

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth***

***Legislature***

OF THE

STATE OF MAINE

**VOLUME II**

**SECOND REGULAR SESSION**

April 3 - April 16, 1986

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**SECOND SPECIAL SESSION**

May 28 - May 30, 1986

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**THIRD CONFIRMATION SESSION**

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

In Senate Chamber  
Thursday  
April 3, 1986

Senate called to Order by the President.

Prayer by Father Gilbert Patenaude of St. Francis  
Xavier Catholic Church in Winthrop.

FATHER PATENAUDE: Almighty everloving God, we are grateful to Thee for the gift of a new day. We are also appreciative of all the wonderful privileges which we enjoy. We ask You to bless our precedence, our Governor, the Members of the Senate, and all of those who have part in this session. Give them light, wisdom and strength. Grant that they may be enlightened by Thy grace and always fulfill their duty to Thee and to their Country. O God, protector of those who trust in Thee and without whom nothing is strong, nothing is holy. Multiply towards us Thy mercies that with Your help we may always do what is right, what is for our own good and welfare. We ask this through Christ our Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Require Legislative Review and Approval of Sales and Use Tax Exemptions Every 5 Years"

S.P. 748 L.D. 1912  
(C "A" S-441)

In Senate, April 1, 1986, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-441) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-441).

Comes from the House with the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Senator TWITCHELL of Oxford moved that the Senate INSIST.

Senator EMERSON of Penobscot moved that the Senate RECEDE and CONCUR.

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

Senator TWITCHELL: Thank you Mr. President and Members of the Senate. This is my Bill, I know that I am going to have a very hard time passing it. We had studies all last summer and we took up probably twenty-five to thirty of these sales tax exemptions. We met probably three or four times, and we take so many every year, and when I called my special study on those last summer not one person showed up to attend these meetings. After awhile we decided to call some people up and they came in and testified on their sales tax exemptions. If you look at the part 1 budget, you will find 360 sales tax exemptions, special credits, deferrals and exclusions and it comes to seven hundred and two million dollars altogether. We collect in sales tax approximately three hundred and sixty million dollars. We have approximately two hundred million dollars in sales tax exemptions. It would seem to me that if I was interested enough in my sales tax exemptions that I would show up at my special meeting in the summer to defend it.

If you look on the Record, some time ago, I think it was in the early 70's when I was here, I think we gave Sobin Chemical, much like Keyes Fibre, an extension. In the Governor's budget on our sales tax exemptions we gave him \$423,000 in 1984, we gave him \$385,000 in 1985, \$344,000 in 1986 and \$44,000 for 1987, all sales tax exemptions. It would seem to me that if they were interested in keeping their exemptions at least they could have done was shown up at the special hearing that we had this summer and defend it, instead of us having to call them up. It just seems to me that if the Governor needs some money for the University of Maine and on his package that maybe we could get some of it right here. We had over two hundred million in sales tax exemptions, we have seven hundred and two million dollars altogether on the books. I just think that if I was interested in defending my sales tax exemption, I would show up at the special public hearing. I would request a Division on the motion.

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

Senator EMERSON: Mr. President, Ladies and Gentlemen of the Senate. I would like to recite some of the exemptions and some of the people that we would be asking to come in every five years. Sixty-one million dollars is for food, so we would be asking the public to come in every five years, I presume, to try to get an exemption on their food. School lunches is an exemption of three million, meals to patients in hospitals is an exemption of three million and continuous residents in motels and hotels for over twenty days, and I am sure we wouldn't want to remove that one because that is the one the Legislators have to pay. Hospitals seven million. I think that it is too bad to ask these people to come in every five years and ask for these exemptions. It seems to me that the Taxation Committee can look at those and tell pretty well whether they are needy or not. I think about 76 different classifications, so we would be doing about 15 every year. That would give the Taxation Committee a pretty good job all summer, it seems to me, if we invited these people in for hearings for this many. I hope you will go along to Recede and Concur.

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

Senator DIAMOND: Thank you Mr. President, Ladies and Gentlemen of the Senate. As the good Senator from Oxford, Senator Twitchell, makes a good point that there did not seem to be a lot of interest shown by these people, however, the reason that I signed on the opposite side of this legislation is because it is very consistent with the Audit and Program Review and the State Legislative Review Policy to, in fact, do these reviews in this way. To go along with this Bill would just be contrary to what we have always done and it didn't seem to make sense. Senator Twitchell makes good sense, however, it seems to be contrary to what we have always done in State Government.

