

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

(Off Record Remarks)

At this point, the House adjourned for the purpose of joining in "Welcome Back Day" ceremonies.

On motion of Representative Clark of Millinocket, Adjourned until Thursday, April 16, 1987, at twelve o'clock noon.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
April 15, 1987

Senate called to Order by the President.

Prayer by the Honorable Nancy Randall Clark of Cumberland.

SENATOR CLARK: Let us be in the spirit of prayer. Oh Lord, our Lord, how excellent is Your Name in all the earth. Give us the strength, this day, to overcome failure and encourage us to be faithful servants, who share Your love and Your healing grace with all people. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

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 for Bilingual Forest Rangers in Northwestern Maine to Enhance and Ensure Adequate Response in Catastrophic or Emergency Situations" (Emergency)

H.P. 960 L.D. 1289

Reference to the Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Continue the Agricultural Viability Program"

H.P. 944 L.D. 1267

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

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

Bill "An Act to Clarify and Amend the Treatment of Overboard Effluent Discharges into the Waters of the State" (Emergency)

H.P. 945 L.D. 1268

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Protect the Health of Maine Citizens by Providing Improved Monitoring Capability for Radiation Levels around Nuclear Power Facilities"

H.P. 943 L.D. 1266

Committee on UTILITIES suggested and ORDERED PRINTED.

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

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

Bill "An Act to Allow Municipal Officers to Decide on the Disposition of Property Taken in Drug Cases"

H.P. 941 L.D. 1264

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

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.

Bill "An Act Concerning the Sale of Dessert Wine"

H.P. 946 L.D. 1269

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

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

Resolve, to Study the Human Health and Environmental Hazards of Tributyltin in Antifouling Products

H.P. 942 L.D. 1265

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

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

Bill "An Act Concerning Tax on Cargo Trailers"

H.P. 940 L.D. 1263

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.

Pursuant to Resolves

Joint Select Committee on Economic Development

The JOINT SELECT COMMITTEE ON ECONOMIC DEVELOPMENT, pursuant to Resolves 1985, Chapters 45 and 53, ask leave to submit its findings and to report that the accompanying Resolve, Requiring the Governor to Develop a Plan to Provide for Greater Coordination of Human Resource Development Programs (Emergency)

H.P. 938 L.D. 1254

Be referred to the Joint Standing Committee on ECONOMIC DEVELOPMENT for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Resolve referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

THE PRESIDENT: At this time, the Chair is pleased to interrupt proceedings in recognition of some former Members of this Body who are here today in attendance for the Welcome Back Day. The Chair would ask these individuals to please rise and accept the greetings of the Senate.

The former Senator from Penobscot, Dana C. Devoe.
The former Senator from Kennebec, George H. Chick.
The former Senator from Aroostook, James A. McBreairty.

The former Senator Fred Allen, who now resides in Virginia.

The Chair is also pleased to recognize a former member of this Body and also a former Governor of the State of Maine, Governor Burton Cross. The Chair would request the Sergeant-At-Arms to escort Governor Cross to the podium where he can share a few words of wisdom with the members of this Body.

GOVERNOR CROSS: This gavel is almost as good as the one I had. It is good to be here. I was just talking to the inhabitant of seat number 4, which was my old seat. He isn't there right now, and unfortunately he is a Democrat. There's something that might be done about that, you know. It is very refreshing to me, I felt a little lonesome here for the last 2 Welcome Back Days, to see now 15 shining faces of the Republicans. It makes a big difference to me. I don't know, but I would think it would make a big difference to the Senate.

Just a word or two, before the President gets through the calendar, but I don't get this opportunity very often. When I was first an occupant of that seat, I had the magnificent salary of \$450 for the Session. No fringe benefits and the next Session, I was Majority Floor Leader and my office was right there. There was no assistant and no extras. When I occupied this place as President of the Senate, they actually gave me \$100 more, which was quite something, and also an office. It was a small one but a good one. So much for that. I was thinking back to a Senator from North Anson who used to occupy that seat where the Minority Leader now is. He got up one day protesting a Bill that had a price tag of one half million dollars, which was quite a Bill in those days. He said "We have to do something about this. We have to take a count of stock. We have to know where we are going." I think that is just as true today as it was then and I think if he were around and saw the growth of government, he would probably turn over in his grave. It has grown tremendously in the past few years. I will have to say that some of you were responsible for that and some from past Legislatures.

