

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

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

In Senate Chamber
Tuesday
March 25, 1986

Bill "An Act to Improve Access to Child Care Services"
S.P. 743 L.D. 1907

Senate called to Order by the President.

Ought to Pass in New Draft

Prayer by Reverend Herbert S. Hixon of the Winter Street Baptist Church in Gardiner.

Senator CARPENTER for the Committee on JUDICIARY on Bill "An Act to Amend the Requirements for Personal Service in an Action for a Guardianship or Conservatorship" (Emergency)
S.P. 759 L.D. 1923

Reported that the same Ought to Pass in New Draft under same title (Emergency).
S.P. 897 L.D. 2257

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

REVEREND HIXON: Shall we pray. Almighty God and everlasting Father, on this day with new expectancies and busy moments we look to Thee for guidance and direction. We are mindful of Thy greatness, aware of the route of all wisdom, and aware of our position before Thee. Help us in this hour to reach beyond ourselves and to seek wisdom from On High. Direct us also as we make decisions that will reflect careful thoughts and genuine concerns, for those that we represent. Give us the ability to listen with patience and wisdom and to discern what is correct and good. Help us to stand firmly on those convictions and give us strength that we might not falter. Walk with us throughout this day, we need to know of Thy presence and we need to know that we have done our best, as we have walked with Thee. For we ask these things in the name of the Christ. Amen.

Senator BALDACCI for the Committee on UTILITIES on Bill "An Act to Assist Consumers in Obtaining Redress for Violation of their Rights by Regulated Utilities"
S.P. 751 L.D. 1915

Reported that the same Ought to Pass in New Draft under same title.
S.P. 899 L.D. 2259

(Senator WEBSTER of Franklin Abstained.)

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

Reading of the Journal of Yesterday.

Off Record Remarks

SECOND READERS

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

House

Bill "An Act to Modernize the Telephone Excise Tax" H.P. 1595 L.D. 2240

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

Off Record Remarks

Senate

Bill "An Act to Clarify the Role of Cooperatives under the Maine Milk Pool" S.P. 707 L.D. 1832

Which was READ A SECOND TIME.

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

Senate As Amended

Bill "An Act to Improve Enforcement of the Potato Branding Law" S.P. 668 L.D. 1722 (C "A" S-431)

Bill "An Act Creating the Cornish Water District" (Emergency) S.P. 795 L.D. 2002 (C "A" S-430)

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

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Recodify the Laws of the Maine State Retirement System" S.P. 886 L.D. 2231

Tabled - March 24, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In Senate, March 20, 1986, PASSED TO BE ENGROSSED.)

(In House, March 24, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-596) in NON-CONCURRENCE.)

(In Senate, March 24, 1986, RECEDED and CONCURRED. Subsequently, RECONSIDERED RECEDING and CONCURRING.)

On motion by Senator VIOLETTE of Aroostook, Tabled Unassigned, pending FURTHER CONSIDERATION.

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

Bill "An Act to Increase the Amount of Insurance for Vehicles Used in Transporting Students" S.P. 830 L.D. 2090

Tabled - March 24, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 24, 1986, READ A SECOND TIME.)

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

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

Bill "An Act to Enhance the Protection of Mental Health Recipients' Rights" (Emergency)
S.P. 896 L.D. 2253

Tabled - March 24, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 24, 1986, READ A SECOND TIME.)

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

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

An Act to Adopt a State Uniform Fraudulent Transfer Act
S.P. 244 L.D. 770
(C "A" S-418)

Tabled - March 24, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 24, 1986, PASSED TO BE ENACTED.)

(In Senate, March 19, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-418).)

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

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Amend Maine's Abandoned Property Law"
H.P. 1577 L.D. 2224

In Senate, March 20, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-599) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Make Certain Changes and Improve the Equity of Maine Tax Law" (Emergency)
H.P. 1603 L.D. 2261

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

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act Regarding Mussel Dragging"
H.P. 1510 L.D. 2130

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Authorize the Creation of Detention Districts" (Emergency)

H.P. 1434 L.D. 2025

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-597).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-597) READ and ADOPTED, in concurrence.

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

Ought to Pass in New Draft

The Committee on TAXATION on Bill "An Act Permitting Municipalities to Require that a Payment on Taxes be Applied Toward the Oldest Outstanding Taxes"

H.P. 1336 L.D. 1873

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

H.P. 1596 L.D. 2247

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 UTILITIES on Bill "An Act to Amend the Charter of the Brunswick Sewer District" (Emergency)

H.P. 1231 L.D. 1738

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

H.P. 1602 L.D. 2256

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 JUDICIARY on Bill "An Act to Authorize the Establishment of a Standard of Care for Commercial Whitewater Outfitters"

H.P. 1278 L.D. 1795

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Liability Insurance for Commercial Whitewater Outfitters" (Emergency)

H.P. 1600 L.D. 2254

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.