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

Senator ANDREWS: Thank you Mr. President, Men and Women of the Senate. I rise today to support the Chair of the Taxation Committee on this particular matter and hope that you will join him in voting against the Recede and Concur motion. We are talking about one hundred and seventy-five million dollars in tax payers money, that is given away in the form of these exemptions. We can choose a number of ways to give away tax money. One way is to actually appropriate that money for specific programs and we do that all the time. Certainly there are programs that go before the Appropriations Committee and that Appropriations Process and comes before this Chamber that I believe very strongly in and will support, but I certainly wouldn't come before this Body and say because they are so important I think that those programs should be exempted from the appropriations process and should be exempted from review of this Legislature. In this case we are talking about one hundred and seventy-five million dollars of taxpayers money.

I believe that it is extremely reasonable that we ask that all of those people who are receiving this benefit, whether they are clearly meritorious or questionable, that they all come and present their case, that they all be required to be reviewed by those of us who have responsibility to all taxpayers for a reasonable form of government, and for a reasonable way of expending tax dollars. That is one hundred and seventy-five million dollars in taxpayers money and I think that it is reasonable for the Chair of our Taxation Committee to argue before us today that we should review those tax expenditures and I hope that you will go along with the Chair of our Taxation Committee, Senator Twitchell, and vote against the pending motion to Recede and Concur.

THE PRESIDENT: The pending question before the Senate is the motion of Senator EMERSON of Penobscot to RECEDE and CONCUR.

A Division has been requested.

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

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

11 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator EMERSON of Penobscot to RECEDE and CONCUR, FAILS.

On motion by Senator TWITCHELL of Oxford the Senate INSISTED.

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House Papers

Bill "An Act to Restore Retirement Credit to Employees Previously Receiving such Credit"  
H.P. 1642 L.D. 2320

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

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COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

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:

April 2, 1986

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

Bill "An Act to Protect Individual Retirement Accounts from Attachment and Execution"  
H.P. 1475 L.D. 2077

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLVE, to Permit Edgar Warren to Sue the State for Compensation for Injuries Incurred While He was a Ward of the State (H.P. 1377) (L.D. 1940):

Representative BAKER of Portland  
Representative CONNOLLY of Portland  
Representative HIGGINS of Scarborough

Ought to Pass As Amended

The Committee on LEGAL AFFAIRS on Bill "An Act to Create the Maine Liquor Liability Act"  
H.P. 1478 L.D. 2080

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-635).

Sincerely,

S/Edwin H. Pert  
Clerk of the House

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-635).

Which Report was READ.

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending ACCEPTANCE of the Report.

Senate at Ease

Senate called to order by the President.

Ought to Pass in New Draft under New Title

COMMITTEE REPORTS

House

The Committee on TAXATION on Resolve, to Protect Municipalities from Loss of Property Tax in the Event of Transfers under Provisions of Land Trust Transfers

H.P. 1422 L.D. 2011

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:

Reported that the same Ought to Pass in New Draft under New Title Resolve, to Protect Against Property Tax Losses Resulting from Transfers under Provisions of Certain Land Trust Transfers

H.P. 1633 L.D. 2305

Bill "An Act to Provide Funds for the Continued Operation of the State Emergency Medical Services Program" (Emergency)

H.P. 1561 L.D. 2201

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve in NEW DRAFT under NEW TITLE READ ONCE.

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

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Require Criminal History Record Information Prior to the Bailing of Certain Offenders"

H.P. 1325 L.D. 1860

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Establishing a Commission to Implement Computerization of Criminal History Record Information" (Emergency)

H.P. 1627 L.D. 2295

Signed:

Senators: CARPENTER of Aroostook CHALMERS of Knox SEWALL of Lincoln

Representatives: KANE of South Portland ALLEN of Washington COOPER of Windham PRIEST of Brunswick MACBRIDE of Presque Isle PARADIS of Augusta LEBOWITZ of Bangor DRINKWATER of Belfast

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

Signed:

Representatives: CARRIER of Westbrook STETSON of Damariscotta

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

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report was 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.

SECOND READERS

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

House

Resolve, to Establish a Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine (Emergency)

H.P. 1624 L.D. 2289

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED in NON-CONCURRENCE.