Just to give you a little history. I looked it up recently and from the time the State was first born in 1820, until 165 years later, that they passed the first billion dollar budget. It took 105 legislative sessions and 165 years to reach that first plateau. Under Governor Brennan, in his first budget, broke the ice and when he left office it was 2 billion plus. I will make a small prophecy to you, in 5 years if not less, it will break the 3 billion mark, because of programs which have been started by various 113 legislatures are just beginning to snow ball. Whether you do nothing here for new price tags, it will still grow and grow. I think, Mr. President, a favorite quotation was from Jefferson. That was "Government is best that governs least." I don't know if Jefferson was a Democrat or a Republican. It was very nice reminiscing with you folks and I hope to see you next year. Thank you.

The Sergeant-At-Arms escorted Governor Cross back to his seat. (Applause, the members rising.)

Senator DOW of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

THE PRESIDENT: The Chair is pleased to recognize a former Senator from Cumberland, Richard A. Morrell. Please rise and accept the greetings of the Senate.

The Chair also notes in the Chamber a very good and personal friend of the Presiding Officer, a former seat mate, the former Senator from Oxford, Donald R. O'Leary. Please rise and accept the greetings of the Senate.

The Chair also notes the presence of former Senator, James M. Cahill of Somerset. Please rise and accept the greetings of the Senate.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Enhance the Maine Job Training Partnership Program"

S.P. 417 L.D. 1275

Presented by President PRAY of Penobscot
Cosponsored by: Senator PERKINS of Hancock,
Representative HUSSEY of Milo, Speaker MARTIN of
Eagle Lake

Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Clarify the Law Regarding Forfeiture of Property which Constitutes the Proceeds of Criminal Enterprise"

S.P. 414 L.D. 1272

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative PARADIS of
Augusta, Representative COTE of Auburn,
Representative BEGLEY of Waldoboro

Bill "An Act Concerning Radioactive Waste Disposal Facilities on Indian Territory"

S.P. 416 L.D. 1274

Presented by Senator KANY of Kennebec
Cosponsored by: Senator PEARSON of Penobscot,
Representative MOHOLLAND of Princeton,
Representative VOSE of Eastport

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Maintain Lifeguard Services in State Government"

S.P. 415 L.D. 1273

Presented by Senator TUTTLE of York
Cosponsored by: Representative CARROLL of Gray,
Representative LACROIX of Oakland, Representative
WENTWORTH of Wells

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to interrupt proceedings in recognition of former Senator from York, Robert M. Farley. Please rise and accept the greetings of the Senate.

COMMITTEE REPORTS
House
Ought to Pass

The Committee on JUDICIARY on Bill "An Act Relating to Legal Status of Partnerships"

H.P. 348 L.D. 447

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas"

H.P. 113 L.D. 138

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-61).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-61)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-61) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Election Laws Regarding Incarcerated Felons"

H.P. 206 L.D. 258

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities"

H.P. 773 L.D. 1036

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-63).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

House Amendment "A" (H-63) READ and ADOPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator PERKINS of Hancock, RECESSED until 10:14 this morning.

After Recess

Senate called to order by the President.

THE PRESIDENT: The Chair is pleased to interrupt proceedings in recognition of other former members of this Body. Please rise and accept the greetings of the Senate.

The former Senator from Waldo, Neil Bishop.

The former Senator from Androscoggin, Richard Charette.

The former Senator from York, Walter Hichens.

The former Senator from Androscoggin, Carroll E. Minkowsky.

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

THE PRESIDENT: The Chair is pleased to recognize the former Senator from York, John Roberts. Please rise and accept the greetings of the Senate.

The Chair would note that in my first term, Judge Roberts was the Chairman of the Labor Committee and it was a very enjoyable, educational experience for a Freshman Senator.

The Chair is pleased to recognize the former Senator from Oxford, Frank Norris. Please rise and accept the greetings of the Senate.

Also the former Senator from Somerset, Andrew Redmond. Please rise and accept the greetings of the Senate.

The Chair would note that former Senator Redmond came in from California to be with us, and we express our appreciation in the fact that he took that much time to travel to be with us today.

At this time, His Excellency, Governor JOHN R. MCKERNAN entered the Senate Chamber amid applause, the Members rising.

GOVERNOR JOHN MCKERNAN: Thank you, Mr. President. I would like to say, first of all, what a pleasure it is for me to be here on Welcome Back Day. I always wanted to be in the Senate, and I guess this is the closest I'm ever going to get, I think. It is a pleasure to see so many veterans of the legislative process, in the halls and in the two chambers.