The Committee on UTILITIES on Bill "An Act Establishing a Statewide Emergency 9-1-1 Telephone System"

H.P. 738 L.D. 1047

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Study Establishment of an Emergency 9-1-1 System in Heavily Populated Areas"

H.P. 1601 L.D. 2255

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.

ENACTORS

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

Bill "An Act to Make Changes in the Reserve Fund for Municipal Water Departments and Quasi-municipal Water Districts"

S.P. 649 L.D. 1674
(C "A" S-394)

An Act Relating to the Time of Passamaquoddy Tribe Trust Land Designation

H.P. 1183 L.D. 1680
(S "A" S-411 to C "A" H-565)

An Act to Make Changes in the Laws Governing Public Utilities

S.P. 669 L.D. 1723
(C "A" S-424)

An Act Concerning Mental Examination of Incarcerated Persons Accused of Crime

S.P. 701 L.D. 1786
(C "A" S-425)

An Act to Amend Financial Reporting Requirements of Insurers

S.P. 754 L.D. 1918
(C "A" S-422)

An Act Pertaining to Snowmobile Registration

H.P. 1477 L.D. 2079

An Act Regarding Family Housing

H.P. 1500 L.D. 2113
(C "A" H-589)

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

S.P. 871 L.D. 2196
(S "A" S-421)

An Act to Clarify Certain Provisions of a Publicly-held Financial Institution

H.P. 1581 L.D. 2225

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

Resolves

Resolve, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in a Certain Parcel of Real Property in the Town of Jackman

H.P. 1452 L.D. 2049
(C "A" H-588)

Resolve, Authorizing the Commissioner of Marine Resources to Lease Lands and Buildings in West Boothbay Harbor

S.P. 821 L.D. 2076

Which were FINALLY PASSED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency

An Act to Clarify the Rate Design Stability Responsibilities of the Public Utilities Commission

S.P. 717 L.D. 1840
(C "A" S-417)

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.

Emergency

An Act Concerning the Allocation of Certain Operating Costs of the Administration of the Maine Children's Trust Fund

H.P. 1566 L.D. 2211
(H "A" H-585)

Comes from the House FAILING OF PASSAGE TO BE ENACTED.

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

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

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

On motion by Senator DOW of Kennebec RECESSED until 4:30 in the afternoon.

After Recess

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 EDUCATION
ONE HUNDRED AND TWELFTH LEGISLATURE

March 25, 1986

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 Education has had under consideration the nomination of Teresa A. Moore of Westbrook, as a member of the University of Maine, Board of Trustees.

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 3
Representatives 10

NAYS: 0

ABSENT: 0

Thirteen 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 Teresa A. Moore, of Westbrook as a member of the University of Maine, Board of Trustees be confirmed.

Sincerely,

S/Larry M. Brown
Senate Chair

S/Ada K. Brown
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended that the nomination of Teresa A. Moore of Westbrook be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 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: Senator MAYBURY

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, CHALMERS, CLARK, DOW, EMERSON, ERWIN, GILL, HICHENS, KERRY, MCBREAIRTY, NAJARIAN, PERKINS, SEWALL, SHUTE, STOVER, TUTTLE, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BUSTIN, CARPENTER, DIAMOND, DUTREMBLE, GAUVREAU, KANY, MATTHEWS, PEARSON, TRAFTON

1 Senator having voted in the affirmative and 25 Senators having voted in the negative, with 9 Senators being absent and 1 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and nomination of Teresa A. Moore was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

SECOND READERS

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

House

Bill "An Act Permitting Municipalities to Require that a Payment on Taxes be Applied Toward the Oldest Outstanding Taxes"

H.P. 1596 L.D. 2247

Bill "An Act Concerning Liability Insurance for Commercial Whitewater Outfitters" (Emergency)

H.P. 1600 L.D. 2254

Bill "An Act to Study Establishment of an Emergency 9-1-1 System in Heavily Populated Areas"

H.P. 1601 L.D. 2255

Bill "An Act to Amend the Charter of the Brunswick Sewer District" (Emergency)

H.P. 1602 L.D. 2256

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

House As Amended

Bill "An Act to Authorize the Creation of Detention Districts" (Emergency)

H.P. 1434 L.D. 2025
(C "A" H-597)

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

Senate

Bill "An Act to Amend the Requirements for Personal Service in an Action for a Guardianship or Conservatorship" (Emergency)

S.P. 897 L.D. 2257

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

Sent down for concurrence.

Bill "An Act to Assist Consumers in Obtaining Redress for Violation of their Rights by Regulated Utilities"

S.P. 899 L.D. 2259

Which was READ A SECOND TIME.

