

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME I

SECOND REGULAR SESSION

January 8 - April 2, 1986

The Senate RECEDED and CONCURRED.

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

House Papers

In Senate Chamber
Tuesday
March 18, 1986

Bill "An Act to Implement Certain Recommendations of the State Compensation Commission"
H.P. 1567 L.D. 2217

Bill "An Act to Provide Funds for Graduate Study for the Protection, Preservation and Perpetuation of the Bee Industry in Maine"
H.P. 1568 L.D. 2218

Senate called to Order by the President.

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Prayer by Father Paul Cote of Colby College in Waterville.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

FATHER COTE: Let us pray. Oh God, the source of all wisdom and power, Whose statutes are good and gracious, and Whose law is truth. Guide and direct the Senate of the State of Maine, that for just and prudent law, our Senators may promote the well being of all of our people. Amen.

Bill "An Act to Improve Legislative Oversight of the Bureau of Public Lands and to Create the Maine Conservation Heritage Trust Fund"
H.P. 1570 L.D. 2220

Reading of the Journal of Yesterday.

Committee on ENERGY AND NATURAL RESOURCES suggested.

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Eliminate Exemptions from Jury Service"
H.P. 1531 L.D. 2158

Bill "An Act to Provide Technical Assistance to Schools on Truancy, Dropouts and Alternative Educational Programs and to Amend the Permanent School Fund"
H.P. 1569 L.D. 2219

In Senate, March 12, 1986, PASSED TO BE ENGROSSED, in concurrence.

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

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-581) in NON-CONCURRENCE.

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

Bill "An Act Concerning Substance Abuse Education"

H.P. 1188 L.D. 1685

Bill "An Act to Amend the Annual Operating-under-the-influence Report and to Establish a State-operated Evaluation Program within the Driver Education Program of the Department of Human Services"

H.P. 1571 L.D. 2221

Ought to Pass

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

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Repeal the Maine Takeover Bid Disclosure Law"

H.P. 1445 L.D. 2039

Reported that the same Ought to Pass.

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

Senate at Ease

Senate called to order by the President.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

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

The Committee on LEGAL AFFAIRS on Bill "An Act Relating to the Age of Employees who may Receive Payment or be in the Direct Handling of Liquor on the Licensed Premises"

H.P. 1488 L.D. 2100

Reported that the same Ought to Pass.

Comes from the House referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED.

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

Which was referred to the Committee on LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED, in concurrence.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Ought to Pass As Amended

The Committee on BUSINESS AND COMMERCE on Bill "An Act to Amend the Revised Maine Securities Act" H.P. 1265 L.D. 1774

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-578).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-578) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Encourage Employers to Assist their Employees in Meeting Their Child Care Needs and Expenses"

H.P. 1329 L.D. 1864

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-579).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-579) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Provide for the Motor Vehicle Division to Purchase and Maintain Software Equipment Independent of any Other Provider and Related Hardware"

H.P. 1331 L.D. 1866

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-576).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-576).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-576) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Improve the Effectiveness of the Consumer Assistance Division of the Public Utilities Commission and to make Other Changes in the Statutes"

H.P. 1378 L.D. 1941

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-577).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-577).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-577) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on BUSINESS AND COMMERCE on Bill "An Act Concerning the Labeling of Seafood"

H.P. 1293 L.D. 1810

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1556 L.D. 2194

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1555 L.D. 2193

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill "An Act to Authorize the Use of Energy Service Companies and 3rd-party Financing for Conservation Improvements at School Administrative Units"

H.P. 1375 L.D. 1938

Reported that the same Ought to Pass in New Draft under same title (Emergency).

H.P. 1553 L.D. 2191

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on BUSINESS AND COMMERCE on Bill "An Act Establishing State Regulation of Employment Agencies"

H.P. 1191 L.D. 1688

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Clarify the Regulation of Employment Agencies"

H.P. 1557 L.D. 2195

The Committee on LEGAL AFFAIRS on Bill "An Act Relating to Penobscot Nation Game Wardens"

H.P. 1194 L.D. 1691

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1552 L.D. 2190

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Allow Restaurants and other Establishments Licensed to Serve Alcoholic Beverages to Purchase these Beverages from Agency Liquor Stores"

H.P. 1358 L.D. 1902

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Allowing Licensees to Purchase Liquor from Agency Liquor Stores if Licensee is Located more than 20 Miles from State Liquor Stores"

H.P. 1554 L.D. 2192

The Committee on TAXATION on Bill "An Act to Phase Out the Sales and Use Tax on Energy Used in Manufacturing"

H.P. 284 L.D. 354

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Extend for One Year the Long-term Operating Lease Provision of the Railroad Excise Tax" H.P. 1398 L.D. 1972

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning the Railroad Excise Tax" H.P. 1545 L.D. 2182

Signed:

Senator: DIAMOND of Cumberland

Representatives: DIAMOND of Bangor
MAYO of Thomaston
CASHMAN of Old Town
MCCOLLISTER of Canton
SWAZEY of Bucksport
NELSON of Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-570).

