

# 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

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

In Senate Chamber  
Thursday  
April 30, 1987

Senate called to Order by the President.

Prayer by Reverend Earl Gray of the Riverside United Methodist Church in Kezar Falls.

REVEREND GRAY: Almighty and everlasting God, with authority of all Your works of personal, civil and political, we recognize and humbly ask that Your wisdom be in us, Your guidance be available to us as to direct our every action and every move. In the minds of all of those who are called to exercise authority in governing in this great State of Maine. Grant that the effect and the right issue of their choice may promote Thy glory and the welfare of Your people to all of those who serve in this Senate Body. We pray that You give the spirit of wisdom, courage, sympathy and true godliness. This we ask in the name of Jesus Christ, our master teacher. Amen.

Reading of the Journal of Yesterday.

THE PRESIDENT: The Chair would like to thank the Senator from York, Senator Dutremble for filling in as the Presiding Officer yesterday in my absence. Senator Andrews and Senator Whitmore and I were at the Economic Strategy Task Force meeting in Machias and we would like to extend our appreciation to Senator Randall, of Washington, for the fine hospitality that the University of Maine at Machias and the citizens of Washington County extended to us. Again, my thanks to the Senator from York, Senator Dutremble.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Provide a Mechanism for Allocations of the State Ceiling on Private-activity Bonds" (Emergency)

S.P. 444 L.D. 1358

In Senate, April 28, 1987, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

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

Senator PEARSON: Mr. President, men and women of the Senate. I believe that the action we are about to take is to Recede and Concur, which is fine with me, but I would like to make a point before we do that. One of the reasons why we are going to Recede and Concur, as I understand it, is that this particular Bill was before this Committee before and that it is fine, but one of the arguments that was used in reference to this Bill was that, when the original Bill was heard, a provision was put in the law that if it were to come back in any form that it would have to go back to the Committee on State and Local Government. That provision in the law is not binding, it cannot be binding from one Legislature to another and that is really highly improper and a useless thing to do in a Bill. I am surprised that the Committee on State and Local Government did that

in the last session, because it has no force of law. It is kind of, in my estimation, silly.

On motion by Senator PEARSON of Penobscot, the Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Strengthen the Laws Relating to Food Safety"

H.P. 1023 L.D. 1381

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 Require Financial Institutions to Furnish Copies of Real Estate Appraisals to Prospective Buyers upon Request"

H.P. 1024 L.D. 1382

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act to Clarify the Laws Relating to Forest Insect and Disease Control"

H.P. 1029 L.D. 1387

Bill "An Act to Provide for Municipal Control of Noise Generated by Development"

H.P. 1030 L.D. 1388

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

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

Bill "An Act Relating to Private Citizens being Reimbursed by Local Police Departments in Certain Prosecutions"

H.P. 1026 L.D. 1384

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 to Prevent Candidates for Office from Handling or Soliciting Absentee Ballots"

H.P. 1027 L.D. 1385

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.

Bill "An Act to Amend the Law Prohibiting Scalloping and Dragging in the Frenchboro Area"

H.P. 1025 L.D. 1383

Bill "An Act Regarding Lobster Fishing"

H.P. 1028 L.D. 1386

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

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

RESOLUTION, Proposing Amendments to the Constitution of Maine to Provide for the Popular Election of the Attorney General, Secretary of State, Treasurer of State and State Auditor

H.P. 1031 L.D. 1389

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

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

Off Record Remarks

Senator PERKINS requested and received unanimous consent to address the Senate on the Record.