Senator WEBSTER of Franklin moved the INDEFINITE POSTPONEMENT of Bill and Accompanying Papers.

Senator BALDACCI of Penobscot requested a Division.

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

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. This legislation, if you want to take the time to look at it and if you want to listen, I will explain briefly, this legislation is one of those bills that go into Committee, that we discuss in Committee, we vote and take action, on occasion come out of the Committee on a divided manner. This issue was debated in front of the Utilities Committee and was killed. As a matter of fact, the day we first dealt with this issue it was defeated by every Member of the Committee there. Unfortunately, there were several people that were not there and once the Committee met again and knew people were there, the Bill was reconsidered and passed in this form. I was at the first work session when the Bill was discussed and felt that it was unnecessary and unneeded and I will explain why in a minute. So I was one of the people who thought it should be defeated. Last Friday, I was told to go down and sign the jackets on the bills that were to come out on Friday so we could deal with these issues this week. One of the issues that we were going to deal with was this one. I was on the assumption that it was defeated and I find that it is passing in unanimous form.

Let me assure all the Members of the Body here today, that there is not unanimous support in the Committee for this Bill. I would say far from unanimous, I would say understanding the process, understanding that we are trying to get legislation through here out of Committee and onto the floor for debate, that is why I am debating it. This Bill very simply does something to help ten people who don't pay their bills. Let me tell you what this Bill does, it allows an individual who has inadvertently been cut off from their power to go and receive financial reward or reimbursement from the Utilities.

During the public hearing, the Members who supported this Bill came in and said that they felt that there should be some mechanism under law to protect the people who have been cut off from their power. So I asked the Power Company and the people in the audience how many people this applied to. It applies to ten people, all of these people, every person that falls under this Bill who is going to benefit from this Bill, is an individual who does not pay their power bills anyway. In no case has anyone, ever been cut off, had their power disconnected through an inadvertent of the Power Company and not been reimbursed. In every single case when Joe citizen, my neighbor, has his power cut off, by mistake. He calls the Power Company, he gives them a hard time about it and they promptly reconnect and make arrangements to reimburse that person for what ever mistake has been made.

In my opinion, this Bill is an effort for some Legislatures, some where, to go home and say they passed something. Members of the Committee have told me that they feel this Bill is unnecessary. I feel that it is unnecessary. I am a little upset with the process of how this Bill got to this point, without a divided report and all those things that should have happened. But regardless, I feel we shouldn't be passing a law that is going to cost the rate payers out there more money, because if the Power Company, for what ever reason, made a mistake and cut somebody's power off one day early, according to what the law requires, I don't feel we ought to be charging all the rate payers of this State more money to reimburse that person. In no cases, that we were told in our Committee, was anyone out there that was paying their bills being faced with this problem. Maybe there are some Power Company's out there who have cut some guy off who has been in arrears of his power bill for three months, but I say we shouldn't be passing laws, here, which don't benefit any where near the majority of our constituency. So I would ask you to vote against this.

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

Senator BALDACCI: Mr. President and Members of the Senate. I think it is important to point out two very important things. If you look at the L.D. 2259, you will notice that it is a new draft of the original Bill. The original Bill was not liked by the Committee, as a Body, and as is normal practice in Committee's, if a bill has some possibilities or if you don't like the way it is and you are drafting a new bill using that particular vehicle, it is new draft under new title.

The good Senator was objecting to the first Bill that was introduced to the Committee, now when the Committee dealt with it in it's work session and had voted with that original bill intent, it is that which the good Senator is discussing. What happened from that point forward, was that the Bill was amended, that the Bill does not deal with the dead beats, as the good Senator would like to refer to them, but it deals with people that are willfully and recklessly removed from power, violating rules that have been established.

Willfully and recklessly, it doesn't say people that haven't paid their power bills have more time it says if you were cut off and violated a rule and it was done willfully and recklessly that the consumer would have redress. That is the issue that is here today. It is a procedural avenue for those people. We also instituted in the Bill that they would be required to go to the utility first to get it resolved. That is not very unreasonable. If it was unresolved they would have an opportunity to go to the administrative court and have the court decide whether they have actually been willfully and recklessly dealt with by the utility. I don't think that is too much to ask, so I would ask you to vote against Indefinite Postponement.

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

Senator SEWALL: Thank you Mr. President, I would like to pose a question through the Chair to the Chairman of the Committee on Utilities, and that is what is the procedure now if the Telephone Company or the Power Company willfully and recklessly disconnect someone's power. What happens now as the laws are before this would pass.

