this moment to accept something that doesn't make sense.

You talk about feelings in the community of Waterville and you talk about snowmobiling and you talk about going to church. My mother was born in Waterville. I have relatives that work at the plant. I go to Waterville very frequently. I care about what is going on in Waterville, but this, this is not acceptable. This demands too much. The Senate wasn't willing to amend this Bill and delete the provisions. I cannot accept this Bill the way it is drafted. We are not saying no to Keyes Fibre, we are just saying not right now, go back to the drawing board and work out something that is more acceptable, that is all, and I don't think there is anything wrong with that.

You know there are other companies, and I

think the good Senator from Washington, Senator Brown, hit it on the head. There are other companies from Old Town, where the good Senator from Penobscot, Senator Pearson resides. James River Corporation says that if they don't have relief in property taxes they are going to leave the State of Maine. L.C.P. Chemical in Orrington, much earlier than Keyes Fibre's proposal to this Legislature, told me as Chairman of the Utilities Committee, that they have to have relief or they close the Orrington operation and go back to New Jersey because of the outlook of rates from Seabrook those costs coming on line.

There are other corporations out there, don't let the message be that the Maine Legislature's vault doors are always open, that you can blackmail us anytime. Let the message be that we are concerned about economic development, we pass workers' compensation reforms here to create a balance. Not all the membership supported those reforms. We want to create a balance in this situation for all, that is good policy and I think is the concern here today. I am not voting against Keyes Fibre. Not right now, with this particular proposal the way it is, but because it is bad public policy.

THE PRESIDENT PRO-TEM: A Roll Call has been ordered. The pending question before the Senate is the motion by the Senator from Oxford, Senator **TWITCHELL**, that this Bill and all Accompanying Papers be **INDEFINITELY POSTPONED**.

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.

Senator **BLACK** of Cumberland who would have voted Yea requested and received permission to pair his vote with Senator **NAJARIAN** of Cumberland who would have voted Nay.

ROLL CALL

YEAS:—Senators, Andrews, Baldacci, Brown, Emerson, Gauvreau, Gill, Maybury, Perkins, Sewall, Shute, Stover, Twitchell

NAYS:—Senators, Berube, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Hichens, Kany, Matthews, McBreairty, Pearson, Pray, Trafton, Tuttle, Usher, Webster, The President Pro-Tem—Paul E. Violette

ABSENT:—Senators None

12 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 2 Senators Pairing their votes and No Senators being absent, the Motion of Senator **TWITCHELL** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers **FAILS**.

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

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

The President Pro-Tem requested the Sergeant-At-Arms to escort the Senator from Penobscot, Senator **PRAY** to the Rostrum where he resumed his duties as President.

Senate at Ease

The Sergeant-At-Arms escorted Senator **VIOLETTE** of Aroostook, to his seat on the floor of the Senate.

Senate called to Order by the President.

On motion by Senator **VIOLETTE** of Aroostook, the Senate removed from the Unassigned Table:

Bill "An Act Authorizing a Bond Issue in the Amount of \$3,500,000 for the Purpose of Historic Preservation and Main Street Projects" (H.P. 1100) (L.D. 1608)

Tabled—June 5, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED**, without reference to a Committee, in **NON-CONCURRENCE**.

(In Senate May 29, 1985, **READ A SECOND**

TIME, without reference to a Committee.)
(In House May 24, 1985, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.)

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

Senator **VIOLETTE:** Mr. President. I move the Indefinite Postponement of this Bill, and all of its Accompanying Papers

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

Senator **TUTTLE:** Mr. President. Could we have a brief explanation. I have received an awful lot of letters, I think on this issue, pertaining to Historic Preservation, a Bond Issue. What will be the alternative if we defeat this Bill?

THE PRESIDENT: The Senator from York, Senator Tuttle has posed a question through the Chair which any Senator may respond to, if they so desire.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator **VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate. There is a similar Bond Issue, which has already been voted upon by the Appropriations Committee, and it is out of Committee now. We had this Bill on the Table pending the disposition of that Bill and after discussing the Bill with the Appropriations Committee this vehicle is no longer necessary.