Signed:

Senators: TWITCHELL of Oxford
EMERSON of Penobscot

Representatives: JACKSON of Harrison
INGRAHAM of Houlton
ZIRNKILTON of Mount Desert
WEBSTER of Cape Elizabeth

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

Which Reports were READ.

Senator TWITCHELL of Oxford moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers, in concurrence.

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

Senator MCBREAIRTY: Mr. President. I would like to pose a question through the Chair. What affect does this have on the railroads?

THE PRESIDENT: Senator McBreairty of Aroostook has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Thank you, Mr. President. When we signed this Bill out, we had a study all summer long. I thought I was on the Majority Report. and I find myself, this morning, on the Minority Report. With the strikes going on, and all of the trouble we are having with the railroads, I do not believe we should do anything to help them. They aren't helping us. They are laying off Maine people. I just think what we probably should do, is have a study this summer, on the whole complex, of the railroad system, and start fresh. I am just not for these two Reports, at all.

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

Senator KANY: Mr. President and Members of the Senate. On behalf of all of the people in Central Maine, and all of the people in the State, who are affected by the railroad policy, and by the decisions of Guilford Transportation Industries, I would like to thank the Chairman of the Taxation Committee, the good Senator from Oxford, Senator Twitchell. I believe that his decision is the appropriate one, and I am absolutely delighted to hear him make that motion, and I applaud his decision.

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

Senator EMERSON: In answer to the Senator from Aroostook, Senator McBreairty. I don't think it will make any difference to the railroads this year, because, I believe that their net income is so low. This Bill is regarded to the Lease Box Car Exemption, and regardless of whether we pass it or not, I think they will pay the minimum tax. So, I do not believe it makes any difference at all.

On motion by Senator TWITCHELL of Oxford the Bill and all Accompanying Papers, INDEFINITELY POSTPONED, in concurrence.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Bring into Conformity Municipal and State Subdivision Laws" H.P. 872 L.D. 1229

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-572).

Signed:

Senators: USHER of Cumberland EMERSON of Penobscot

Representatives: JACQUES of Waterville RIDLEY of Shapleigh HOGLUND of Portland DEXTER of Kingfield BROWN of Livermore Falls LAW of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-573).

Signed:

Senator: KANY of Kennebec

Representatives: MITCHELL of Freeport COLES of Harpswell HOLLOWAY of Edgecomb MICHAUD of Medway

Comes from the House with the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572).

Which Reports were READ.

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

Senate

Ought to Pass As Amended

Senator MAYBURY for the Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act to Amend Certain Provisions of the Underground Oil Storage Tank Installers and Underground Oil Storage Facilities" S.P. 782 L.D. 1975

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-419).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-419) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

Senator TWITCHELL for the Committee on TAXATION on Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (Emergency) S.P. 749 L.D. 1913

Reported that the same Ought to Pass in New Draft under same title (Emergency). S.P. 881 L.D. 2216

Which Report was READ and ACCEPTED.

The Resolve in NEW DRAFT READ ONCE.

The Resolve in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Define Terms in the Manufactured Housing Zoning Law" S.P. 738 L.D. 1891

Reported that the same Ought to Pass.

Signed:

Senators: BALDACCI of Penobscot TUTTLE of York STOVER of Sagadahoc

Representatives: MURPHY of Berwick MCHENRY of Madawaska ROTONDI of Athens MASTERMAN of Milo HALE of Sanford WENTWORTH of Wells

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

Signed:

Representatives: DAGGETT of Manchester
NICKERSON of Turner
C.B. SMITH of Island Falls
SALSBURY of Bar Harbor

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE.

On motion by Senator VIOLETTE of Aroostook, Tabled Unassigned, pending ASSIGNMENT FOR SECOND READING.