Sent down for concurrence.

House As Amended

Bill "An Act to Limit Preferential Taxation within a Unitary Business"

H.P. 1254 L.D. 1764 (C "A" H-628)

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

ENACTORS

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

An Act to Clarify the Procedure for Appeals of Decisions of the Public Utilities Commission

S.P. 778 L.D. 1959 (C "A" S-435)

An Act to Improve the Management of Maine's Forest Recreation Resource

H.P. 1559 L.D. 2198

(See Action Later Today)

An Act Concerning Private Adoptions

H.P. 1605 L.D. 2262

An Act to Conform State Income Tax Laws Relative to Premature Retirement Plan Distributions

H.P. 1609 L.D. 2265

An Act to Require a Report from the Maine Correctional Advisory Commission Concerning Correction Service Programs and Rehabilitation Services

S.P. 907 L.D. 2270

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 Establish the Maine State Parks Development Fund

H.P. 1483 L.D. 2095  
(C "A" H-605)

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

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; S "A" S-432; S "B" S-437)

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

Senator TWITCHELL: Thank you Mr. President and Members of the Senate. Last session we did pass a bill in Taxation and it stated very clearly that we were not to spend any of the money until we reached a \$100,000 threshold. All that we have in the funds right now is \$23,819 and our director of Taxation said that probably the most that we would ever get in that fund would be around \$71,000. I can't see how we can hire 2 new people and spend \$54,285 when we only have \$23,819 in the funds. I do like the intent of the Bill and I am all for helping the child abuse programs, but we don't have the money and I don't see how we can come up with the money and hire 2 new people if we do not have the money. I would ask for a Division on this.

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

Senator ANDREWS: Thank you Mr. President, Mr. President, Men and Women of the Senate. I will try to be very brief we have covered this territory twice before. I hope that you will support Enactment of this Bill, L.D.2211, as Amended by (S-437).

If you look at that amendment we have changed the fiscal note, as you recall, from the debate that we had on this Bill the last time. We reduced that fiscal note through that amendment and what we are talking about in this program is a program, as you recall, establish the children's trust fund. The Children's Trust Fund's Board of Director's came to the State Government Committee this year as they began to do their work and said that we simply cannot operate this program unless we have some operating funds. They said we don't even have the money to cover our expenses to travel to the State House to have our meetings. The money that has come in so far and we have certainly not completed the tax year by a long shot, has come in in spite of the fact that the program doesn't exist. The fact that we have several thousand dollars in hand already, in spite of the fact that the program has not promoted. There have been no guidelines established for the money. There has been no procedures established for rewarding the money and reviewing those programs. I think that is quite extraordinary, even under these circumstances, we hear from the Bureau of Taxation that we can expect to collect \$71,000 this year. By collecting that money and having in hand operating money, that is operating money which this Bill is designed to give us, we will be qualified for approximately \$160,000 in Federal matching money for this program, which would bring the program to \$231,000. The Board of Directors has assured us that they are going to be forwarding the prescription of not allocating of the money from this fund until the fund has at least \$100,000 in it, that is award no grant money until they have reached that \$100,000 threshold. I anticipate that they will do that, but they are going to need money in which to operate. They are going to need a directors position in order to develop this program, the director is going to need to have some clerical backup and for this tax year in which we anticipate a total of \$231,000 with that Federal matching money. We are talking about an expenditure of \$21,000. \$21,000, not the \$53,000, to administer a \$231,000 program. I believe that is extremely reasonable. I believe that anyone that is making that contribution through that tax form to that fund is owed a certain amount of assurance that that money is going to be appropriated in a responsible way and at those funds are going to be followed and accounted for and the only way we can do that in a responsible way is to give this fund the tools to do it and that is what this Bill as amended does. I urge you to vote in support of this Bill, which by the way does not involve a penny of General Fund dollars. Thank you.