Senate at Ease

Senate called to Order by the President.

On motion by Senator **VIOLETTE** of Aroostook, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Tabled and Later Today Assigned matter:

An Act to Encourage A Viable Agriculture for Maine (S.P. 489) (L.D. 1316) (S "A" S-114; S "B" S-303 to C "A" S-105)

Tabled—June 19, 1985, by Senator **CLARK** of Cumberland.

Pending—**ENACTMENT**

(In House June 19, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 18, 1985, **PASSED TO BE ENGROSSED AS AMENDED**.)

On motion by Senator **CLARK** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **PASSAGE TO BE ENACTED**.

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

An Act to Permit Certain Persons to Obtain Certain Information Relating to the Real Estate Transfer Tax (H.P. 764) (L.D. 1084) (C C "A" H-449)

Tabled—June 19, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ENACTMENT**.

(In House June 19, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 18, 1985, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

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

Senator **GAUVREAU:** Mr. President, I move that this Bill and all Accompanying Papers be Indefinitely Postponed and would like to speak to my motion.

THE PRESIDENT: The Senator has the floor.

Senator **GAUVREAU:** Thank you Mr. President, Men and Women of the Senate. This Bill came before our desks yesterday. It was the product of a Committee of Conference be-

tween the two bodies and at the time I didn't have a chance to properly or thoroughly review the document and I had reviewed the compromise version being recommended to us now. I do have some questions and I will ask the question to whom anyone may respond. The question is, does this compromise version have appropriate safeguards to protect the privacy interests of homeowners?

As I understand it, the original opposition to the Bill was that homeowners, property owners, would have to cite the consideration which they paid for conveyances on the real estate transfer tax form, the R.E.T.T. form. My review of the proposed compromise Bill indicated that information will be available at municipal offices and my question is what safeguards have been introduced into the legislative measure to protect the privacy interests of property owners?

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

Senator **TRAFTON:** Thank you Mr. President. Mr. President and Members of the Senate. I speak as one of the conferees between the House and the Senate on this particular Bill. The original Bill that was before this Body proposed that the consideration or the amount paid for a particular piece of real estate would be marked on the deed which was recorded at the Registry of Deeds so that anybody could go to the Registry of Deeds and read what a person had paid for a particular piece of real estate.

I had some concerns about that for two reasons. Number one; the additional work load upon the Registrar of Deeds, but also the same concern voiced by the good Senator from Androscoggin, Senator Gauvreau as to the confidentiality of the consideration paid. There is no question that the proposal before us does open this information up to some degree. I suggest that it is to a reasonable degree. There are two exceptions for access to this type of information. First, a person who has filed a petition for abatement of his real estate taxes may have access to this information in order to present his case for an abatement. Second, a licensed real estate broker who is in the process of doing an appraisal of real estate in that municipality may have access to that information.

I suggest that there is a possibility that these two exceptions may be abused. A person could in fact file a petition for abatement simply to see what his neighbor paid for his house or a real estate broker may be retained for services simply to find out what a neighbor paid for a particular house, but I suggest that is unlikely. I see that these are two reasonable exceptions to the general rule for confidentiality and that is why I supported the conference report.

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

Senator **GAUVREAU:** Thank you Mr. President, Men and Women of the Senate. I appreciate the explanation of my colleague the Senator from Androscoggin, Senator Trafton. I believe that his Committee and the good Senator have engaged in a good faith effort to try to harmonize the competing interests here at stake, those of confidentiality and also to provide a practical vehicle to facilitate assessments and property valuation.

My concern though is that perhaps there is just a bit too much latitude here to permit especially brokers to come in to municipal offices and for whatever purpose to review the evaluations which are obtained on the R.E.T.T. forms. I don't have any real problems, I guess, with the first exception, clearly the property owner comes and petitions for an abatement one might deem as an implied waiver anyways in that situation and that the whole issue of the consideration of his property is appropriate. But I really don't see any perimeters

here that would prevent a broker from coming in and obtaining this otherwise confidential information.