THE PRESIDENT: The Senator from Lincoln, Senator Sewall, has posed a question through the Chair to the Chairman of the Committee on Utilities.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. To answer the question I would just simply say that one of the reasons that I am opposed to this Bill is that during the testimony in the public hearing, I asked the same question. Just think of yourself as an elected official of this Body, in every case, we were told, when there was a problem like this all the legislature had to do, was call and discuss the matter with the Power Company and it would be taken care of. That is exactly what happens when one of my constituents is damaged willfully, if you want to use the words of the Bill, all we have to do is contact me or go in and see the people in the Power Company and they will take care of it. The problem arises with the people who are being protected by this Bill, it is not Joe citizen, your neighbor or mine, out there that we are passing this law for, because our neighbors are already protected because they are good customers. They are paying their bills, the Power Company wants to keep them on their good side.

The people who we are protecting with this legislation are the dead beats and you can't argue any other way, because any one out there who is inadvertently, through error, cut off is immediately reinstated and the Power Company has agreed to pay any damages and that was what we were told in the Committee. 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 in their places until counted.

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

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

Senator BALDACCII: Mr. President and Members of the Senate. I must admit that I am some what surprised, I must have been taken off as the Chairman of the Utilities Committee. Mr. President and Members of the Senate, I think it is important to set the record straight in regard to this particular matter. The Bill that was dealt with in the Committee and signed out by the Committee, and I would ask for the Secretary to read the Committee Report, it allowed for a forty-eight period in which Members of that Committee had an opportunity to sign the jacket one way or the other. It was through that period of forty-eight hours where it had not been signed by the good Senator, and because of those particular procedures that it was unable to.

On request by the Senator BALDACCII, of Penobscot, the Committee Report was READ.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A vote of Yes will be in favor of Indefinite Postponement.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, MAYBURY, PERKINS, SEWALL, SHUTE, STOVER, WEBSTER

NAYS: Senators, ANDREWS, BALDACCII, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DOW, EMERSON, ERWIN, GAUVREAU, GILL, HICHENS, KERRY, MATTHEWS, MCBREAIRTY, NAJARIAN, TUTTLE, TWITCHELL, USHER, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, DIAMOND, DUTREMBLE, KANY, PEARSON, TRAFTON

6 Senators having voted in the affirmative and 24 Senators having voted in the negative, and 5 Senators being absent, the motion of Senator WEBSTER of Franklin to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILS.

Which was PASSED TO BE ENGROSSED.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Revise the Franchise Tax on Financial Institutions"

H.P. 428 L.D. 608

Leave to Withdraw

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

Bill "An Act to Aid in Enforcement of Child Support Payments"

H.P. 1414 L.D. 1998

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Revise the Energy Building Standards Act"

H.P. 1385 L.D. 1954

Reported that the same Ought Not to Pass.

Signed:

Senator: EMERSON of Penobscot

Representatives: MICHAUD of Medway
JACQUES of Waterville
RIDLEY of Shapleigh
HOG LUND of Portland
DEXTER of Kingfield
BROWN of Livermore Falls
HOLLOWAY of Edgecomb
LAW of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-598).

Signed:

Senators: USHER of Cumberland
KANY of Kennebec

Representatives: MITCHELL of Freeport
COLES of Harpswell

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

Which Reports were READ.

Senator USHER of Cumberland moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598) Report, in NON-CONCURRENCE.

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

Senator EMERSON: Mr. President, Ladies and Gentlemen of the Senate. I would urge you to vote against the Minority Report so that we could accept the Majority Ought Not to Pass Report. I believe that voluntary energy standards have been working.

The Department of Energy and Natural Resources reported that the Committee hearing that sixty-five percent of the new residential buildings that are currently being constructed, are meeting the voluntary standards. It has been estimated that ninety percent in some cases are meeting voluntary standards. Also they testified that fifty percent of the commercial buildings were meeting voluntary standards. A lot of the buildings that are being built they don't try to contain the heat they try to expel the heat and there would be no need of the insulation. I don't believe the law will be enforced, currently they have five employees, as I understand it, to work with the State. They are apparently doing something now, I don't know what, because they say they don't need anymore even though they are going to enforce these standards over in the one hundred and fifty-three towns of the State. So I don't believe that they will be enforced very well. Last session we passed minimum building standards for publicly financed buildings, this law doesn't go into effect until January 1987, so I don't know if even that will work. I think that we should defeat this motion and accept the Ought Not 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. The original Bill that was before the Committee was really not accepted by the majority of the Committee. Since then, we have amended this present Bill and I think this present Bill is really acceptable in its present state. This Bill would save Maine residents close to one hundred and twenty-four million dollars over the next twenty years without any additional costs to the State. L.D. 1954 makes the existence standards which are mandatory for publicly funded construction and voluntary for everyone else and mandatory for all new construction taken place after January 1, 1987. To make sure this law would place absolutely no burden on the individual Maine citizen building their own homes this has been amended to exempt anyone building his or her own single family home. Many times the people will pay excessive energy costs for poorly insulated buildings, have no say into how the building was constructed.