I say that for two reasons. The first is, it is nice to know that there is life and less turmoil after Augusta. Secondly, I think the presence of so many former legislators here today, sort of reminds us of our common concern. That is a concern for a better Maine. I think that concern outweighs the partisan differences that might take place on a periodic basis, here in the halls of the Legislature. I am struck by the very real sense, as well, of family. It is a sense of family that really exists among those of us who have served in the Maine Legislature. Time does heal all wounds. I think it even makes the legislative battles seem a little less life threatening, when they are taking place. I hope we all can keep that in mind in the coming months.

Several conversations which I have had today, have really reminded me of how times have changed since I served in the legislature, in the early and mid 1970's. In just ten years, there does seem to be more staff, more bills, more lobbyist, and I think those of you who are coming back for the first time in a number of years, would find that the legislative process is, in fact, a little bit more complicated than it was in the 1970's or even the 1960's, not to mention the 1950's or 1940's, for some of you who have been here in times past.

One thing that has not changed, I have noticed, is the number of Bills that always get introduced. We are already at 1271 at last count, and we are expecting some 2000 Bills in this Session. That is something that is a little bit more normal, something that we have come to expect. I have enjoyed, in my first 3 months, working with the Legislature. I have noticed, in fact, some Senators and House Members who have remained from the time I served here in the 1970's. It has been a pleasure, especially, renewing old acquaintances, and working with them.

Those who served with a Republican administration are few and far between, I might point out. It is interesting that only four current members in this Legislature have ever served under a Republican governor. Speaker Martin, obviously. Representative

Don Carter, Senator Emerson and Representative Hichborn.

I believe those are the only four. Recently I asked Don Carter, since he has been here so long, if he had been here all of his life. He said "Not yet." I thought that was a good point.

Despite the change that has been caused by having a Republican governor, I am pleased with what I view, as a healthy relationship that exists between the Executive and the Legislative branches. In working together, as I have said on a number of occasions, I am convinced that we can do much for this State.

Someone once said that they didn't know how democracy will ultimately end, but it can not end in a quiet old age. Those who frequent the halls of the State House are well aware that that adage is still true. What is also true, is that people who assemble here, like those who have preceded you who have served in the Senate, remain committed to improving the lives of our fellow citizens and to make Maine an even better place.

Part of the reason that is true is because of the example that was set by so many who have served in this Body before. Those of you who did serve prior to this session of the Legislature, have served in many ways as mentors to those of us who aspired to seats after your time. You showed us that public service is an important and rewarding endeavor. It is a real pleasure to have those who preceded us who are involved in the process today, with us for Welcome Back Day. I just wanted to say "Thank you and we remember all that you have done for this State and the influence you have had on everyone of us." Thank you very much.

Whereupon, the Governor retired from the Senate Chamber, amid applause, the Members rising.

THE PRESIDENT: The Chair is pleased to recognized some other former members.

Catherine Carswell of Portland. Please rise and accept the greetings of the Senate.

The Chair also notes the attendance of several former members of the staff of the Senate. The Chair is pleased to recognized Marie Brotherton, Pat Morrow and Christine Patrick. Please rise and accept the greetings of the Senate.

Divided Report

The Majority of the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Provide for Additional Moose Hunting Permits for In-State Residents"

H.P. 29 L.D. 30

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-57).

Signed:

Senators:

ERWIN of Oxford

BRAWN of Knox

Representatives:

JACQUES of Waterville

CLARK of Millinocket

SMITH of Island Falls

ROTONDI of Athens

DUFFY of Bangor

WALKER of Norway

BROWN of Gorham

GREENLAW of Standish

WEYMOUTH of West Gardiner

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

Signed:

Senator:

USHER of Cumberland Representative:

FARREN of Cherryfield

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

Senator ERWIN of Oxford moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator USHER: Thank you, Mr. President. Mr. President, men and women of the Senate. This is probably one of the important Bills in my legislative career. I did some checking on some of the material I had back in the 107th legislature and dug out some of the old material. The issue before us today is whether we want to keep our moose harvest at the present rate or increase the harvest. The Bill is to add 500 permits, which will increase the harvest.

In reference to a 1975 memo, to Senator Pray, who was also on the Fisheries and Wildlife Committee back then, stating "Moose have been native to the State of Maine for thousands of years. After the closing of moose hunting in 1936, there appeared to be little improvement in the status of the herd until the 1960's. The average animal annual rate of replacement to a moose herd after all fertilities are subtracted from the averages, they average between 10 and 16 percent. Using the estimated population of 2000 animals in 1936, we should have had a population of 34,000 in 1966.