SECOND READERS

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

Senate As Amended

Bill "An Act to Adopt a State Uniform Fraudulent Transfer Act"

S.P. 244 L.D. 770
(C "A" S-418)

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

Sent down for concurrence.

ENACTORS

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

An Act Concerning State Contribution to Pollution Abatement

H.P. 1469 L.D. 2071
(H "A" H-540; S "A" S-389)

An Act to Exempt Certain Firefighters from the 3-year Statute of Limitations in the Occupational Disease Law

H.P. 1533 L.D. 2161

An Act to Revise the Statutes Pertaining to Use and Sale of Live Fish as Bait

S.P. 858 L.D. 2169
(H "A" H-574)

An Act to Extend the Judicial Certification Procedures to Institutions Housing Mentally Retarded Persons

S.P. 864 L.D. 2178

(See action Later Today)

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 Strengthen State-local Cooperation through Regional Councils

H.P. 837 L.D. 1181
(S "A" S-409 to C "A" H-558)

On motion by Senator BERUBE of Androscoggin, placed upon SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Establish a Toll-free Statewide Hot Line for Victims of Sexual Assault and Domestic Violence

S.P. 796 L.D. 2003
(C "A" S-407)

On motion by Senator BERUBE of Androscoggin, placed upon SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Promote Intensive Spruce-fir Management

H.P. 1468 L.D. 2070
(H "A" H-571)

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

Emergency

An Act to Allow the Freeport Sewer District to Acquire the Freeport Branch of the Maine Water Company

S.P. 763 L.D. 1927
(C "A" S-404)

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

On motion by Senator BERUBE of Androscoggin, the Senate RECONSIDERED its action whereby it PASSED TO BE ENACTED:

An Act to Extend the Judicial Certification Procedures to Institutions Housing Mentally Retarded Persons

S.P. 864 L.D. 2178

(In House, March 17, 1986, PASSED TO BE ENACTED.)

On further motion by same Senator placed on SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially assigned matter:

An Act to Exempt Property Managers and Site Managers from the Licensing as Real Estate Brokers or Salesmen

S.P. 857 L.D. 2160

Tabled - March 17, 1986 by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 17, 1986, PASSED TO BE ENACTED.)

(In Senate, March 11, 1986, PASSED TO BE ENGROSSED.)

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

The Chair laid before the Senate the Tabled and Specially assigned matter:

Bill "An Act to Create a Maine Code Governing the Sale of Certain Commodities"

S.P. 871 L.D. 2196

Tabled - March 17, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 17, 1986, READ A SECOND TIME.)

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

The Chair laid before the Senate the Tabled and Specially assigned matter:

Resolve, to Establish a Commission to Study the Integration of the Maine State Retirement System with the Social Security System (Emergency)

S.P. 872 L.D. 2202

Tabled - March 17, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 17, 1986, READ A SECOND TIME.)

Senate at Ease

Senate called to order by the President.

On motion by Senator BROWN of Washington,
Senate Amendment "A" (S-420) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

HELD BILL

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

Senator KANY: Mr. President, is the Senate in
possession of L. D. 1751?

THE PRESIDENT: The Chair would answer in the
affirmative, having been held at the Senators request.

Bill "An Act Concerning Fees Imposed on the
Generation of Hazardous Waste"
H.P. 1241 L.D. 1751

(In Senate, March 17, 1986, Minority Ought Not
to Pass Report READ and ACCEPTED, in
concurrence.)

(In House, March 17, 1986, Minority Ought Not to
Pass Report READ and ACCEPTED.)

On motion by Senator CLARK of Cumberland, the
Senate RECONSIDERED its action whereby it
ACCEPTED the Minority OUGHT NOT TO PASS Report.

On motion by Senator VIOLETTE of Aroostook,
Tabled until Later in Today's Session, pending the
motion of Senator USHER of Cumberland to ACCEPT
of the Minority OUGHT NOT TO PASS Report.

Under suspension of the the Rules, all matters
previously acted upon, with the exception of those
items being held, were ordered sent down forthwith,
for concurrence.

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

Off Record Remarks

On motion by Senator CHALMERS of Knox
RECESSED until the sound of the Bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Clarify the Duties of Notaries
Public and Notarial Officers"
S.P. 843 L.D. 2137

In Senate, March 4, 1986, referred to the
Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Comes from the House RULED NOT PROPERLY BEFORE
THE BODY, being in violation of Joint Rule 37 in
NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the
Senate ADHERED in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 882

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

March 18, 1986

Senator Jean B. Chalmers
Representative Nathaniel J. Crowley, Sr.
Chairpersons
Joint Committee on Marine Resources
112th Legislature
Augusta, Maine 04333

Sincerely,
S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Myron A. Sprague, Jr. of Swan's Island for appointment to the Marine Resources Advisory Council.