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

Senator BERUBE: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator BERUBE: Thank you Mr. President, I will not discuss the intent of the Child Fund it has already been discussed, however, we are told that the entire amount of \$42,825 is not the amount that is in the Bill now, but what the amendment does is simply delete the part of the fiscal note that would have been effected by the emergency enactment so that the monies are still in the Bill of \$42,825 to create two positions. If the intent was to raise \$100,000 by check-off. The public has not seen fit to check-off \$100,000, but only \$23,000, why are we in a hurry to create two new positions, two new State positions to administer a program that we don't have the money for, number one. Number two, don't we have in all the agencies and departments of our State Bureaucracy, the Department of Education, the Department of Mental Health, the Department of Office Child Care, the Office of Child Abuse, the Department of Human Services, don't we have two people who could take the \$23,000, see that it rises to the \$100,000 and at that point appropriate it the way the original intent of the legislation was. If you are going to hire people to raise the money, does that mean you need to hire sales executives or people who can go out and make a pitch advertising to raise the \$100,000. If so, I suspect of the \$42,000 for two people will not be enough to find that caliber of individual. If it is merely to administer the program I suspect that we do have people here in Maine who could do it presently in our State of bureaucracy. If we spend the money that we have collected, the \$23,000, how are we ever going to reach the threshold of \$100,000? I just can't believe what I am hearing, that we are going to spend money to create two new jobs, because we haven't raised the \$100,000. I just feel that it is tactics like this that add to the disillusionment of the general public out there with the legislative process and I think worse it lessens the conscientious of those Legislators who are elected to serve.

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

Senator ANDREWS: Thank you Mr. President, Men and Women of the Senate. I simply want to clarify once again what we are talking about in this Bill. I think that the arguments have been made very eloquently against and we have tried to provide a defense of this Bill and of this program. I simply want to make certain that the facts are straight and that we vote on the facts. The Bureau of Taxation anticipates during this program year, that we will receive \$71,000 through this program, not \$23,000. That would qualify us for money already appropriated by the Congress for \$160,000 in Federal money if we have an operating program, for a total of \$231,000. We are talking about \$42,000 for this fiscal year, beginning in July. For the tax year that means \$21,000, so \$21,000 of operating money for a budget projected of \$231,000.

As far as the creation of new positions, and perhaps using this mechanism as a back door, if you look at the original legislation that we passed last year to create the program, we provided for the creation of an executive secretary, and a clerical assistant. We are not creating something new this year that was not established for the board, last year. It is in the statute now, we are simply providing the means to staff this program and again \$21,000 out of a projected \$231,000. Thank you.

THE PRESIDENT: The pending question is ENACTMENT.

A vote of Yes will be in favor of Enactment.

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, ANDREWS, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, HICHENS, KANY, KERRY, MATTHEWS, PEARSON, TRAFTON, TUTTLE, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, BERUBE, BLACK, BROWN, EMERSON, ERWIN, GILL, MAYBURY, MCBREAIRTY, SEWALL, SHUTE, STOVER, TWITCHELL, USHER, WEBSTER

ABSENT: Senators, BALDACCI, DOW, GAUVREAU, NAJARIAN, PERKINS,

EXCUSED: Senator DUTREMBLE

15 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 5 Senators being absent and 1 Senator being excused, the Bill was PASSED TO BE ENACTED and having been signed by the President was presented by the Secretary to the Governor for his approval.

An Act to Provide Medicaid Coverage for Mental Health Services for Children in Certain Hospital Facilities

H.P. 1610 L.D. 2267



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

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An Act Relating to Medicaid Fees for Pharmacies  
H.P. 1611 L.D. 2268

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

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

An Act to Improve the Management of Maine's Forest Recreation Resource  
H.P. 1559 L.D. 2198

On further motion by same Senator, Tabled until Later in Today's Session, pending ENACTMENT.

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On motion by Senator CLARK of Cumberland, under suspension of the Rules, all matters thus acted upon were order sent down forthwith for concurrence.

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On motion by Senator GAUVREAU of Androscoggin RECESSED until 4:30 in the afternoon.

After Recess

Senate called to order by the President.

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Resolve

Resolve, Directing the Director of the Bureau of Public Lands to Convey the State's Interest in Certain Lands Surrounding Little Sebago Lake  
H.P. 1439 L.D. 2030  
(C "A" H-609)

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

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Emergency

An Act to Continue Use of Computer Match Programs to Determine Eligibility of Public Assistance Recipients

S.P. 861 L.D. 2175

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being 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.

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Emergency

An Act Concerning Liability Insurance for Commercial Whitewater Outfitters

H.P. 1600 L.D. 2254  
(H "A" H-617)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations"

H.P. 1507 L.D. 2121

Reported that the same Ought to Pass.