Senator PERKINS: Mr. President, ladies and gentlemen of the Senate. I would like to say a few words on the Record regarding the Legislative Sentiment we recently passed. The last order as you know, honors one of those among us. Last evening this award was presented in Caribou and as you will see it is the highest award presented to one of those members. I think on behalf of my caucus and on behalf of my colleagues here in the Senate, we congratulate the good Senator and say to him that we are honored to have you with us.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

On motion by Senator PEARSON of Penobscot, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

COMMITTEE REPORTS

House

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 Discontinue Town Ways and Public Easements"

H.P. 423 L.D. 568

Bill "An Act to Alter the Laws Regarding Abandonment of Public Ways"

H.P. 459 L.D. 614

Bill "An Act to Provide Payment of Workers' Compensation Benefits in Cases when a Decision has not been Reached within 6 Months"

H.P. 594 L.D. 805

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power within the Legislature to Override such Item Vetoes

H.P. 635 L.D. 858

Bill "An Act to Restore the 8% Discount to Retailers of Alcoholic Beverages"

H.P. 780 L.D. 1052

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 Permit Spouses of Prisoners of War Special License Plate Privileges"

H.P. 87 L.D. 90

Bill "An Act Relating to Use of 6-axle Vehicles to Haul Commodities"

H.P. 193 L.D. 237

Bill "An Act Concerning the Drafting of Ballot Questions"

H.P. 264 L.D. 347

Bill "An Act to Amend the Charter of the Lubec Port Authority"

H.P. 412 L.D. 546

Bill "An Act to Create a Veterans' Property Tax Exemption Based on Disability"

H.P. 639 L.D. 862

Ought to Pass As Amended

The Committee on EDUCATION on Bill "An Act to Allow Per Pupil Reimbursement to School Administrative Units for Home Instruction Pupils"

H.P. 659 L.D. 892

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-76).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-76)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-76) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Amend the Open Season Fishing Laws"

H.P. 473 L.D. 640

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

H.P. 1019 L.D. 1372

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Establish a Small Game Hunting License and a Combination Hunting and Fishing License"

H.P. 38 L.D. 41

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Establish a Resident Small Game Hunting License"

H.P. 1021 L.D. 1374

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

The Committee on FISHERIES AND WILDLIFE on Bill "An Act Relating to the Definition of Resident under the Inland Fisheries and Wildlife Laws"

H.P. 147 L.D. 188

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Clarify Residency Requirements for Servicemen"

H.P. 1020 L.D. 1373

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

Divided Report

The Majority of the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Permit Black Powder Hunting of Wild Animals of any Sex"

H.P. 533 L.D. 717

Reported that the same Ought Not to Pass.

Signed:

Senators:

ERWIN of Oxford  
USHER of Cumberland  
BRAWN of Knox

Representatives:

JACQUES of Waterville  
CLARK of Millinocket  
SMITH of Island Falls  
WALKER of Norway  
BROWN of Gorham  
GREENLAW of Standish  
WEYMOUTH of West Gardiner  
FARREN of Cherryfield

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

Signed:

Representatives:

ROTONDI of Athens  
DUFFY of Bangor

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  
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 Establish the Maine Legislative Commission on Intergovernmental Relations"

S.P. 250 L.D. 699

Ought to Pass As Amended

Senator TWITCHELL for the Committee on TAXATION on Bill "An Act to Provide for a Sales Tax Credit on the Trade-in of Construction Equipment"

S.P. 102 L.D. 275

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-46).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-46) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Nine Members on the Committee on LABOR on Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees"

S.P. 54 L.D. 105

Report in Report A that the same Ought to Pass in New Draft under New Title Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants and the Rehabilitation of Substance Abusing Employees" (Emergency)

S.P. 457 L.D. 1400

Signed:

Senators:

DUTREMBLE of York  
ANDREWS of Cumberland

Representatives:

MCHENRY of Madawaska  
TAMMARO of Baileyville  
HALE of Sanford  
RUHLIN of Brewer  
RAND of Portland  
WILLEY of Hampden  
BEGLEY of Waldoboro

Three Members of the Same Committee on the same subject report in Report B that the same Ought to Pass in New Draft under same title.

S.P. 455 L.D. 1398

Signed:

Senator:

COLLINS of Aroostook

Representatives:

HEPBURN of Skowhegan  
ZIRNKILTON of Mount Desert

One Member of the Same Committee on the same subject reported in Report C that the same Ought to Pass in New Draft under New Title Bill "An Act to Prohibit Substance Abuse Testing in the Workplace"

S.P. 456 L.D. 1399

Signed:

Representative:

JOSEPH of Waterville

Which Reports were READ.