It seems to me as was suggested in a debate earlier, in which I did not engage, that there is a potential for brokers to come in and just uniformly find out what the values are in a particular neighborhood. They might come in totally unrelated to an abatement proceeding and also might discover this information although they might not have been requested to engage in any particular assessment.

Although I truly respect the efforts of the Conference Committee, my own personal feeling is that the language is too broad here and for that reason, Mr. President, I would at this time move the Indefinite Postponement of the Bill and Accompanying Papers and would also ask for a Division when the vote is taken. Thank you.

Senate at Ease

The Senate called to Order by the President.

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

Senator **TUTTLE:** Mr. President and Members of the Senate. I hope that you will go along with the good Senator from Androscoggin. I received many calls from people in my county including my Register of Deeds pertaining to this issue. I would hope that some effective compromise could be reached through the Committee of Conference, but after having listened to the testimony that the Senator from Androscoggin gave, I will be voting with him for Indefinite Postponement. I think that probably at some future date, probably next year, if they try to address this Bill with a confidentiality problem, that it will be acceptable to me, but as the Bill is now it isn't acceptable and I hope that you will sustain the motion to Indefinitely Postpone.

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

Senator **GAUVREAU:** Thank you Mr. President, Men and Women of the Senate, I would request leave to withdraw my request for a Division on the pending motion.

On motion by Senator **GAUVREAU** of Androscoggin, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease

Senate called to Order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1156
ORDERED, the Senate concurring, that "AN ACT to Reimburse the Unorganized Territory Education and Services Fund for Overcharges from 1978 to 1983," S.P. 221, L.D. 584, be recalled from the legislative files to the House.

Comes from the House, **READ** and **PASSED**. Which was **READ**.

Pursuant to Joint Rule 15, the Chair ordered a Divisions. 30 Senators having voted in the affirmative and none in the negative and 30 being more than two-thirds of those present and voting the Joint Order was **PASSED**, in concurrence.

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

COMMUNICATIONS

The Following Communication:
COMMITTEE ON JUDICIARY
112th LEGISLATURE

June 19, 1985

The Honorable Charles P. Pray
President of the Senate
112th Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Judiciary during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	159
Unanimous reports	130
Leave to Withdraw	66
Ought to Pass	7
Ought Not to Pass	11
Ought to Pass as Amended	31
Ought to Pass in New Draft	4
Divided reports	29
Carry Over Bills	
(Approved by the Legislative Council)	11

Respectfully submitted,
S/ Michael E. Carpenter S/ Edward J. Kane
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

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

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

June 19, 1985

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

The House voted today to adhere to its former action whereby it Indefinitely Postponed An Act to Adjust the Excise Tax on Watercraft (H.P. 615) (L.D. 885)

Sincerely,
S/ EDWIN H. PERT
Clerk of the House
Which was **READ** and **ORDERED PLACED ON FILE**.

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

In Senate June 6, 1985, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk, pursuant to Joint Order H.P. 1146.

Comes from the House the Bill and Accompanying Papers **RECOMMITTED** to the Committee on **STATE GOVERNMENT** in **NON-CONCURRENCE**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

House Papers

Bill "An Act to Provide Supplemental Appropriations to the Legislature" (Emergency) (H.P. 1153) (L.D. 1659)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported

as truly and strictly engrossed the following:

Emergency

An Act to Correct an Error and an Omission in the Workers' Compensation Law (S.P. 642) (L.D. 1656)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Joint Order Recognizing Christie's Restaurant, in Augusta (SLS 289)

In Senate June 17, 1985, **READ** and **PASSED**.

Comes from the House **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide a Clothing and Energy Assistance Allowance for Needy Children" (H.P. 506) (L.D. 711)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-451)**

Signed:

Senators:

DOW of Kennebec
PEARSON of Penobscot

Representatives:

McGOWAN of Canann
NADEU of Lewiston
CONNOLLY of Portland
CHONKO of Topsham
CARTER of Winslow
LISNIK of Presque Isle

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

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

BELL of Paris
SMITH of Mars Hill
HIGGINS of Scarborough
FOSTER of Ellsworth

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

Which Reports were **READ**.