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

Ought To Pass As Amended

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE GOVERNMENT on Bill "An Act Providing for the 1986 Amendments to the Finance Authority of Maine Act"

H.P. 1489 L.D. 2105

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-613).

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish the Cost of the 1986 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program" (Emergency)

H.P. 1591 L.D. 2244

Reported that the same Ought to Pass.

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613) AS AMENDED BY HOUSE AMENDMENT "A" (H-638) thereto.

Which Report was READ.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending ACCEPTANCE of the Committee Report.

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

Divided Report

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Majority of the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Prohibit a Doe Permit System until June 1, 1987"

H.P. 1470 L.D. 2073

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-630).

The Committee on LABOR on Bill "An Act to Require the Workers' Compensation Commission to Study the Causes of Delay and its Effects on the Participants in the Workers' Compensation System" (Emergency)

H.P. 1636 L.D. 2309

Reported that the same Ought to Pass.

Signed:

Senators: WEBSTER of Franklin  
MATTHEWS of Kennebec

Representatives: JACQUES of Waterville  
ROTONDI of Athens  
C.B. SMITH of Island Falls  
WALKER of Norway  
GREENLAW of Standish  
WEYMOUTH of West Gardiner  
CONNERS of Franklin  
ERWIN of Rumford

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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

Signed:

Senator: USHER of Cumberland

Representatives: DUFFY of Bangor  
CLARK of Millinocket

Comes from the House with the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630).

Which Reports were READ.

Senator MATTHEWS of Kennebec moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) Report, in concurrence.

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

Senator USHER: Thank you Mr. President, Ladies and Gentlemen of the Senate. I request a Division and would like to speak to my motion. The doe permit system has been worked on for the past year. This is a system that has been worked on by department people, biologists, wardens, people from the former deer task force that took effect back in the late seventies concerned about our depleting deer herd. There has been a lot of work put into this. A few years ago the deer task force came before the Committee and presented a program to us to have a buck law. The original proposal for this buck law was for six years. We received information from other states that six years would be a long time and it would not be beneficial to us, as would a short term to take effect. The Committee Members, at that time, implemented a three year buck law program to help increase the deer herd. The end of the three years is just taking place. Last year was the last of the three year period. The buck law reports state wide have been really tremendous in favor of the deer herd increasing. It has been a very good program, deer have been seen on route 95 and on the turnpike, places where they haven't been seen for the last ten years. The last three years, the way the season was, they could only shoot doe's in certain areas of the State. It was putting a lot of pressure in that part of the State. This doe permit system is a controlling method to help every one participating in taking doe deer. This is on a State wide basis. The only thing that has been set to date is the season. The season date has been set, which is the whole month of November for this year. The type of hunting has not set as of now. The public hearings that have taken place, there have been five, tonight is the last public hearing and is in Machias. There has been over 700 people attending these public hearings. The majority of the people at the public hearings, after hearing the presentation in regards to the doe permit, have accepted it.

Last week I attended a hearing in my district, there were close to 200 people there and the majority voted in favor of this system. It has been in effect for over 25 different states and is working very well. This doe permit system is similar to the State of Wisconsin's and that State has a tremendous amount of deer, which is good for the hunters and the economics and everything pertaining to the State. Tourism is involved with our Department, everybody wants to see the deer come back. This is one of the best programs that would take effect.

This Committee is not against the doe permit system, they favor the doe permit system, all this Bill does is delay it until next year, that it all it does. Instead of putting it into effect this year, it puts it into effect next year. We feel that it should take effect this year. We have listened to the biologists in the past, we are paying them good money, they have implemented a good moose program for us, they have implemented a good buck program for us and we feel that they could implement a good doe permit system. Conservation, safety and land owners relationships are involved in this Bill.

There will be an estimated 13,000 applications given out for people to apply for and they will be drawn in 17 different districts throughout the State. What ever district they are drawn from that will be the only area they can take the doe. They have to understand that anywhere in the State they can go and shoot a buck. That is completely open, the buck law is still in effect. Just the ones that get a permit will be able to take the doe. It is a very good conservative program and I think it will work well and would like to see it in effect this year. I hope that you will support the Minority Report.