Senator DUTREMBLE of York moved that the Senate ACCEPT Report A the OUGHT TO PASS IN NEW DRAFT under NEW TITLE.

On further motion by same Senator, supported by a Division of at least one-fifth of the Members present and voting a Roll Call was ordered.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Mr. President and members of the Senate. Today we have before us a Bill that has not been discussed in Legislative Chambers before, to my knowledge. We are dealing with a new feature for legislation. The drug testing Bill, so-called, has been before the Committee on Labor for a good many weeks and that Committee has labored hard over that Bill and our good Senate Chairman has done work and I regret today that I must not agree with him on this particular Bill, because I think we have over worked the Bill.

The Bill, as you know, provides for drug testing under certain conditions and, of course, there was an attempt made to balance individual workers rights to private and personal privacy. And, also, to consider the interest of employers but most of all to consider the public interest. It seems to me that the Bill, that is presented to us today, has done a couple of things that make it extremely difficult for me to support. One, it has provided for testing only for probable cause and it seems to me that we ought to be able to test people in safety sensitive positions. I

think that people that work in nuclear plants and in the transportation industry and a great many other industries where safety is very important, it seems to me that testing in these situations ought to be allowed under certain conditions in a random fashion. It seems to me, also, that the Bill leans rather hard on employers in terms of paying the cost of the treatment programs that are provided for in the legislation. For example, we know that the Bill provides for treatment in situations that would cause an expense to the employer of about \$4,700 for a twenty-eight day treatment program. During our conversations in Committee, I had suggested to the Committee that smaller employers, those who have fewer than twenty employees, would have a hard time funding such a treatment program.

As most of you know, the large companies who will do most of the testing have, in place, medical programs that do provide for substance abuse treatment and for alcohol treatment. However, small employers generally do not have this type of program as part as their medical package. It seems to me that we are calling upon those folks, who from time to time may wish to engage in drug testing, to pick up a truly burdensome part of the cost. I had hoped that we might be able to resolve that concern in Committee, but we were not able to.

About 80% - 85% of all the employers in the State of Maine are small employers, they have fewer than twenty employees. I don't see how any type of treatment program can be put together that forces that type of an employer to pay for the cost. So this is another concern that I share with people who support the "B" Report, and I would hope today that you would consider rejecting the Majority Report so that we might consider a more modest approach to the problem. I do remind you all that it is a problem. The Committee does recognize it and although we share differences on how to combat the evils of drugs, we do share the common conviction that something ought to be done and we do share the belief that in our society today that this is a real problem and we should address it. Thank you Mr. President.

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

Senator DUTREMBLE: Thank you Mr. President, ladies and gentlemen of the Senate. I hope you can bear with me because I do have quite a bit of information to present to you today. The drug testing issue is one that has been an emotional issue for the Committee, it has been a controversial issue, but I don't think there was a member of our Committee who didn't feel that it is one of the most important issues that they will deal with in Committee this year. When we first took up the issue, we knew that there were a number of issues that had to be dealt with before we even got to the meat of the Bill. One of those issues is protecting people's rights, the right that a person has from unusual search and seizure, guaranteed to them by law and our Constitution. We had to make sure that all working people were protected. But, we also have to make sure that those people that work in our industries and businesses in the state are protected from those who may use drugs. That they may have to work next to a drug user. Third, we wanted to make sure that those people who were tested were offered the opportunity to rehabilitate and if we were truly concerned with the drug users in the state and getting the drugs out of our work force, then rehabilitation is the way to go.