If the hunting had been a prime factor in limiting the herd, this total would have been in effect. The aerial census, in 1966, showed a population of 6,800, moose."

So it is evident that other factors regulating moose population are there. Today, we are using a 25% figure to determine the increase population. I have known no one to challenge the actual figures, but everyone has a different outlook on different matters. When we first discussed the season on moose, the biologist recommended that we could harvest 2,000 plus on an annual basis. We, as a Committee, rejected that idea, we were concerned and we wanted a good moose hunt. We were conservative and we thought that the number we picked, 1,000, was a number that we could all benefit from. We were cautious enough to ask for a trial season, this is the first time that a trial season has been conducted, as well as, monitored by the Department and the public. If you recall, in 1980, it was well monitored, it was the first and only moose hunt in the United States for many years. It received national recognition and was well received. The hunt is an excellent management program. Much criticism was brought on by the media, anti-hunters and the general public. In 1979, the Fisheries and Wildlife Committee made an agreement that we would not increase the permit numbers and not make this a monetary issue. We felt very strongly that 1,000 permits would result in good management programs and satisfy the sportsmen community.

Since this Bill has been printed and available to the public this year, I have heard and received comments when every part of the State against this proposal. Many were old friends from the Legislature, some who are here today and the sportsmen of this State. They commented that the moose hunt is doing well and not to upset it. I have talked to the Department Commissioner of the Fisheries and Wildlife in New Hampshire, this past week, and he has stated that we, the State of Maine, had a model law. He is hoping that the New Hampshire new law, which is scheduled for next year, 1988, will

be as good as ours. New Hampshire will plan on drawing 75 permits, natives only, in the northern section of New Hampshire. Much of the testimony, during the hearing on this Bill, was related to the monetary benefits of the increased amounts of the permits. My concern is a proper and safe hunt, as we have had in our present system. I am asking you today, members of the Senate, that we act cautiously as we did in 1979 and keep the limit of 1,000 permits. I oppose the pending motion and ask for a Division.

Senator USHER of Cumberland requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator BRAUN: Thank you Mr. President, ladies and gentlemen of the Senate. I haven't risen before, this is my first time to rise, and I want to explain why to you.

I have this written out, but I would probably talked it out better. When we first heard this Bill, I was not going to vote for it, it was an emotional issue and I was not going to vote to upset the people of the State. I have also looked into statistics since then and I have a whole file here, so I don't make my decision lightly. There are three reasons I would urge you to Accept the Ought to Pass Report. The first one is that the biologists have presented figures that show most of our moose herd is healthy and increasing. I have had several calls from people about this that say, "well, listen to our biologists, listen to them and do what they say or get rid of them." Secondly, it has been told to me that the moose hunting area has been expanded, it is larger than it was before because there has been a new zone that has opened up. Third, and last of all, is the statistics, the facts and figures, from the Fisheries and Wildlife from the State of Maine and the Commissioner are for this. There are at least 21,500 moose and I know the statistics report that you can't get an exact figure, but there are at least 21,500 moose in the State of Maine. They are wonderful animals, we have on the seal right here, but I do think, logically, the facts and figures show that we can increase this by 500. This is not an emotional issue, that is not the subject before us today, the subject before us today is the moose hunt. We already have a hunt, they want to up it 500 to 1,500. I would 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 the Members present and voting.

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

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

The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Thank you Mr. President, ladies and gentlemen of the Maine Senate. The distinguished Senator from Cumberland County, Senator Usher, has made a point that I have been taught to respect since I was a young boy. Your word is your honor. The good Senator has evidently has given his word that he would never vote to increase the moose kill about 1,000. I am sure that each and every person in this Chamber can understand this. May I review the history of the moose hunt.

In 1979, a Bill was passed to be effective in 1980 to have an experimental moose hunt. In 1981, a Bill as passed to be effective in 1982, the present law on moose hunting.

I have not been previous to be a member of the Fisheries and Wildlife Committee very long, but I have a very close friend, my favorite Representative, who has been and because of her I have met and become friends with perhaps the most dedicated member that Committee ever had, Representative Bob McEachren.