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

Senator MATTHEWS: Thank you Mr. President and Members of the Senate. I just want to give the Body the exact wording of the Bill that is before us, as I think the good Senator from Cumberland has mentioned. "It is and Act to Prohibit a Doe Permit System until February 1, 1987" and that date was put in the amendment. I know that if I try to explain the ins and outs and all the specifics of this doe permit system today, we might be here too long. I am not going to contend for a minute that the doe permit system may not be a good idea, it may very well be, in fact, personally I have some feelings that it may be the way that the State of Maine should go in dealing with its hunting deer. The question that I think all of you in the Senate will have to decide is that at this juncture, now that this system has really been proposed to us in January, you want to ask yourself the question is it so important and necessary that the Legislature and the Department of Fisheries and Wildlife embark upon a big change of hunting deer in the State of Maine and going to a doe lottery season. In the beginning, I thought that maybe it was and told the Department that I thought they had some good ideas and how to implement this doe permit season. Then I talked to people that I represent back in Winslow and Fairfield and around my district in Skowhegan and many of the people I hunt with and others that I get information from on hunting and fishing had some real concerns.

The biggest concern was, and again it comes back to the question that you will have to ask yourself, is it so important and so necessary that we implement this program so quickly. I think that there have been some statements made by members of the press, Mr. Levitt specifically, in chastising the Legislative Committee on Fisheries and Wildlife for being a bunch of irresponsible, foolish people.

I don't think that is true, as I look around here I see the good Senator from Cumberland who has been a respected Member of that Committee and the former Chair of that Committee we differ on this issue, we are usually in support of each other. The good Senator from Franklin, Senator Webster, and the other Members in the other Body, I don't think that they are irresponsible, I don't think that they are foolish people. I think we are down here and we try to do the best job that we can.

I am not going to try to put anything over on you, I think that you will have to decide whether or not more public information about this doe permit season is a way to go. If more education about the specifics of it, there are going to be 17 different management districts in implementing this doe permit season, 17 across the State of Maine. If you don't think that there are going to be some problems with that, then I think that you are kidding yourself. How many doe permits are going to be issued? My good colleague from Cumberland has just mentioned to you that 13,000 applications, I heard a different figure. How many permits are going to be issued for shooting doe's? We don't know and I guess in the Committee when the Bill came before us to delay it, that was a question that I had to ask the Department. How many permits are going to be issued? Does the Legislative Committee on Fisheries and Wildlife have a right to know that so we can tell the constituency that we represent? Whether they are going to have a one to one hundred chance in shooting a doe, or one and five changes of shooting a doe, some of those specifics. I just think that the Department has tried to do the best job that they can in too short of a time period. I have some real concerns with implementing it this quickly and I don't see anything wrong with waiting and I respect the Members of my Committee that feel as I do and those that feel the other way. I just want to say for the Record contrary to the good gentlemen from The Bangor Daily News, that I think that we have a competent group of individuals on the Fisheries and Wildlife Committee and a group of individuals that try to do the best they can in representing their constituency in the State of Maine, and the hunting and sportsman in that State. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator MATTHEWS of Kennebec to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) Report.

A Division has been requested.

Will all those Senators in favor of the motion to Accept the Majority Ought to Pass as Amended Report, please rise in their places and remain standing until counted.

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

13 Senators having voted in the affirmative and 13 Senators having voted ...

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Point of Order Mr. President. Has the vote been announced?

THE PRESIDENT: The Chair would respond that the vote had not been completely announced.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. I share the views and concerns of this issue with Senator Matthews of Kennebec. This State has been a State for 166 years and we didn't need this kind of permit system. I am not absolutely convinced that people in my district want this kind of permit system, but I am willing to put it off for a year, look at it, get more information and maybe at that point we will implement. I don't think that the Committee is opposed to the doe permit season, but I should give a little history as to what happened. The Bill that we passed last year, which allowed the commissioner to implement this system, in the Bill there was wording something to the effect that if the Commissioner or if the Department decided that they wanted to implement this kind of system, they would come to the Fisheries and Wildlife Committee to address their idea and explain it to us for our approval. The Attorney General's office, I believe, decided that we had no authority to do that. The Committee, once the Bill was passed, had no authority to refuse implementation of this idea. That is part of the problem of why we are having this Bill here today. We had a chance, we thought we were going to have a chance, to look at this system, and we were not given that chance. The issue did not even come to the Committee. The Commissioner has decided, since he was given the authority by us, to implement this system. I am not sure the people in my district are supportive of this, as a matter of fact, I know that they are not, because I am one of the areas in the State where the people were opposed to this that went to the hearings. Let me say first of all that the Sportsman Alliance of Maine who seems to be fighting the enactment of this Legislation, represent less than 10% of the sportsmen in the State. I am not sure that they are really listening on this issue, at least not to the sportsman I represent. I think that it is important that we don't always listen to what they have to say, because I happen to feel that I have to represent the people in my district, as you represent yours. Those of us that live in the rural part of the State, would get a lot of calls on this and perhaps some of you who didn't.