I might point out that at first, right from the very beginning of our deliberations, that it seemed that everyone on the Committee was opposed to random

drug testing. One of the first issues we dealt with was safety sensitive positions versus all positions. We had hearings on two Bills, one of them would have banned drug testing altogether, the second would have allowed testing with very, very few restrictions. When we started debating these two Bills, the Committee worked on a middle of the road compromise. They used that vehicle to try to come out with a report from Committee. Safety sensitive, again, was one of the first issues discussed and it was brought out by me and a few other people. At that time, members from the Department of Labor, which I assume represent the Governor's administration, said that it would be next to impossible to administer "safety sensitive" and how to define safety sensitive. So the Committee as a whole, after talking to members who were both for testing and against testing, agreed that testing safety sensitive positions would be creating two classes of people. So, the Committee dropped it.

The only difference, of course, between that proposal and this proposal is that when we first talked about safety sensitive the Committee talked about probable cause testing in safety sensitive positions not random testing. I have a serious problem with Report B, the whole Committee worked on Report A, there was a lot of input on it, very few serious objections were brought up during the discussion. It is only at the end, when the Committee was about ready to vote out the Report, was there a rift in our Committee. That, of course, is when Governor McKernan brought up his recommendation. I might point out that during the six or seven weeks that our Committee discussed the drug testing Bills, none of these things were mentioned. It was only when we were ready to report out the Bill that what is mentioned in Report B was brought up to our Committee.

I respect the good Senator from Aroostook, Senator Collins, he worked hard on these drug testing Bills, like the rest of us. But I do not respect Report B, because it guts out about 90% of the work that this Committee did. It does not just address those concerns that the Governor presented to our Committee in those very last days. It went back and it destroyed everything that we worked for. I might say that a lot of the things that we are talking about, that were destroyed, were the items that protected the rights of the people and the most classic example of everything, that Report B does that, is the method and type of testing that is used. There are different types of tests, Thin Layer Chromatography, Immunoassay, WRMSH, the GCMS test, there is one that is considered to be 100% accurate and that is the GCMS. That is the one that is included in Report A. No positive test results can be brought to the employer unless it has been found out by a GCMS test. Report B, we are talking about the Amino acid test, which has shown in the past to have an error rate of up to 35%, now you have to remember if we are talking about a random testing and using amino acid test we are talking about innocent people being found positive because of an error in the test. I don't know about you, but I would hate for that innocent person to be me. If we took the 186 members of this Legislature and gave them all an Emit test, about 60 or 70 of them would test positive, due to the error rate, and if you gave them another Emit test, 20 or 25 of them would be found positive and it could be an error. That is a lot of members of this Legislature, I wonder how your reputations would withstand positive test results, even though you can get up and cry forever that it was an error, who is going to believe you? Do you

want that on your conscience? That goes against everything that this Country has fought about and defended against for in the past concerning civil and human rights, everything. I don't want it on my record. I doubt the Governor wants it on his either.

The "Bangor Daily News," October 8, 1986, McKernan said: "he had no plans to test the employees in his Congressional Offices. And we would be very reluctant to impose a program that could be an infringement of personal rights without good cause for doing it." I am assuming good cause means probable cause which we included in our Bill.

October 25, 1986, McKernan offers a similar position, saying that "he is worried about infringing upon individual rights but could be sold on the idea of workers who jobs effected the safety and health of others. But he, too, would want to see a causal relationship between an individual employees behavior in a decision to administer the test, rather than just giving it to everyone because they drive a school bus." Finally, on March 2, 1987, when we are reviewing both Bills: he is quoted in saying: "there should be some limitation on indiscriminate testing". Why has there been a change in the Administration's position? What could have happened over the six or seven week period that we discussed this and went through every possible detail, we listen to everything, and people from the Department of Labor and from the McKernan Administration were down there throughout that whole period and never once did they say that they had a problem with what we were doing. What happened over last weekend from the time we left on Friday to the time we came back on Monday? All of a sudden we have this big change in thinking that caused a rift in the Labor Committee. I, for one, believe that if this Bill passes the Governor will support it, because I believe, deep in my heart, that Governor McKernan, when it comes time to corporate intrusion of people's rights, is interested in protecting those rights. I have to believe that Governor McKernan is going to come down on the side of the people and protect them from intrusion of their rights. I hope I am not wrong. Thank you.