It is a great concern in my area, because we are about to experience one of the largest building productions in the State of Maine. Over seven hundred homes are going to be built in one field in my district. It is going to be built by out of State builders. It is a great concern for that area. The impact on the transportation of the area, the road is in bad shape already, and we are going to have to re do that whole area. We are also concerned about the people who buy these homes, whether they be insulated or not. Think of that, over seven hundred homes. The surveys of home builders and building inspectors indicate that thirty-five percent of the new residential construction and over fifty percent of the commercial and industrial construction fails to meet the voluntary standards. The voluntary system is out there, but they are not using it.

New buildings which are being constructed, without even minimum levels of insulation result in millions of dollars a year spent needlessly on energy. All but six of the States in the Country have enacted broader energy building standards than Maine. This legislation, before the Committee, was supported by architects, builders throughout the State, low income people, CMP because they have instituted a energy program state wide, Maine residents pay a higher percentage of their income on home energy than residents of any other State in the Country. About thirteen hundred dollars a year. Energy prices will rise in the future and Maine needs to prepare for the day when it becomes more energy efficient and independent. A house which fails to meet the minimum standards might cost over one thousand dollars a year to heat while the same building constructed in Maine standards could cost three to five hundred dollars to heat with oil. I urge you to consider this and vote for the Minority Report.

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

Senator BROWN: Thank you Mr. President and Members of the Senate. I hope that you would go along with what the good Senator from Cumberland, Senator Usher, has said regarding this particular Bill. The one last session is one that I became interested in and sponsored as a result of the past few years in my involvement with various kinds of buildings. It became very obvious to me that any building that is built that uses Federal or State dollars ought to have some kind of energy standards in place. Whether I am building it with a loan, or someone else is building it. It is just a reasonable, natural thing that should have some kind of energy standard in place. The good Senator Emerson, from Penobscot, has talked about compliance, how do we get compliance if, in fact, with a law like this. The fact is that we have had the architects and a number of other people, as the good Senator Usher has indicated, who support this. The fact that it is law automatically will mean that you have a high compliance. People are not going to go ahead and take a chance on building a building that does not comply on an area like energy standards. You have heard that the cost to salary ratio of Maine residents is higher than any other State. It seems kind of absurd that we are one of the very few States that don't have some kind of energy standards and we have even exempted the residential. I would hope that you would listen to the good Senator and go along with the Minority Report. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598) Report, in NON-CONCURRENCE.

The Chair will order a Division.

Senator WEBSTER of Franklin requested a Roll Call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution 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 Senator in favor of ordering a Roll Call, please rise and remain standing in their places until counted.

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

The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598) Report, in NON-CONCURRENCE.

The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator BERUBE: Thank you Mr. President. I have been looking at this Bill and I have been assured that there would be no cost to the Department for all of this work.

Apparently they have enough staff to meet their requirements to carry this out, but in reading, I see there would be an advisory council which would meet on a semi-annual basis minimally at least twice a year and shall be compensated. I wonder, Mr. President, if there would be a fiscal note to this Bill, because I looked and could not find one. Thank you.

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

Senator USHER: Thank you Mr. President, in response to the good Senator from Androscoggin, I understand they meet now on a regular basis, so it is not a new meeting.

THE PRESIDENT: The Chair would respond to the Senator from Androscoggin, Senator Berube, that the fiscal note does not reflect an increase.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Mr. President and Members of the Senate. I rise to deal with an issue that I had been appointed on an advisory board, some six years ago. A board that was energy standards and it was an advisory board. They came up with voluntary standards at that time, which could be address on a voluntary level by both the small business and residential and large commercial. The concern really developed in all of these programs that Central Maine Power Co., Bangor Hydro, Maine Public Service, Fuel Assistance and all paying to try to retro fit existing structures, they are trying to pay the fuel bills of those people in those homes that are inefficient.

In some cases they are going in and completely retro fitting those homes so it would seem to me to make sense, before those large apartment buildings are being built and they string that electric coil down there for electric heat and it is not properly insulated, and that is to the detriment of the person renting it, or that large contractor that comes in and builds a shopping center, who doesn't care about energy efficiency and insulation in those kinds of standards and turns it around and sells it to somebody else to take it over and run it as a mall, they call that a turn-key. That was one of the largest problems we had as an advisory commission. These people come in and develop, turn it over to somebody else and leave the State. Large apartment holders, it is much easier to put in electric heat and that is an expensive source of power. We don't know what is going to happen with Maine Yankee, we don't know what is going to happen with the oil prices, we don't know what is going to happen to power from Canada. I think we have a real opportunity to make common sense out of all fuel assistance programs, all the insulation and the retro fitting programs done by the utilities that we are all paying for. It seems to me it would be much easier before they are even built if they meet some minimum standards. It was my understanding that large cities or cities that had code enforcement departments would be able to embrace those standards in their code enforcement division. They wouldn't require the State to come around as long as they met those minimum standards.