Since 1980, I have been privy to join in many after session meetings with our dedicated sportsmen from all sections of the sportsman community, who had one common goal, to preserve for our children and future generations the many wonderful things that we enjoy so much. Because of this background, I do not have to have someone to tell me what they think happened as I heard it discussed and watched it happen. How was the number 1,000 decided upon? I was recommended that a safe number of moose that could be taken was 2,000, that number could be harvested each year. The Fisheries and Wildlife Committee and many members of the Department and numerous members of the sporting community decided to be conservative and to cut that number in half. For a few years, to observe closely what happened to the moose herd. There are some who gave their word that 1,000 was sacred. Many members of the sporting community did not place to part of the hands of future generations but to the Commissioner and those future generations the right to adjust to what the conditions dictated. This Bill would not mandate that there would be 1,500 moose permits given out, but would leave it up to the discretion of the Commissioner to decide, with the help of his many dedicated department members, the Fisheries and Wildlife Advisory Committee, the Fisheries and wildlife Committee and the state-wide sportsmen.

I trust the good judgment of our new Commissioner, if I didn't I would not have voted for him. I have not tried to pressure any of you to support this Bill and the world will not come to an end if you do not decide to give the Commissioner the authority this Bill would give him, so that he can use good judgment that we all know he has. Thank you.

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

Senator USHER: Thank you Mr. President and members of the Senate. In response to the remarks from the good Senator from Knox, Senator Brawn, she used the figures of 20,000 to 21,000 moose, those who were here when we put the moose Bill into effect, those were almost identical figures that we had back in 1976, 1977, 1978 and 1979, because it was that many years to get the moose Bill through. There were 20,000 to 25,000 moose being used for figures every year of those five years.

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

Senator BALDACCI: Thank you Mr. President and members of the Senate. It is appropriate, being welcome back day, that we go back into history and find out exactly what was said, what were the commitments that were made and the problems that were made back in 1979 and 1980. When there was a referendum that went to the people and over 100,000 people said that they did not want to have a moose hunt in the State.

In the promises that were made, during that referendum, by the people trying to convince people that the moose hunt was a good idea, it was good game management.

Well, I went back and looked in the Records and I tried to find out exactly what went on in 1914, 1906 and 1920. During those times you would think that there was plenty of woods, plenty of animals, plenty of poultry and farm products around. In 1920, they shot 19, in 1906, they shot 90 and in 1924, this was

probably the most interesting comment that I read, "it is believed by many that the moose are present and slightly on the increase, although it may be many years, if ever, before an open season should be declared. Sportsman should be content to shoot this monarch of the Maine woods with a camera and it certainly requires much more skill than with a gun. Photographing wildlife is a favored pastime of many sportsmen and tourists. The next Legislature may think it wise to put another continuous close time on moose if they are to be preserved."

In those periods of time, they are talking about 19, 20, 40, 100 or 150, now we are up to 1,000 a year. We just went through a tremendous experience in Orono where they went and they got caribou from Newfoundland to come back to the State of Maine, which were at once as populous as the moose and we lost that because of overkill. Now we are setting up a situation for that same fall to occur. We went over to Newfoundland, brought them back, and now we are trying to breed them to get them going again.

The moose is a great creature, the Department of Tourism, you talked about state departments, thinks that we take for granted like the moose, the wildlife, the fall foliage. These are tremendous attractions to the State of Maine, I don't think we should forget that. I don't think we should forget the promises, because there is one thing the people that were serving here years ago and that are serving here today, politicians too often get blamed for making promises and then breaking them. There were a lot of promises that were made by the Departments from the officials to the people of the State of Maine when the referendum was going on and I don't think it appropriate now to increase that because we are now in a different period of time and there are different people there. We have a trust with the people in the State of Maine. Thank you.

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President, distinguished members of the Senate. I feel responsible or obligated, rather, to get up and voice my support for this Bill, as the former Chair, and I want to commend the present Chair of the Committee for doing a wonderful job because it is a very tough committee. Having Chaired the Fisheries and Wildlife Committee for two years, and served with the good Senator from Cumberland, Senator Usher. I do want to mention that the issue today has to be, are we going to listen to the biologists of the Department or not. That is what the issue is today.

The biologist, as the good Senator from Knox mentioned on the floor, the biologists tell us that the herd can withstand a kill of up to 2,000 moose. The issue that is being debated here is do you want to let the Legislature and the public set the number or do you want the Department. The Department tells us 2,000 the bill will up it to 1,500, still below the number the Department knows that can withstand the hunting pressure.