Which was READ and referred to the Committee on MARINE RESOURCES.

Sent down for concurrence.

Pursuant to Title 12 M.R.S.A. Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

The Following Communication: S.P. 884

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

March 18, 1986

Which was READ and referred to the Committee on MARINE RESOURCES.

Senator Jean B. Chalmers
Representative Nathaniel J. Crowley, Sr.
Chairpersons
Joint Committee on Marine Resources
112th Legislature
Augusta, Maine 04333

Sent down for concurrence.

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated David Turner of Eastport for reappointment to the Marine Resources Advisory Council.

The Following Communication: S.P. 883

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

March 18, 1986

Pursuant to Title 12 M.R.S.A. Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Senator Jean B. Chalmers
Representative Nathaniel J. Crowley, Sr.
Chairpersons
Joint Committee on Marine Resources
112th Legislature
Augusta, Maine 04333

Sincerely,
S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Brian P. Tarbox of Cumberland Center for appointment to the Marine Resources Advisory Council.

Which was READ and referred to the Committee on MARINE RESOURCES.

Sent down for concurrence.

Pursuant to Title 12 M.R.S.A. Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1986 (Emergency)

H.P. 1575 L.D. 2214

Reported that the same Ought to Pass, pursuant to Joint Order H. P. 1316.

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

Which Report was READ and ACCEPTED, in concurrence.

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

Senate

Leave to Withdraw

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

Bill "An Act to Clarify the Applicability of the Motor Vehicle Dealer Laws and the Used Car Information Law to Financial Institutions" S.P. 823 L.D. 2083

Bill "An Act Relating to the Collection of Sums Due for Rent and Damages in Actions for Forcible Entry and Detainer" S.P. 851 L.D. 2152

Divided Report

The Majority of the Committee on BUSINESS AND COMMERCE on Bill "An Act to Amend Financial Reporting Requirements of Insurers" S.P. 754 L.D. 1918

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-422).

Signed:

Senators: SEWALL of Lincoln BUSTIN of Kennebec KERRY of York

Representatives: ARMSTRONG of Wilton TELOW of Lewiston HILLOCK of Gorham STEVENS of Bangor RYDELL of Brunswick BAKER of Orrington MURRAY of Bangor BRANNIGAN of Portland MARTIN of Van Buren

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

Signed:

Representative: ALIBERTI of Lewiston

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-422) Report, ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-422) READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Repeal the Maine Takeover Bid Disclosure Law" H.P. 1445 L.D. 2039

Bill "An Act Relating to the Age of Employees who may Receive Payment or be in the Direct Handling of Liquor on the Licensed Premises" H.P. 1488 L.D. 2100

Bill "An Act Relating to Penobscot Nation Game Wardens" H.P. 1552 L.D. 2190

Bill "An Act to Authorize the Use of Energy Service Companies and 3rd-party Financing for Conservation Improvements at School Administrative Units" (Emergency)

H.P. 1553 L.D. 2191

Bill "An Act Allowing Licensees to Purchase Liquor from Agency Liquor Stores if Licensee is Located more than 20 Miles from State Liquor Stores"

H.P. 1554 L.D. 2192

Bill "An Act to Phase Out the Sales and Use Tax on Energy Used in Manufacturing"

H.P. 1555 L.D. 2193

Bill "An Act Concerning the Labeling of Seafood"

H.P. 1556 L.D. 2194

Bill "An Act to Clarify the Regulation of Employment Agencies"

H.P. 1557 L.D. 2195

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

House As Amended

Bill "An Act to Amend the Revised Maine Securities Act"

H.P. 1265 L.D. 1774
(C "A" H-578)

Bill "An Act to Encourage Employers to Assist their Employees in Meeting Their Child Care Needs and Expenses"

H.P. 1329 L.D. 1864
(C "A" H-579)

Bill "An Act to Provide for the Motor Vehicle Division to Purchase and Maintain Software Equipment Independent of any Other Provider and Related Hardware"

H.P. 1331 L.D. 1866
(C "A" H-576)

Bill "An Act to Improve the Effectiveness of the Consumer Assistance Division of the Public Utilities Commission and to make Other Changes in the Statutes"

H.P. 1378 L.D. 1941
(C "A" H-577)

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

Senate

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (Emergency)

S.P. 881 L.D. 2216

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend Certain Provisions of the Underground Oil Storage Tank Installers and Underground Oil Storage Facilities"

S.P. 782 L.D. 1975
(C "A" S-419)

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

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator KERRY for the Committee on STATE GOVERNMENT on Bill "An Act Relating to the Issuance of Taxable Bonds and the Refunding of Certain Bonds" (Emergency)

S.P. 837 L.D. 2126

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-423).