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

Senator **WEBSTER**: Mr. President, could I pose a question through the Chair?

THE PRESIDENT: The Senator may state his inquiry.

Senator **WEBSTER**: Mr. President, I have the Committee Amendment here in front of me and I am curious on a couple of points as to how this program will be administered and as to whether the money will be in the sum of a check to a clothing store or whether we are going to give \$60 checks to every eligible person and let them do what they want with them? How is this going to be administered? Could somebody please explain that to me, please?

THE PRESIDENT: The Senator from Franklin, Senator Webster has posed a question through the Chair which any Senator may respond to, if they so desire.

The Chair recognizes the Senator from

Penobscot, Senator Pearson.

Senator **PEARSON**: Mr. President and Men and Women of the Senate. This is intended to be a clothing allowance for school children in August if you live in my area or in Aroostook, and in September in other areas when school begins. It is designed as a one time check to be issued to the parents or parent of that needy child for school age children only.

I found the Bill to be particularly appealing because it does not affect any other income checks that these people who are requiring assistance need in order to live. In other words it doesn't deduct from any kind of a welfare check that they might have, if we did this on a consistence basis it would.

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

Senator **WEBSTER**: Mr. President and Ladies and Gentlemen of the Senate. For those of you who don't have the Amendment which I recently obtained from outside these Chambers, I have some concerns. I am not saying this isn't a worthy idea, but I would have some concerns as to the possible abuse that this program might have. As I happen to install wood furnaces and oil furnaces for a living, a couple of years ago the fuel assistance program sent checks out in the sum of around \$65 to be used to heat homes. We had some extra money, extra Federal funds available. That money was sent to the various people who qualified and I would dare to say that a high percentage of that money was not used for its intended purpose.

I would suggest that perhaps giving a \$60 allotment to people who are needy might be a admirable position and might be a worthy idea, but I am quite concerned about the way this Bill is written. There seems to be no way of monitoring whether this money is being used for the purpose it was intended. If we are going to be helping families with children to buy clothing then I would think it would be reasonable for us to write checks to clothing stores and not to individuals who can take the money and use it for whatever purpose they want.

So, unless someone can give me a good reason and explain to me why this program wouldn't be tremendously abused, I would ask you to oppose it.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CARPENTER** for the Committee on **JUDICIARY** on Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S.P. 627) (L.D. 1646)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-318)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-318) **READ** and **ADOPTED**.

Under suspension of the Rules, **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**.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning Liability for Injuries Caused by Drunken Persons" (S.P. 598) (L.D.

1568) (H "A" H-395 to C "A" H-263)

In Senate June 14, 1985, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk, pursuant to Joint Order H.P. 1155.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-263) AS AMENDED BY HOUSE AMENDMENTS "A" (H-395) AND "C" (H-484)**, thereto in **NON-CONCURRENCE**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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

After Recess

The Senate called to Order by the President.

Off Record Remarks

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 Relating to the Certification of Local Law Enforcement Officers (S.P. 643) (L.D. 1657)

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 Appropriate Funds for the State Railroad Program under the Department of Transportation (H.P. 1135) (L.D. 1641) (C "A" H-477)

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$850,000 for Acquisition of Certain Rail Lines in Maine (H.P. 1136) (L.D. 1642) (C "A" H-476)

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,200,000 for Equipment and Land Purchase for Vocational-technical Institutes (H.P. 1151) (L.D. 1658)

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

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:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the amount of \$2,000,000 for the Restoration and Preservation of Historic Buildings (S.P. 417) (L.D. 1147) (C "A" S-309)

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,750,000 for Acquisition and Development of State Parks, Historic Sites, and Protective Easement for Maine Rivers (S.P. 425) (L.D. 1182) (C "A" S-132)

Comes from the House **FAILING OF ENACTMENT**.