I want to tell you that we shouldn't get into the issue and the debate of emotions. With all due respect to the good Senator from Cumberland, I think he is hearing some of the emotions about moose hunting. What really logically is the emotion issue all about? Why isn't there a group concerned about the deer hunting? About Duck hunting? There is a group, one which has been worked in the Halls of the State House before, from Connecticut, that was concerned about taking away all of our hunting privileges in the State of Maine. That bothers me a great deal. This Bill makes sense from a biological point of view, it makes sense from an economic point

of view, not just because of the permits issued and the money to be able to hunt, but also for the revenue that comes into the State from tourism in the hunting season. For a great many communities, that is a substantial amount of money that comes into the State. We have already increased the amount of territory they were talking about so they are not take a lot of moose from one area, it makes sense, ladies and gentlemen of the Senate. I just wanted to get up and set this argument straight. Let's let the Department do their thing.

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

Senator PEARSON: Mr. President, men and women of the Senate. Just above everybody that has spoken on this Bill, at one time or another, were members of the Fisheries and Wildlife Committee. I, too, was a member of that Committee and it was one of the most interesting things I have done in the Maine Legislature to be a member of that Committee. Looking back, this being welcome back day, it reminds me of events and the same people that were appearing before the Committee then, I understand, are still frequent to the Committee today and the same stories which bring back memories every time I would see them in the corridor. When the moose Bill was being debated over those many years of the Maine Legislature, one of the things that the public was most concerned about was that this was going to be a little program that would grow big, fast.

The question was asked, how big should we start it out and it is true that this is the sort of thing that was pulled out of the air, picked a 1,000 people who are able to get the permits. With regard to myself and some of the members who were serving at that time, I think we made a commitment at that time to keep the number level. That probably is not true with the other people who are not serving who were not there then, nevertheless, I think we made a commitment. I thought not only was it a commitment, as I look back and forward at this issue, what I am afraid of is that an industry, a business, will build up around the shooting of moose and that sporting camps and people will become dependent upon it.

If you increase the number, that business and that attraction to people, sporting camps, guides and that sort of thing, will grow commensurate with the number of permits that you put out and if you decide at some future date that it has just gone too far, it is very difficult to draw back from that because of the pressures that would be brought to bear on the members of the Maine Legislature because their business depends on the permits that are going to be issued. One of the other things that I fear the most that we are living on a very rapidly developing state. I live in a part of Maine that is a little slower than most of the sections of Maine, those of you who come from York and Cumberland Counties could probably tell me stories that would addle my brain about development pressure. We are starting to see it too, and I respect the opinions of the biologists, I really do, I am very much a supporter of theirs, but in this case, I wonder if they have taken into account the development pressures that are going to be brought onto eastern and northern Maine and western Maine, with regard to the habitat that the moose now enjoys. Slowly and then more rapidly and then faster than ever dwindling down so that the question won't be how many moose we have, it will be how much land we have to accommodate the moose. Already we are seeing the pressures of the wet lands of Maine, of people wanting to fill them in and build condominiums and stores and all the rest of it in southern Maine and to some extent in my section of

the State. I think for those reasons, one that I made a commitment, as a member of the Fisheries and Wildlife Committee, at that time, to the people of the State of Maine, who were very leery about this becoming a financial thing for the department, they are going to make lots of money on it. No, that wasn't the intent and we said we weren't going to have large numbers of them and because I am afraid that so many pressure groups are going to build up around this whole business of the moose hunt that if an industry gets dependent upon it, we will never turn the clock back. We need to because the herd has gone down and because of those development pressures that I just mentioned, I urge the Senate to keep the hunt the way it is and I reject the motion and I do that with all due respect to the Chairman and the other members of the Committee who voted the opposite way that I hold my position. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator ERWIN of Oxford, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-57) Report.

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

At this time the Chair noted the absence of the Senator from Cumberland, Senator ANDREWS and the Senator from Androscoggin, Senator WHITMORE and further excused the same Senators from Today's Roll Call Votes.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BRANNIGAN, BRAWN, ERWIN, KERRY, MATTHEWS, MAYBURY, SEWALL, TUTTLE, WEBSTER
NAYS: Senators BALDACCI, BERUBE, BLACK, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ESTES, GAUVREAU, GOULD, KANY, LUDWIG, PEARSON, PERKINS, RANDALL, THERIAULT, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY
ABSENT: Senator GILL

EXCUSED: Senators ANDREWS, WHITMORE
9 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators having been excused, the motion of Senator ERWIN of Oxford to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-57), FAILED.

The Minority OUGHT NOT TO PASS Report was ACCEPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to interrupt proceedings to recognize in the rear of the Chamber, a former Senator from Androscoggin, Senator Robert Clifford, now Judge Clifford of the Supreme Court, the Chair would ask Judge Clifford to please rise and accept the greetings of the Senate.