Which Report was READ.

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

Senator VIOLETTE: I would request that some Member of the appropriate Committee would give me an understanding of the Bill, as affected by the Committee Amendment.

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

The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you, Mr. President. To answer the good gentlemen, Senator Violette's question. This Bill came to the State Government Committee, and was originally a bill that was before the Energy and Natural Resources Committee last year. There were some problems with that piece of legislation, more technical in nature, than anything. It required this Bill to come back through the Legislative process, to be corrected and addressed. The Committee Amendment that Senator Violette is referring to, is under filing number (S-423), and there was some question on the part of some municipalities, that by establishing a specific bonding authority that we were establishing in the original bill, it may raise some questions as to the overall bonding authority of those municipalities, in other areas. So, the purpose of the Amendment is to establish, very clearly, what the bonding authority of municipalities are, so that no one would question, by addressing some specific bonding authority issues, with this original legislation, we would be excluding bonding authority in other issues.

Which Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-423) READ and ADOPTED.

Senate at Ease

Senate called to order by the President.

Which was, under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Off Record Remarks

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

SENATE PAPERS

Bill "An Act to Authorize Temporary Licenses to Operate Family Foster Homes"

S.P. 885

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative CARROLL of Gray
Submitted by the Department of Human Services
pursuant to Joint Rule 24

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

Sent down for concurrence.

ORDERS OF THE DAY

The Chair laid before the Tabled and Later Today assigned matter:

HOUSE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Bring into Conformity Municipal and State Subdivision Laws" H.P. 872 L.D. 1229

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-572)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-573)

Tabled - March 18, 1986, by Senator VIOLETTE of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 18, 1986, Reports READ.)

(In House, March 17 1986, Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572).)

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

The Chair laid before the Senate the Tabled and Later Today assigned matter:

An Act to Promote Intensive Spruce-fir Management
H.P. 1468 L.D. 2070
(H "A" H-571)

Tabled - March 18, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 17, 1986, PASSED TO BE ENACTED.)

(In Senate, March 12, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-571), in concurrence.)

On motion by Senator USHER of Cumberland, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED its action whereby House Amendment "A" (H-571) was ADOPTED.

On further motion by same Senator, House Amendment "A" (H-571) INDEFINITELY POSTPONED in NON-CONCURRENCE.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator USHER: Mr. President. The Amendment, which we took off of this Bill, said that non-aerial spraying could be done with herbicides, and the small woodlot owners will need aerial spraying. The ground spraying is not acceptable and they cannot do an area as well as they can do it by aerial spraying. This was worked on for a whole year, in a study committee, and this is badly needed for the small woodlot owners. This is why I removed the Amendment.

Which was PASSED TO BE ENGROSSED in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Today assigned matter:

An Act to Exempt Property Managers and Site Managers from the Licensing as Real Estate Brokers or Salesmen

S.P. 857 L.D. 2160

Tabled - March 18, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 17, 1986, PASSED TO BE ENACTED.)

(In Senate, March 11, 1986, PASSED TO BE ENGROSSED.)

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

The Chair laid before the Senate, the Tabled and Later Today assigned matter:

Bill "An Act to Create a Maine Code Governing the Sale of Certain Commodities"

S.P. 871 L.D. 2196

Tabled - March 18, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 17, 1986, READ A SECOND TIME.)

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

The Chair laid before the Senate, the Tabled and Later Today assigned matter:

HOUSE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning Fees Imposed on the Generation of Hazardous Waste"
H.P. 1241 L.D. 1751

Majority - Ought to Pass in New Draft under New Title Bill "An Act Concerning Fees Imposed on the Use of Hazardous Materials"

H.P. 1546 L.D. 2183

Minority - Ought Not to Pass

Tabled - March 18, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of Senator USHER of Cumberland to ACCEPT the Minority Ought Not to Pass Report

(In Senate, March 18, 1986, RECONSIDERED ACCEPTANCE of Minority OUGHT NOT TO PASS Report.)