Senate at Ease

Senate called to Order by the President.

This being a Bond Authorization Act and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate was **PASSED TO BE ENACTED** in **NON-CONCURRENCE** and was signed by the President.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

On motion by Senator **PEARSON** of Penobscot the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,200,000 for Equipment and Land Purchase for Vocational-technical Institutes (H.P. 1151) (L.D. 1658)

Tabled—June 19, 1985, by Senator **PEARSON** of Penobscot.

Pending—**ENACTMENT**

(In House June 19, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 18, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

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

Senator **BROWN:** Mr. President before we Pass this particular issue I would like to comment at this moment on it. This is the Bond Issue that deals with \$2,200,000 for equipment and land purchases for Vocational-Technical Schools. I think what it does in terms of this particular issue, but I am very much concerned about the process that was undergone to put this particular bond issue together.

What we had was the Appropriations Committee and individuals on the Appropriations Committee who decided that the VTI's were ill equipped. That is commonly agreed upon that that condition does exist. The fact is that each one of the directors of the vocational-technical institutes came directly to a member of the Appropriation Committee and made their requests known as to what their particular needs were in a given locality. No kinds of needs assessment was made in going through a department in terms of making some kind of a hierarchy. There is one VTI for instance that put in a request for a small amount of money. We alerted them later on that you can put in for more money because other schools are. That particular school increased theirs several times.

The process is very poor, whereby we put together a bond issue in the fashion that this bond issue is put together. It is the wrong way to do business, I don't care if we are dealing with the VTI's or what we are dealing with, it is the wrong way to do business. There are committees in this Legislature that are set up to deal with areas like education, and there are people other than those on Appropriations Committee that are concerned about the poor equipment that exists in the VTI's. We have blown it on this particular process.

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

Senator **PEARSON:** Mr. President, and Men and Women of the Senate. We, on the Appropriations Committee, feel that we did a real public service for the State, I would like to tell you how we arrived at the figures that we arrived at.

At the beginning of the year, each one of the vocational schools was asked by the Department of Education to submit a list and the amount of money for equipment that they needed. They submitted that list. As the weeks and months wore on, we became increasingly more concerned that nobody was advocating for the vocational-technical institutes. Neither the Department nor any other agency within the State.

We assigned a subcommittee to look into the

matter of the funding of the vocational technical institutes equipment and we came to the conclusion that we could not, through a general fund appropriation, ever come close to giving them the equipment they needed. We noted on the list that there were three institutes that had figures of requests that were very, very low. One of them was Washington County Vocational Technical Institute which requested a \$15,000 appropriation for equipment. It is apparent to us that the Director of that particular institute was probably only asking for one piece of equipment, not realizing there might have been a better chance to update his equipment through a bond issue.

It was the feeling of the Members of the Appropriations Committee at that point that we ought to make sure that everybody was treated equitably. We contacted the Director of Washington County Vocational Technical Institute along with others and we told them what we had in mind and asked them to determine for us what their needs were. The subcommittee worked on it, the vocational bond issue was drawn up and included in it was the purchase of a \$700,000 piece of property at Southern Maine Vocational Technical Institute which has been included in a different bond issue and we moved it over to this one because there was a one time offer of property that was contained within the campus of that vocational institute. We took those different lists and requests and worked them into a bond issue which we, I think, are rightfully proud.

This being a Bond Authorization Act and having received the affirmative vote of 26 Members of the Senate, with 3 Senators having voted in negative, and 26 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.

ORDERS

Joint Order

On motion by Senator **VIOLETTE** of Aroostook, the following Joint Order: S.P. 644

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 112th Legislature shall be extended by one additional legislative day.

Which was **READ**.