We are not talking about the State spreading out and going all over the place, it was very disturbing to listen to that debate. We are talking about common sense here. If the municipality meets those standards and places them in their code, that the local municipalities when they under take the site review would encompass that. Where there wasn't staff from the State level there would be assistance from the State level. It seems like it would be benefiting us as a State. We should not get lulled into the fact that oil prices are cheap. We should not get lulled into that. We should be very concerned about it. We have got the Arabs on the run and I think we should keep it up and this is one way to do it.

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

Senator SEWALL: Thank you Mr. President and Members of the Senate. I guess following up on the Senator from Androscoggin's question about funding and then hearing that in those Communities in which many I represent, who don't even have land use codes in their area and the State would then have to come in and help with the inspection of these new buildings. It seems to me, that there should be a financial note on this Bill. Therefore, I ask if this Bill is properly before us, because it does not contain a fiscal note.

THE PRESIDENT: The Chair would answer in the affirmative. The responsibility of the fiscal note lies solely with the fiscal and policy review agency of the Legislature.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President, Ladies and Gentlemen of the Senate. I have to make this one point. Last year we passed an energy efficient standard for appliances and at that time the office had told us they could do it and they have done it, without any extra people. Now we are going to pass energy standards for buildings and we still don't need any people to enforce those, so sometimes I wonder what these people have been doing.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598) Report, in NON-CONCURRENCE.

A vote of Yes will be in favor of Acceptance.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator TWITCHELL of Oxford who would have voted Nay requested and received permission to pair his vote with Senator KANY of Kennebec who would have voted Yea.

Senator ERWIN of Oxford who would have voted Nay requested and received permission to pair his vote with Senator TRAFTON of Androscoggin who would have voted Yea.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, ANDREWS, BALDACCI, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DOW, GAUVREAU, HICHENS, KERRY, MATTHEWS, NAJARIAN, TUTTLE, USHER, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, BERUBE, BLACK, EMERSON, GILL, MAYBURY, MCBREAIRTY, PERKINS, SEWALL, SHUTE, STOVER, WEBSTER

ABSENT: Senators, DIAMOND, DUTREMBLE, PEARSON

17 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators having paired their votes and 3 Senators being absent, the motion by Senator USHER of Cumberland to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598) Report, in NON-CONCURRENCE, PREVAILS.

The Bill READ ONCE.

Committee Amendment "A" (H-598) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

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

Bill "An Act to Increase the Amount of Insurance for Vehicles Used in Transporting Students" S.P. 830 L.D. 2090

Tabled - March 25, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 24, 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:

Bill "An Act to Enhance the Protection of Mental Health Recipients' Rights" (Emergency) S.P. 896 L.D. 2253

Tabled - March 25, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 24, 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:

An Act to Adopt a State Uniform Fraudulent Transfer Act

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

Tabled - March 25, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 24, 1986, PASSED TO BE ENACTED.)

(In Senate, March 18, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-418).)

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

Senator CARPENTER: Thank you Mr. President, Ladies and Gentlemen of the Senate. We are about to enact something called the Maine Uniform Fraudulent Transfer Act, it is a Bill my Committee held over from last year.

It is quite complex, it largely deals with corporations and transferring of assets within corporations. Presently in Maine there is no codified State statutes on this area and the law comes from the existing case law. Therefore, the powers that drafted this Bill, and it was a unanimous Committee Report out of my Committee, felt that it might be appropriate to establish a Legislative Directory and the reason that we have had this Bill Tabled for a day or so was so that some remarks could be prepared for the Legislative Record and if you would bare with me for a couple of moments, I am going to put into the Record some comments about the L.D. 770, presently before you.

L.D. 770 is the Uniform Fraudulent Transfer Act. A prior version of this Act, the Uniform Fraudulent Conveyance Act, drafted in 1918, was enacted in 25 States, but not in Maine. The revised version which is before this Body was adopted by the Commission of Uniform Laws, has been enacted in 3 States, and is under consideration in many others.

L.D. 770 codifies the law of this State as it pertains to fraudulent transfers. That law is now found in a series of old cases decided by the Law Court which deal mainly with fraudulent transactions among family members. Those cases do not deal with the complexities of modern commercial transactions. One of the primary purposes of the Act is to clarify this area of the law so that citizens of this State will know what ground rules apply in complex commercial and other transactions.