I guess my biggest frustration with this issue is that after 166 years of being a State, someone has to explain to me why we can't wait until next February before implementing this season. If I am convinced by the Commissioner, by who ever, as a Member of the Wildlife Committee then I am willing to allow it to continue. I don't have enough information yet to allow this process to go on. I would ask you to support the Majority Report. Thank you.

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

Senator USHER: Thank you Mr. President, in January the Department did come to the Committee, it was one of the first meetings that we had in the year. They did completely explain this whole thing to the Committee. I realize that you have an editorial from The Bangor Daily News, but look at the date. It was in January, because my people had the same concerns in my area that were a little leery of what was going to go on and they said that we ought to delay the system. I expressed myself very openly at the meeting, at the first presentation. That was all before the public hearing system. The public hearing system went into effect and it went state wide. About the only location out of five hearings that opposed it and it was a close vote and it was in the Skowhegan area. I held my vote back from the Committee, because when they voted they voted nine to nothing in favor of the Bill which would delay it. It was two days later when they were having a meeting in my area and we had the largest attendance of all the people. A great majority of them in my area support the proposal after they heard it, as a matter of fact, two or three got up and came forward and spoke on the Record that when they walked through the door they had reservations about the program. After they listened to the whole presentation and heard how the whole system was going to be implemented, that they changed their mind and would support the Department and would feel that they could do a good job. You are not going to jeopardize this years hunt at all, because nothing has been set to date. There is no cost to this, there were some concerns that this is a money maker, it is not a money maker. This is free to license holders only. If you obtain a hunting license you can apply for a hunting permit and be allowed to try to get a doe. In the western district and in the eastern district of Maine they have not been allowed to hunt for doe's. This will enable every part of the State of Maine to hunt for doe's. It opens up the whole State to people who get a permit and then afterward a year, after the program is in effect for one year, they can monitor how many doe's were taken from that area. They estimate a high count, 50% killed and that is being conservative and it is a good protection for the herd and it rebuilds it. Our main concern is rebuilding the deer herd.

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

Senator MATTHEWS: Mr. President and Members of the Senate. I want to get up and I beg to differ with my good friend from Cumberland, that the cost of this program for hunting with the doe permit system.

We have heard a conservative figure of \$100,000 to implement this program. The last time I checked \$100,000, that is a few dollars for this program. Someone has to pay for that program, the good gentlemen from Cumberland has been saying that the most that can be charged is one dollar to partake in this program, but some where a long the line someone is going to be billed for \$100,000 more to implement this program. When the Department of Fisheries and Wildlife travels around the State to conduct their public hearings I would submit that there are many charges that are incurred, travel, work time and I have a feeling that it is a lot more than \$100,000.

I hope that all of you will try to cut through the amount of lobbying that has been done of this issue and I know that there has been an intense job done by the Sportsman Alliance. Mr. Allen and the Sportsman Alliance has participated in our Committee for two years now and has done an incredible job. We don't always have to support the good Sportsman Alliance Organization. I have respect for Mr. Allen and those that have worked with our Committee, but I have also talked to Members of the Sportsman Alliance in my district and they have serious concerns about rushing into a doe permit system. There is a concern, and it was voiced in the hearing on the delay bill, the Bill that we are voting on today, that what are we going to do with those land owners that may not get a permit. Yet, we are going to allow people that do get a permit to come onto a property owners land and shoot the doe.

I will submit to you that I have talked to some property owners and they are really concerned about having someone come onto their land, maybe someone from our State, or maybe someone from Massachusetts to shoot a doe. You have got to believe that they are concerned about that. That was an issue that we raised as a Legislative Committee about this doe permit system and maybe trying to find those that own land to be able to hunt to get a permit to hunt on their own land to shoot a doe. I think that issue should be discussed. Certainly the bottom line with this property owners concern is that we don't want to see them post land. It was clearly evident to me that would happen if this doe permit season goes through without more discussion. I would emphasize that in short four months to discuss this doe permit system and then to get these applications out, my hope before May or June, and then to get the permits issued and allow hunters the opportunity to plan for their season. There is a lot of camp owners that need to make preparations and there is a lot that has to be done. They are going to cram this right about into six or seven months. We do think things through in the State of Maine before we rush into it.