Pursuant to M.R.S.A., Title 3, Section 2, the Chair ordered a Division. 28 Senators having voted in the affirmative and 2 Senators having voted in the negative, and 28 being more than two-thirds of the Members present and voting, the Joint Order was **PASSED**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS 112th LEGISLATURE

June 19, 1985

The Honorable Charles P. Pray
President of the Senate

112th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received

105

Unanimous reports	93
Leave to Withdraw	31
Ought to Pass	8
Ought Not to Pass	15
Ought to Pass as Amended	30
Ought to Pass in New Draft	9
Divided Reports	12
Carry Over Bills	None

Respectfully submitted,
S/ Michael D. Pearson S/ Donald V. Carter
Senate Chair House Chair
Which was **READ** and **PLACED ON FILE**.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Establishing Municipal Cost Components for Services to be Rendered in Fiscal Year 1985-86." (Emergency) (H.P. 672) (L.D. 955) (C "A" H-475)

In Senate June 18, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-475), in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-475) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-482) thereto in **NON-CONCURRENCE**.
The Senate **RECEDED** and **CONCURRED**.

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The Toastmasters International of Portland—Woodfords on their 35th Anniversary; SLS 295 (Presented by Senator USHER of Cumberland) (Cosponsors: Senator GILL of Cumberland, Senator NAJARIAN of Cumberland, Senator ANDREWS of Cumberland) Which was **READ**.

On motion by Senator USHER of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE**.

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 Allow all Disabled Veterans and Those 62 Years of Age to Receive a \$4,000 Property Tax Exemption" (H.P. 286) (L.D. 356) (C "A" H-455)

In Senate June 18, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-455), in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-455) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-483), thereto in **NON-CONCURRENCE**.
The Senate **RECEDED** and **CONCURRED**.

Joint Resolution

The Following Joint Resolution: H.P. 1157
JOINT RESOLUTION IN HONOR OF THE BICENTENNIAL OF THE TOWN OF CUTLER

WHEREAS, along the 2500-mile concave coast of the State of Maine lies a horseshoe shaped harbor which is considered one of the best storm shelters on the entire Maine coast; and

WHEREAS, on a little island at the mouth of this harbor stands a lighthouse which guards the deep, ice-free harbor waters and a beautiful fishing village called Cutler; and

WHEREAS, this community was founded and settled by one Ephraim Andrews and other veterans of the Revolutionary War on May 30, 1785; and

WHEREAS, from the high land on the east side of the harbor called the "look-out" the view is far-reaching and magnificent; and

WHEREAS, this is also the site of the world's

most powerful radio transmitting station operated by the Navy; and

WHEREAS, the residents of the Town of Cutler are joining to celebrate the 200th anniversary of the town and to pay tribute not only to a rich past, but to a bright and challenging future; now therefore be it

RESOLVED: That we the members of the 112th Legislature of the great and sovereign State of Maine take this opportunity to extend our congratulations to the citizens of Cutler and offer our best wishes for the future; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted forthwith to the bicentennial committee in token of our support and encouragement.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in 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 Reimburse the Unorganized Territory Education and Services Fund for Overcharges from 1978 to 1983" (S.P. 221) (L.D. 584)

In House June 19, 1985, the **LEAVE TO WITHDRAW** Report **READ** and **ACCEPTED**, in concurrence.

RECALLED, from the Legislative files pursuant to Joint Order H.P. 1156

Comes from the House, the Original Bill **SUBSTITUTED** for the Committee Report. Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A"** (H-481) in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax" (H.P. 764) (L.D. 1084)

In House June 19, 1985, **PASSED TO BE ENACTED**.

In Senate June 19, 1985, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House that Body **ADHERED**.

The Senate **ADHERED**.

ENACTORS

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 for State Facilities Energy and General Improvements (H.P. 922) (L.D. 1326) (C "A" H-381)

Comes from the House **FAILING OF ENACTMENT**.

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with 1 Senator having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate was **PASSED TO BE ENACTED** in **NON-CONCURRENCE** and was signed by the President.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements" (Emergency) (H.P. 1158) (L.D. 1660)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE**

ENGROSSED, without Reference to a Committee.

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

ENACTORS

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

An Act to Promote Industrial Stability (H.P. 1145) (L.D. 1652) (C "A" H-473)

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator **SHUTE**: Mr. President. I request a Roll Call.