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

Senator COLLINS: Thank you Mr. President and members of the Senate. I appreciate the remarks from the Chairman of the Committee and he is correct in that the Committee did labor long and hard. I think there were, however, some disagreements and perhaps they did come towards the end of our deliberations. I think he knows that I had a real concern, personally, with the respect to the cost of the rehabilitation and treatment that was to be distributed to the employees. I think he is aware, as I pointed out, that the Majority of the employers in this state are in the small business category. I ask that he tried to include them as an exception in a proposed Bill and he was not able to do that. So, I understand that. I think that people agree to disagree from time to time and I guess I preferred to air the side of an exception on this particular area, because I felt that the people in small businesses, number one, would be doing the least drug testing. Number two, when it was apparent that it ought to be done, they probably would not do it, where they were to bear the burden of the cost of the treatment program. So we have a legitimate difference of opinion here and I suggest that you consider the reasons that I suggest there should be an exception here.

Another thing that I have some concern about and I realize that probable cause is a nice term and it

certainly is a good basis for fairness in many cases. But, it seems to me that if we attempt, every time we want to do drug testing in a plant, for example, that is extremely related to the safety of the environment, of people and of the public at large, that perhaps we have to forego that in determining whether it is all right to test or not.

At the present time, I would remind the Senate that there really aren't any rules about drug testing in the state of Maine and, in fact, there has been very little legislation anywhere about drug testing so that employers are generally free to test as they see fit, frequently in collective bargaining arrangements these things are spelled out, but we know for example, that airline pilots when they take their physicals every six months they are tested for drugs as well as for other things. We know about the incident where there was a recent train wreck and there were traces of drugs found in the employees of the railroad, we know that there are legitimate concerns on the part of the public, on the part of employers and employees who must work with other people that may be subject to drug abuse.

It seems to me that the Bill that the Committee has reported out is an extreme Bill. It is structured too tightly, it seems to me that the private sector ought to have some leeway to work out their own arrangements for drug testing without the strict censure that the Bill provides. I hope that you think about that when you vote and you think about the fact that a Bill of any kind takes us from where we were with absolutely no legislation. I would remind you that I think there is only one other state in the Union that has enacted any type of legislation restricting or pertaining to the testing of employees for drug abuse. Thank you Mr. President.

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

Senator ANDREWS: Thank you Mr. President, men and women of the Senate. I too sit on the Joint Standing Committee on Labor, I am a new member of that Committee and it was a result of our deliberations on this piece of legislation that I truly now understand the word labor. Because we labored, and we labored, and then we labored again. The process began in a very highly charged public hearing. Two sides, very strong in their positions, very polarized in those positions, came to the largest committee room in the State complex and under the blaze of television lights gave their impassioned pleas and testimony on their respective positions. Highly charged, highly polarized. I sat there as a member of the Committee listening to both impassioned arguments and I thought to myself there is no way that we are going to be able to come up with a middle ground on this Bill. If there is any Bill that I have seen come through this process that had a chance of a solid middle ground, this Bill was perhaps the least likely to achieve that goal. We sat down as a Committee to begin working on this piece of legislation and the good Senator from York, Senator Dutremble, looked at all of us as Committee members and said, "Ladies and Gentlemen we are going to roll up our sleeves and we are going to take this issue page by page, paragraph by paragraph, and line by line and we are going to do everything that we can to work out a responsible common ground, a workable compromise that can meet the major objectives of both sides, while not satisfying either side. It was a Bill and a concern that the Committee felt at that moment was worth rolling up our sleeves and following our Chairman's advice and working hard on.