(In House, March 17, 1986, Minority OUGHT NOT TO PASS Report READ and ACCEPTED.)

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

Senator KANY: Mr. President and Members of the Senate. It is my understanding that we are on Item 5 on Tabled and Later Today Assigned?

THE PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes that same Senator.

Senator KANY: The most recent action of the Senate was to Reconsider Acceptance of the Minority Ought Not To Pass Report. That motion did Pass and currently, I wish to offer a new motion, and that is to Accept the Majority Ought To Pass Report.

THE PRESIDENT: The Chair would inform the Senator that the existing motion is the motion by the Senator from Cumberland, Senator Usher, that the Senate Accept the Minority Ought Not To Pass Report.

The Chair recognizes that same Senator.

Senator KANY: Excuse me, Mr. President. I would beg to differ with thou. I thought we had passed the Report.

THE PRESIDENT: The Chair would inform the Senator from Kennebec, that the Senate has Reconsidered its action, but the motion is still before the Body.

The Chair recognizes that same Senator.

Senator KANY: I apologize, Mr. President. So, the pending motion is Acceptance of the Minority Ought Not To Pass Report?

THE PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes that same Senator.

Senator KANY: Thank you, Mr. President. I would urge the Senate to vote against the pending motion. First of all, I would like to ask for a Reading of the Committee Report.

Which Reports were READ.

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

Senator KANY: Thank you, Mr. President. I urge you to vote against the pending motion, so we can adopt the Majority Ought to Pass Report. Briefly, what we are talking about is the ability of the Bureau of Oil and Hazardous Waste to meet the demands of the citizens of the State, to deal with spills. It is very interesting, in that the fees that go into a very small fund, for cleaning up spills, primarily come from the generators of hazardous waste, and yet, it is not hazardous waste, really, that predominates in the Bureau's demand. Instead, it is hazardous materials or substances. Something like 80% of the projects, the clean-up responses that were responded to by the Bureau, came from hazardous materials, in the past couple of years. Just to give an example of what some of these are, I would like to point out just a couple. One would be an ammonia spill, such as the lobster kill in Portland, a leak in a blueberry processing plant in Washington County, and there was a fairly recent one at Statler Tissue right here in Augusta. A number of acid and alkaline spills occur annually, and so on. These are hazardous substances, they are hazardous materials, and are not yet hazardous waste, so therefore they do not pay into the fund, in which the Bureau must reply.

Obviously, we are talking about the health and welfare of the people of the State of Maine. This Bureau did not generate enough fees through the hazardous waste fees, in order to respond, in the past couple of years. Obviously, it makes good sense just to allow those that cause the problem, to have to help pay for the response. It is reasonable. There was really no objection from people, generally, and I think it makes a good deal of common sense. So, I urge you to reject the motion before us, so we can Adopt the Majority Ought To Pass Report.

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

Senator USHER: Thank you, Mr. President. Mr. President and Members of the Senate. As you can see, I have mixed feelings since I left my Committee Room and came to the Chamber. I made some contacts with some different people involved with these materials, and we had information given to us in a Committee hearing, that most of these accidents were happening on the road. Therefore, it was usually the truckers and not the people that ordered the material. The people who handle the materials, handle their own clean up. So, therefore, there is no cost. This fee would be the 4th fee imposed on the same materials. The other fees already imposed on these materials are Federal super fund fees, Maine's hazardous waste fees, and Maine's identification fees. All of these companies, and people involved, have to file with the proper Bureau and inform these people the different kinds of materials that they have. They are all paying. There has been very good response in the new Chemical I. D. Bill that we had a few years ago. Another reason that the DEP has requested this new fee, is to put another staff member on.

The staff member would coordinate the small quantities of hazardous waste, generators, and the larger companies would receive no benefit from this. Apparently, the Hazardous Waste Fund, shows a reserve carry-over. This was discussed at great length in Committee, why they had quite a lot of funds left over. The reserve carry-over showed that the Fund is being operated with room to maneuver. That is one of the reasons why I have changed my mind.

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

Senator TUTTLE: Mr. President. I would like to pose a question through the Chair. Could somebody explain the difference between the original Bill, L. D. 1751, and the New Draft, L. D. 2183?