Senator USHER of Cumberland requested and received Leave of the Senate to speak a forth time.

Senator USHER: Thank you Mr. President, Ladies and Gentlemen of the Senate. The issue before us today is not whether we approve the doe permit system. The issue is whether or not we accept it this year or next year. It is as simple as that.

THE PRESIDENT: The pending question before the Senate is the motion of Senator MATTHEWS of Kennebec to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) Report.

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.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, BERUBE, BLACK, CARPENTER, DOW, EMERSON, ERWIN, GILL, HICHENS, MATTHEWS, MCBREAIRTY, SEWALL, SHUTE, STOVER, WEBSTER

NAYS: Senators, ANDREWS, BROWN, BUSTIN, CHALMERS, CLARK, GAUVREAU, KANY, KERRY, MAYBURY, NAJARIAN, TUTTLE, TWITCHELL, USHER, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, BALDACCI, DIAMOND, PEARSON, PERKINS, TRAFTON

EXCUSED: Senator DUTREMBLE

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 5 Senators being absent and 1 Senator being excused, the motion of Senator MATTHEWS of Kennebec to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) Report, in concurrence, FAILS.

The Minority OUGHT NOT TO PASS Report ACCEPTED in NON-CONCURRENCE.

Sent down for 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 Transfer Probate Jurisdiction to the Superior and District Courts" S.P. 447 L.D. 1250

Bill "An Act to Require the Department of Human Services to Pursue Family Reunification Prior to Termination of Parental Rights" S.P. 849 L.D. 2150

SECOND READERS

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

House

Bill "An Act Establishing a Commission to Implement Computerization of Criminal History Record Information" (Emergency) H.P. 1627 L.D. 2295

Which was READ A SECOND TIME.

On motion by Senator CARPENTER of Aroostook, Senate Amendment "A" (S-454) READ and ADOPTED.

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

Sent down for concurrence.

Resolve, to Protect Against Property Tax Losses Resulting from Transfers under Provisions of Certain Land Trust Transfers H.P. 1633 L.D. 2305

Which was READ A SECOND TIME.

On motion by Senator VIOLETTE of Aroostook, Tabled 2 Legislative Days, pending PASSAGE TO BE ENGROSSED.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Enhance the Sound Use and Management of Maine's Coastal Resources"

S.P. 855 L.D. 2167

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-456).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-456) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide Funding through Fees and Trim Expenses of the Court Mediation Service" H.P. 1655

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested.

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

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

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

ENACTORS

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

An Act to Clarify the Role of Cooperatives under the Maine Milk Pool

S.P. 707 L.D. 1832 (S "A" S-439)

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

ORDERS OF THE DAY

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

An Act to Improve the Management of Maine's Forest Recreation Resource H.P. 1559 L.D. 2198

Tabled - April 3, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, April 3, 1986, RECONSIDERED PASSAGE TO BE ENACTED.)

(In House, April 2, 1986, PASSED TO BE ENACTED.)

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

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

Bill "An Act to Amend the Workers' Compensation Act to Require Prepayment for Medical Aids and to Make Corrections Relating to Foreign Employees" H.P. 1618 L.D. 2274 (H "A" H-625)

Tabled - April 1, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, April 1, 1986, READ A SECOND TIME.)

(In House, March 31, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-625).)

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

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

Bill "An Act to Modify and Update Certain Laws  
Pertaining to Inland Fisheries and Wildlife"  
S.P. 916 L.D. 2286  
(H "A" H-634)

Tabled - April 2, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of same Senator to RECONSIDER RECEDING and CONCURRING

(In House, April 1, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-634) in NON-CONCURRENCE.)

(In Senate, April 2, 1986, RECEDED and CONCURRED.)

Senator VIOLETTE of Aroostook requested and received Leave of the Senate to Withdraw his motion to RECONSIDER whereby the Senate RECEDED and CONCURRED.

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Senate at Ease

Senate called to order by the President.

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On motion by Senator CLARK of Cumberland ADJOURNED until Friday, April 4, 1986, at 12 o'clock in the afternoon.