THE PRESIDENT: The Chair also notes the former Senator from Cumberland and the former Presiding Officer, the Senator from Cumberland, Senator Gerard Conley. The Chair would ask the Sergeant-At-Arms to escort the former Presiding Officer to the Rostrum

where he may share a few words of wisdom with his former colleagues.

SENATOR CONLEY: Thank you Mr. President and members of the Senate. It is always a pleasure to come back, certainly a great feeling to be back up here at the Rostrum, where I made so many great acquaintances over the years that I served in this Body. I was thinking as I was sitting in rear of the Chamber with Judge Clifford, that when it gets back to my role as the so called alleged Democratic floor leader in this Body, that in my caucus, at the time, I had an opponent who, at that time, happened to be Judge Clifford. The results of each one was convinced we had the votes, prior to going into that caucus. I might state that I was firmly convinced that I had nine votes, I am not sure exactly what Bob Clifford felt he had, but I know that both of looked at each other with an eye of cockiness, knowing that one of us, certainly was the winner. Each of us thinking it was ourselves that was going to be the victor. The first ballot that came out, there were fourteen of us, it was seven to seven, a tie. The next vote came out eight to six and fortunately or unfortunately for the people of Maine and for Judge Clifford, I became the Democratic floor leader.

I have often said to Bob, through he years, I have seen how he has prospered, how he has risen from the ranks of a mediocre, lonely State Senator in these Chambers, to become Chief of the Justice of the Superior Court. He has been elevated to the highest court, the Supreme Court, where he has become an outstanding jurists. I would say to him from time to time, "you know, Bob, I think that the Senate made the wrong decision back then." He said, "No, they made the right decision, I am extremely proud of the way you have conducted yourself in the years that you have been here." I, can obviously say, that no greater tribute could be paid to me then to have Bob Clifford, who was a very close and dear friend of mine, to say those kind words.

In closing, I want to say that I think it is extremely nice of all of you to keep in reservation that great Bill, that I hope you just gave the deep six, but I am convinced that my friend in back of me, the Senate President, who is a good friend of mine from Millinocket, Senator Pray. The President really isn't going to be happy until we get every last one of them.

I hope you have a very enjoyable session, all of you, and, again, it is has been a warm pleasure to come back and see the Republicans growing in numbers and the Democrats keeping that little edge that they need. Thank you very, very much.

THE PRESIDENT: The Chair would note the attendance of another former member of this Body, my predecessor, the former Senator from Penobscot, Senator Wakine G Tanous the Chair would ask Senator Tanous to please rise and accept the greetings of the Senate.

Senate at Ease

Senate called to order by the President.

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act Pertaining to Signing of Nomination Petitions"

H.P. 111 L.D. 121

Reported that the same Ought Not to Pass.

Signed:

Senators:

KANY of Kennebec
ESTES of York
DILLENBACK of Cumberland

Representatives:

PRIEST of Brunswick
PERRY of Mexico
PAUL of Sanford
MARTIN of Van Buren
STEVENSON of Unity
HARPER of Lincoln
STEVENS of Sabattus
TUPPER of Orrington

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

Signed:

Representatives:

JALBERT of Lisbon
MURPHY of Berwick

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

Which Reports were READ.

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

Senate

Ought Not to Pass

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

Bill "An Act to Require that Casualty Insurance Companies Offer Insurance for Unusual Risks"

S.P. 228 L.D. 622

Bill "An Act Concerning Veterans' Benefits"

S.P. 344 L.D. 999

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 Amend the Law Concerning the Maine Milk Commission"

S.P. 345 L.D. 1037

SECOND READERS

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

House

Bill "An Act Relating to Major Policy-influencing Positions in State Government"

H.P. 175 L.D. 219

Bill "An Act Concerning Snowmobile Registration Fees" (Emergency)

H.P. 904 L.D. 1206

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

House As Amended

Bill "An Act Concerning Penalties for Caribou and Big Game Violations"

H.P. 905 L.D. 1207

(H "A" H-62)

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

Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools"

H.P. 196 L.D. 248

(C "A" H-58)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending PASSAGE TO BE ENGROSSED,
as Amended.

THE PRESIDENT: The Chair is pleased to interrupt
proceedings to recognize some other former members of
this Body.

First, the former Senator, Vinal G. Good of East
Sebago. Also, a former Senator from Androscoggin,
Emile Jacques. Please rise and accept the greetings
of the Senate.