We will also be able to look to case law in other jurisdictions that have adopted the Uniform Fraudulent Transfer Act or the Uniform Fraudulent Conveyance Act, and to case law under the Federal Bankruptcy Code, to aid in interpreting this Act. In addition to clarifying existing law, the Act modernizes the law of fraudulent conveyances in this State by, among other things:

-Establishing a presumption of insolvency if a person is not generally paying his or her debts as they come due;

-Making a transfer by a person for less than fair value voidable if that person is under capitalized or doesn't intend to pay his or her debts as they come due;

-Expanding the remedies available to persons advancing credit after a fraudulent transfer has occurred; and

-Making insiders liable for transfers to them from an insolvent company, if they know the company is insolvent.

These provisions will make it more difficult for persons in financial difficulty to hide assets, or to prefer themselves or their associates by transferring or concealing assets at the expense of other creditors. The law will also make it possible for persons in financial difficulty, as well as their creditors, to know when transaction can be avoided as fraudulent.

The Act also amends two existing Maine statutes. The first amendment is to section 859 of Title 14 which contains a "discovery" rule for statute of limitations in cases involving fraud. The Act amends section 859 to make it clear that the statute of limitations contained in section 3580 of the Act with regard to fraudulent transfers will control over the more general provisions of section 859. The more limited discovery rules contained in section 3580 will therefore control in cases dealing with fraudulent transfers.

The second amendment repeals section 3155 of Title 14. That section which provided for double damages in cases involving fraudulent concealment of assets has been little used and is superseded by the Act.

I thank you very much for your patience, I believe that this Act will now make commercial law transactions in the State of Maine more clear and make it more easily ascertainable when fraudulent transactions have occurred. Thank you very much.

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

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

An Act Concerning the Allocation of Certain Operating Costs of the Administration of the Maine Children's Trust Fund

H.P. 1566 L.D. 2211
(H "A" H-585)

Tabled - March 25, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, March 24, 1986, FAILED OF ENACTMENT.)

(In Senate, March 20, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-585), in concurrence.)

On motion by Senator VIOLETTE of Aroostook the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-432) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. For your information all that this amendment does is remove the emergency clause from the Bill.

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

Senator WEBSTER: I request a Roll Call.

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

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

Less than one-fifth having arisen a Roll Call is not in order.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. Last year when I was a Member of this Body we passed a Bill that we are now debating, and many of the Members here may remember, in the spirit of compromise we passed a Bill to allow a check off on the income tax check off to help battered children's programs, I not sure if that is the term I want to use, but what we did when we passed that law was we set aside one hundred thousand dollars, which would be set in a separate fund to be used for children and not to be creating positions. Let's talk about what we are doing here today. We are going to say people out there, you go and you give money to this check off program, what are we going to do? We are going to take that money and we are going to create more jobs for people here in Augusta. I think we ought to be sincere about this, I think if people really care about dealing with children, they want to donate money to the State of Maine for this program that they ought to do it. They should not be doing it to create jobs and that is my reason for opposing this measure and I would ask for a Roll Call on acceptance of this Bill at the appropriate time, after the amendment.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. I am not going to take issue with the comment made by the Senator from Franklin, Senator Webster, but I do want to provide the Body with some information as to why it is necessary at this time to take this action.

I am the first to say that I am not exactly pleased that we should have to bring this staff on board, but the trust fund receives it's sources through an optional income tax check off and private sector contributions from individuals, corporations, and foundations. A Federal action grant program funded by Congress last August also made Maine's trust fund eligible for a one hundred and sixty thousand dollar grant in the Federal fiscal year 1986. The rules and regulations are currently being developed to determine which States will receive this funding, which we would be entitled to one hundred and sixty thousand dollars. Maine's Congressional Delegation is working to see that Maine qualifies, however, the U.S. Department of Health and Human Services said that their intent is to provide money only to those States with working funds. Working funds, because no rules have been formulated the definition of working is not yet known. The nine Member board was appointed and sworn in, in January, and has met four times. The law passed last year stated the board would receive compensation for actual expenses. The responsibilities of the Board, including meeting at least once annually, the development of an annual report beginning with 1986, review and evaluate existing prevention programs and develop a State plan for distribution of money in accordance with the annual State plan.