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

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

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

The pending question before the Senate is **ENACTMENT**.

A Yes vote will be in favor of Enactment. A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Berube, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Erwin, Kany, Matthews, McBreairty, Pearson, Traflet, Tuttle, Usher, Violette, Webster, The President—Charles P. Pray

NAYS:—Senators, Andrews, Baldacci, Black, Brown, Emerson, Gauvreau, Gill, Hichens, Maybury, Perkins, Sewall, Shute, Stover, Twitchell

ABSENT:—Senators, Dutremble, Najarian
19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

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

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

Tabled—June 19, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**FURTHER CONSIDERATION** (In Senate June 6, 1985, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 1146.)

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

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

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

Joint Order Recognizing Christie's Restaurant, in Augusta (SLS 289)

Tabled—June 19, 1985 by Senator **VIOLETTE** of Aroostook.

Pending—**FURTHER CONSIDERATION** (In Senate June 17, 1985, **READ** and **PASSED**.)

(In House June 19, 1985, **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

On motion by Senator **VIOLETTE** of Aroostook, Tabled Unassigned, pending

FURTHER CONSIDERATION.

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

HOUSE REPORTS—From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide a Clothing and Energy Assistance Allowance for Needy Children" (H.P. 506) (L.D. 711)

Majority Report—**Ought to Pass as Amended by Committee Amendment "A" (H-451)**
 Minority Report—**Ought Not to Pass.**

Tabled—June 19, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ACCEPTANCE OF EITHER REPORT**

(In Senate June 19, 1985, Reports **READ.**)
 (In House June 19, 1985, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

On motion by Senator **PEARSON** of Penobscot placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ACCEPTANCE OF EITHER REPORT.**

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

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S.P. 627) (L.S. 1646) (C "A" S-314)

Tabled—June 19, 1985, by Senator **GAUVREAU** of Androscoggin.

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

(In Senate June 19, 1985, **READ A SECOND TIME.**)

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. I am not going to take a lot of time. I just wanted to remind the Members of a couple of things. Don't look at the Bill — look at this Amendment, this pink Amendment that is on your desk, which I think most of you have done.

I can assure you, on behalf of myself, Senator Chalmers and Senator Sewall, that there is nothing of substance in this Bill. There are a number of technical corrections. I have been around and talked with each one of you as to whether or not there was a need to caucus by either party. I just wanted to get up here and say that I really appreciate the vote of confidence which you gave the Committee, in the unanimous vote of the Senate not to caucus on it. I appreciate that and I think we can get out of here a little bit earlier tomorrow, perhaps, than if we held this up and held a caucus on it in the morning. Thank you.

Which was **PASSED TO BE ENGROSSED, as Amended.**

Sent down for concurrence.

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

Bill "An Act Concerning Liability for Injuries Caused by Drunken Persons" (S.P. 598) (L.D. 1568) (H "A" H-395 to C "A" H-263)

Tabled—June 19, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**FURTHER CONSIDERATION**
 (In Senate June 14, 1985, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1155.)

(In House June 19, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-263) AS AMENDED BY HOUSE AMENDMENTS "A" (H-395) and "C" (H-484)**, thereto in **NON-CONCURRENCE.**)

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

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

Emergency

An Act to Create the Maine Rainy Day Fund (H.P. 521) (L.D. 741) (H "A" H-442; C "A" H-301)

Tabled—June 18, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ENACTMENT**
 (In House June 18, 1985, **PASSED TO BE ENACTED.**)

(In Senate June 17, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301) AND HOUSE AMENDMENT "A" (H-442)**, in concurrence.)

This being an Emergency Measure and having received the affirmative votes of 27 Members of the Senate, with No Senators having voted in the negative, and 27 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.

Senate at Ease

Senate called to Order by the President.

Senator **TUTTLE** of York, was granted unanimous consent to address the Senate Off the Record.

Off Record Remarks

The **EXTENSION ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **BERUBE** of Androscoggin, the Senate **ADJOURNED** until 9 o'clock tomorrow morning.