Senate

Bill "An Act to Amend the Requirements for
Individual Public Self-insurers under the Workers'
Compensation Act"

S.P. 412 L.D. 1270

Bill "An Act to Assure Proper Notice of Workers'
Compensation Claims"

S.P. 413 L.D. 1271

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

Sent down for concurrence.

ENACTORS

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

An Act to Repeal the Sunset Provision of the
Social Workers Freedom of Choice Law

S.P. 88 L.D. 209
(C "A" S-20)

An Act to Amend the Law Regarding the
Organization and Management of Stock Institutions

S.P. 142 L.D. 396
(C "A" S-21; S "A"
S-25)

An Act to Amend Provisions of the Maine Insurance
Code Dealing with Capital and Surplus Requirements of
Insurers

H.P. 359 L.D. 462
(C "A" H-53)

An Act to Amend Implementation of the
International Registration Plan and Apportioned Fees
for Certain Commercial Vehicles

H.P. 820 L.D. 1108

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

Emergency

An Act to Clarify Enforcement of Insurance
Coverage Requirements of the Workers' Compensation
Law

H.P. 304 L.D. 390
(C "A" H-52)

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

Emergency Resolve

Resolve, for Laying of the County Taxes and
Authorizing Expenditures of Hancock County for the
Year 1987

H.P. 860 L.D. 1153

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 FINALLY PASSED
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
Specially Assigned matter:

Bill "An Act to Allow Drunk Drivers to be Sued
for Punitive Damages"

H.P. 879 L.D. 1180

Tabled - April 14, 1987, by Senator CLARK of
Cumberland.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED
PRINTED.)

(In House, April 10, 1987, referred to the
Committee on LEGAL AFFAIRS and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland,
referred to the Committee on JUDICIARY and ORDERED
PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

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

ENACTORS

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

Emergency

An Act to Provide for Bilingual Forest Rangers in
Northwestern Maine to Enhance and Ensure Adequate
Response in Catastrophic or Emergency Situations

H.P. 960 L.D. 1289

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

THE PRESIDENT: The Chair, prior to adjournment,
would like to point out to the members for their
interest a few interesting statistics or facts about
memberships of this Body. We have several
individuals who have served the longest in the
Legislature and the State of Maine being as fair
minded of its commitments to both sexes, the Chair
would note that we have 4 Senators who are in their
8th term. Two are women and two are men. The
Senator from Kennebec, Senator Dow and the Senator
from Oxford, Senator Twitchell both are in their 8th
term in the Legislature, House and Senate service
combined. The Senator from Androscoggin, Senator
Berube and the Senator from Cumberland, Senator Clark
are both serving their 8th term in the Maine
Legislature, House and Senate combined. The Chair
would also note that the Senator from Penobscot,
Senator Emerson served in the House in the 95th
Legislature, so he has the longest historical
experience in the Maine Legislature going back to the
95th. The Presiding Officer has the longest

continuous service in the State Senate, being in his 7th term and not having had to go through that training down in the other Body like some other members had to.

The Chair would like to recognize the former Senator from Lincoln, Margaret Sproul. Please rise and accept the greetings of the Senate.

On motion by Senator BRAWN of Knox, ADJOURNED until Thursday, April 16, 1987, at 12:00 noon.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
50th Legislative Day
Thursday, April 16, 1987

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Russell Chase, Methodist Minister (Retired), North Vassalboro.

The Journal of Wednesday, April 15, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Enhance the Maine Job Training Partnership Program" (S.P. 417) (L.D. 1275)

Came from the Senate, referred to the Committee on Economic Development and Ordered Printed.

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Clarify the Law Regarding Forfeiture of Property which Constitutes the Proceeds of Criminal Enterprise" (S.P. 414) (L.D. 1272)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Concerning Radioactive Waste Disposal Facilities on Indian Territory" (S.P. 416) (L.D. 1274)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

On motion of Representative Paradis of Augusta, was referred to the Committee on Energy and Natural Resources in non-concurrence and sent up for concurrence.

Bill "An Act to Maintain Lifeguard Services in State Government" (S.P. 415) (L.D. 1273)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act Concerning Veterans' Benefits" (S.P. 344) (L.D. 999)

Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Require that Casualty Insurance Companies Offer Insurance for Unusual Risks" (S.P. 228) (L.D. 622)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act to Amend the Law Concerning the Maine Milk Commission" (S.P. 345) (L.D. 1037)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.