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President, Members of the Senate. The intent of the new draft, is to reduce, by 99%, the fee on hazardous materials proposed in the original bill. The new draft, also, lowers the cap in the Maine Hazardous Waste Fund, from \$600,000 to \$400,000, in order to further limit the fee burden on Maine's industry. An exemption is provided for drinking water and municipal waste treatment uses of hazardous materials list, such as chlorine. At the same time, the new draft does preserve the intent of the original bill, to improve the State's ability to respond to emergency spills of hazardous wastes and materials. I am sorry to see the Chairman of the Energy and Natural Resources Committee change his mind, and move from the Majority Report to the Minority Report.

I think this a very important area, very important to the public health. To tell you the truth, I have long been concerned, that this State, perhaps, is not adequately prepared, to meet a major response, such as the terrible, basically chlorine leak that occurred in Louisiana, not too many years ago. Currently, we have just a small, a very small reserve, to handle one or two modest spill incidents, and to cover a quarter of the annual personal services obligation, in that Fund. There is very little there. Those demands that are called for, are not appropriately contributing to this Fund. I urge you to reject the current motion, so we can go along in a common sensible way, and Adopt the Majority Report.

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

Senator TUTTLE: Mr. President. I would like to pose another question through the Chair. The Senator from Kennebec, Senator Kany, partially answered my question, but, what is the difference between the existing law and what we are doing, if we pass this new draft. Are we weakening the present law?

THE PRESIDENT: The Senator from York, Senator Tuttle, has posed another question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: In my opinion, there are two major differences between the current law and what is being proposed in the Majority Ought To Pass Report. One is, that an extra approximately \$50,000 would be raised, so the Fund, although not adequate, perhaps, could meet a major catastrophe, would be more adequate than currently. Secondly, those that cause the problem, the emergency responses, most often, 80% of the time, in the past couple of years, are materials such as a chlorine tank car falling, as it did in Oakland, not too long ago. So, those are not contributing properly to the Fund. Finally, they would be asked to contribute a very small amount.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator USHER that the Senate ACCEPT the Minority OUGHT NOT TO PASS Report.

The Chair will order a Division.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: 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 in favor of ordering a Roll Call, please rise and remain standing in their places until counted.

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

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Mr. President and Members of the Senate. For some of us, who were not privy to the hearing, this is still sort of a cloudy issue.

If someone from the Committee, perhaps the Chairman, would explain to us why this Minority Report, as the good Senator from Kennebec, Senator Kany, has articulated, should not be adopted, because of adverse economic implications to those industries that use these kinds of hazardous chemicals, then I would like to know it. If there is sufficient protection out there for people, from Kittery to Fort Kent, in lieu of a dangerous spill. I would like some answers.

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

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Thank you, Mr. President. I have contacted about 4 different people. They were all in businesses. They were people who were in Rescue. These people said that they had been trained. The fire department which I talked to, also 2 different fire departments, who had been trained, in regards to this. One of them mentioned that he went to a Chief's meeting, and they brought it up, it was a State-wide effort. They are all aware of all of these different chemicals, since we have passed different laws, in the past 3 or 4 years. They all feel there is sufficient concern out there. There has been training, State-wide, and these people are capable. They have handled all of these matters. DEP is not the one that actually does the mopping up. Usually the firemen are the first ones there, or the police and rescue. I feel there are sufficient rescue and those kinds of people out there. Rather than to impose an additional fee. There are three different ways they are being given money within DEP. I don't think it is called for another new additional, at this time. And, also an additional person.

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

Senator KANY: Mr. President and Members of the Senate. I would like to point out to the Chairman of Energy and Natural Resources must have thought that there was reason for concern, or he would not have signed the Majority Ought To Pass Report, originally. Secondly, while it may be true, in some of the largest communities in the State, or some with the largest companies, that they may be adequately prepared to meet the emergency spill. I would, unfortunately have to say, I do not think that is true throughout the State of Maine.

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

Senator USHER: Thank you, Mr. President. About 3 weeks ago, in Senator Black's district, there was an overturned trailer truck, with over 8000 gallons of gasoline. It was in the country area. Kezar Falls, I believe. The first people on the scene were the fire department, and that is natural State-wide.

I imagine it would be the same in Portland, also. They handled the whole matter. DEP's nearest office was Portland, and they responded, also. I am not saying that they wouldn't. But, most of the work is all done, and it was supervised and coordinated between both Departments. I think that it showed that they have qualified people out there, they are well trained, and I think they can handle the matter. The Chief in the area, who is responsible for his area, and he is in charge of the area. That is the way it works, and it works State-wide.