In addition, the Board shall provide for the coordination in exchange of information on the establishment, maintenance of prevention programs, develop rules for the awarding of grants to eligible organizations. The law passed last year clearly states that the Board may employ an executive secretary and cleric assistance as necessary, full or part-time. The Board testified before the State Government Committee that they needed this staff, pursuant to the Rule passed last year. The law does, indeed, limit disbursement of funds each year by stating the first one hundred thousand dollars raised in a capital year not be expended. The intent of the sponsors was to insure that a base was allowed to develop, before the Board awarded any grants. This is based on what exists in most of the seventeen other states where these trust funds exist. It was not their intent to freeze the Board's ability to act by denying them disbursement for actual expenses, to deny the Board the ability to hire staff, to coordinate the development of the fund, and to manage the various filings of reports and development of rules and procedures, to shut down the operation at the beginning of each year, until the first one hundred thousand dollars is raised, and to limit the Board's ability to promote the check off as in means of contributing the sole intent was to prohibit the granting of awards until a financial base could be developed each year.

The law passed last year calls for annual review of the trust funds activities by the Legislatures Human Resources Committee. The original law passed by the Taxation Committee and the Legislature call for the expenditure in fiscal year 1987 of twenty-eight thousand five hundred dollars, even though the opponents of L.D. 2211 say their intent was not to allow the fund to spend any money until the first one hundred thousand dollars was collected.

This allocation from the children's trust fund is contradicted by the freeze on the first one hundred thousand and therefore, the inconsistency was created. The sponsors of both pieces of legislation feel the allocation contained in the original law makes it clear that the intent was not to prohibit any expenditures of money, but to prohibit the awarding of grants. The State Government Committee has more clearly defined the role of the Board and its staff and set the perimeters of its activity. Something the original law did not cover. The Committee also recommended the need for management of the funds operation and increase the allocations in the fiscal years 1986 and 1987.

On motion by Senator VIOLETTE of Aroostook, Senate Amendment "A" (S-432) was ADOPTED.

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

Senator TWITCHELL: Thank you Mr. President and Members of the Senate. We had this Bill last session, L.D. 1176, it was intent of the Taxation Committee and it was my intent that no money would be spent until we came up with one hundred thousand dollars. Up until March 17, 1986, all we have raised so far is twenty-three thousand dollars.

There is no way that we can fund this Bill to hire one or two persons, because we don't even have the money. It was the intent of us last year on the Taxation Committee, that we wouldn't spend any money until we came up with one hundred thousand dollars. We are no where near it and I talked with Tony Neves, the Chief of the Taxation Department, and he said that we would be lucky if we even came up with seventy to eighty thousand dollars. If we should pass this Bill today, it would supercede the Bill we passed last session, so I would like to make the motion that this Bill and All Accompanying Papers be Indefinitely Postponed.

THE PRESIDENT: The pending question before the Senate is the motion of Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you Mr. President. Mr. President, Men and Women of the Senate. First I would ask for a Division on that motion and I would like to encourage the Members of the Senate to vote against the motion to Indefinitely Postpone this Bill. This program which we established last year has barely gotten started. It has hardly been born at this point. The reason for the lack of contributions to the fund is fairly simple. There has been no mechanism to promote this fund, to explain this fund, to establish rules for the distribution of the money for this fund, and to establish a fair, efficient, and accountable for the disbursement for the monies that come in for this fund. Many people are not aware that the fund exists, they don't understand what the fund would do, and they are not familiar with what accountability standards that would be connected to this fund.

As the good Senator from Aroostook, Senator Violette, has pointed out, the program has just gotten underway, the nine member Board was appointed and sworn in only two months ago. It has met four times, it is very busy developing a base for this program, but these are all volunteer people. Because of the way that the statute was written, these voluntaries who have met four times since January, have not even had the money to be reimbursed for their own expenses. Let alone, do all the work involved in getting this project off the ground. This Bill came to the State Government Committee and the Members of that Board came to us and told us that in order for them to meet the responsibility of the law we passed last year, they needed the means to do it. They needed an executive secretary to get this program off the ground and they also needed clerical backup, and only then could they promote the program, explain the program, establish guidelines for the distribution of funds, and establish an accountability mechanism to make certain that those funds are spent in a responsible manner. Now the Members of the State Government Committee felt very strongly that was extremely reasonable, we felt that it was important to have that one hundred thousand dollar base and that the program not expend funds until that one hundred thousand dollar threshold was achieved.

That is, we would not be making grants until that base was achieved. We felt strongly that in order to achieve that base, to get this program off the ground and to make certain that the program has accountability standards and mechanisms for making sure that the people who contribute to this fund are getting what they intend to. We felt it important for them to have a certain level of staff in order for them to get the job done. That is what this Bill does. I don't believe it contradicts at least, the intention as I saw it, but regardless of what the intention was last session, I think that this Legislature should establish as a matter of policy, that this program be giving the means to do a responsible job and to promote accountability for those funds. The only way that can happen is if we vote against the motion to Indefinitely Postpone this Bill and I would encourage you to do so. Thank you.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE Bill and Accompanying Papers.

On motion by Senator CLARK of Cumberland
ADJOURNED until Wednesday, March 26, 1986, at 9 o'clock in the morning.