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

Senator EMERSON: Mr. President and Ladies and Gentlemen of the Senate. This is a fee of 1/2 percent per pound, on shipments of 10,000 of these different hazardous materials. This fee probably would be paid, mostly, by the larger companies, by the paper companies, etc. As I understand it, those companies have the capabilities of taking care of the problem, themselves. So, we would be putting this fee on the people, who could probably take care of their own problems, to help those who don't. Currently, the amount of money that they take in from the fee, that is now assessed, and what they spend, is about the same. Last year, and in 1984, the revenue was \$268,000, and they spent \$217,000. The carry-over was \$96,000. In 1985, they brought in \$200,000 and they spent \$219,000. There was still a carry-over of \$7700. My position was, and is, that I thought they could go on a while longer, with this amount of money that exists. I don't think there is any great emergency. Remember, that the people that are paying, are the people who are taking care of their own problem, anyway.

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

Senator BROWN: Thank you, Mr. President. I would like to pose a question through the Chair, because there are several things that I do not understand about this, if I may. In the Bill that is before us, L. D. 2183, we already have a fund that is established of \$600,000, in the Hazardous Waste Fund. The Bill that is before us, reduces that from \$600,000 to \$400,000, and has a new way of sustaining that amount of money. Is that correct?

THE PRESIDENT: The Senator from Washington, Senator Brown 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: To answer the Gentlemen's question, the good Senator from Washington County, Senator Brown. It is true, that the ceiling would be lowered from \$600,000 to \$400,000, but as the good Senator from Penobscot, Senator Emerson suggested, that the money has simply not been coming in. It has not been coming up to any where near the \$600,000 level.

It has not been coming near to the \$400,000 level. Instead, it was around \$200,000. So, this would just bring a little bit more in, paid by those who you really have to respond to. I would like to point out one thing, and that is that where some of these large companies may very easily be able to respond to an emergency, where it is on their grounds, obviously, if the truck is some place far distant, from their facility, or if it is on a rail car, distant yet, from their plant, they cannot respond immediately, and take care of the State's problem.

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

Senator EMERSON: Mr. President, Ladies and Gentlemen. I am not sure if the Senator from Kennebec, Senator Kany, answered the question or not. But, presently, the fee schedules that go into this Fund, the generators contribute \$125,000. The transporters, the truckers contribute \$52,000. Hazardous waste facilities contribute \$15,000, waste ore is \$8,000, for a total of \$202,000, last year. These fees would stay there, they would stay in place. This would be an additional fee on those who handled 10,000 pounds of these other chemicals.

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

Senator BUSTIN: Thank you, Mr. President. I would like to pose a question through the Chair. Is this a non-lapsing account? Has the money all been spent out of this account, and have we had to have State monies to take care of any spills that have occurred?

THE PRESIDENT: The Senator from Kennebec, Senator, Senator Kany 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. The State has had to go to other funds, just to meet some of the emergency responses in the past. There is a lid, so although it does not lapse, the lid that was removed, it moved down in the Bill from \$600,000 to \$400,000, in that regard, would help the businesses in the State.

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

Senator USHER: Thank you, Mr. President. Mr. President and Members of the Senate. Currently, there is a reserve carry-over from the preceding year. So, they have not expended all of their money. We feel they can get along with the amount of money they have, and the money coming in, if they start collecting a little bit more, too. What good is it to impose another fee, if you're not going to collect it? And then add a 4th fee on, which is what this will do. It's as simple as that.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland, to ACCEPT the Minority OUGHT NOT TO PASS Report, in concurrence.

A Yes vote will be in favor of Acceptance.

A No vote will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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YEAS: Senators, BERUBE, BLACK, BUSTIN, CARPENTER, CHALMERS, CLARK, DOW, EMERSON, ERWIN, GAUVREAU, GILL, MAYBURY, MCBREAIRTY, PEARSON, PERKINS, SEWALL, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, ANDREWS, BALDACCI, BROWN, DIAMOND, HICHENS, KANY, KERRY, MATTHEWS, NAJARIAN, TUTTLE

ABSENT; Senators, DUTREMBLE, SHUTE, STOVER, TRAFTON

21 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator USHER of Cumberland, to ACCEPT the Minority OUGHT NOT TO PASS Report, PREVAILS, in concurrence.

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

Off Record Remarks

On motion by Senator CLARK of Cumberland ADJOURNED until Wednesday, March 19, 1986, at 8:30 in the morning.