No one wants to see drug impaired people, particularly working in areas that could cause them

harm, or the co-workers harm, or the public harm, but also we were concerned about the reactions and the drug testing going on in places that were totally irresponsible. Those cheap dime store drug tests, with 60% accuracy rates and procedures that were completely irresponsible, not only damaging the reputations of those individuals, but degrading the morale of the workplace and hurting overall productivity, an insult to those workers to the achievement of trying to establish a drug free workplace, a safe workplace and a responsible policy dealing with those goals of a safe and healthy workplace were being degraded. So, we all had an objective, it was going to be in the interest of everybody to achieve some common ground on this issue. So we went about the business of doing that.

We worked for several weeks on this Bill, we had thirteen work sessions, we labored all afternoon, day after day, it got to be joke in the office of my Committee, the Joint Standing Committee on Economic Development, they would say, "Where is Senator Andrews?" and the response would be, "Oh, he is down in Labor doing drugs", was the response. That generally was where I was, down in the Labor Committee working on this Bill.

Let me give you an example of just how much of a problem and how non-black and white this issue can be. We had some top experts from across the Country come in, the most knowledgeable research individuals, physicians and chemists, flying from around the Country to sit with the Labor Committee to try to work out this middle ground. I asked someone, "What if Joe, on a Friday night, smoked a marijuana cigarette, was totally intoxicated, Saturday he is clean, Sunday he is clean, Monday he comes to work. Will that person be functional impaired on the job because of that marijuana cigarette on Friday night?" The answer was no. Sam, who Joe works with, on Monday morning, who was clean all weekend, arrives at work, steps out the back door and smokes a marijuana cigarette, comes back into the workplace, totally intoxicated, the employer says its time for a random drug test. Joe and Sam take the drug test. I asked those experts what the drug tests find, it finds Joe guilty of being impaired, or at least he tests positive on this drug test, and he is suspended or whatever disciplinary action takes place. Remember Joe is the one who, according to these experts, is not impaired. Sam, who is totally intoxicated, is found drug free. That is the problem that we are facing here, it is not black and white, it is not clear cut and so tackling this kind of a problem with these kinds of circumstances at the workplace, demanded the kind of effort that the Labor Committee undertook. I hope no one in this Chamber or the public thinks that the issue here today is whether or not we are going to allow people who work in safety sensitive positions to be impaired with drugs. I know that it is very tempting sometimes in these political discussions, to let the hot rhetoric fly and throw out these dramatic examples, these terrifying examples and point to the other side and say they would like to have people who are on drugs working at a nuclear power plant, or in the debate today, flying an airplane, or driving a train.

The Bill that we are debating right here is not insensitive to the concerns of many; that our workers not be impaired with drugs at the workplace. There is a major problem here. If we are going to establish a policy on drug testing, the policy should be straight forward and clear and the policy should apply to not only those people who work in non-safety sensitive positions, but to people who work in safety sensitive positions. That is what this Bill does,

there is a mechanism to test people who are on drugs, apparently, in safety sensitive positions. This Bill will allow for testing of those individuals, but there are certain circumstances and conditions, and there are certain rules and regulations that an employer will have to follow in order to administer the test. Those rules, regulations and procedures were developed over a thirteen week process involving some of the top experts in the country and a Committee willing to roll up their sleeves, get away from the rhetoric and do the job that needed to be done. Safety sensitive positions are covered, ladies and gentlemen, in this Bill. What is the alternative? Well, the alternative is an alternative Bill that says we are going to have two classes of workers and we are going to have a certain standard for those who work in safety sensitive areas and a certain standard for workers who work in non-safety sensitive areas. And so you may ask, as we asked when we dealt with this problem in the Committee, what is safety sensitive, and what is not safety sensitive? If you want to get a hint at the mush that you can get in terms of lack of clarity and lack of responsible approaches to this problems, you can take a look at one of the alternative pieces of legislation before us and look at the definition of safety sensitive position. And you will see a position that would create a "substantial risk". It is left to our imagination what substantial risk happens to be, what does the word substantial mean? It is not defined in the Bill and it can't be defined clearly, and that is the reason why there is such a problem. What is substantial risk? Who defines what is substantial risk? And that distinction is so critical because the alternative is to establish two classes of positions.

The Committee decided that the most clear, strongest and most responsible task to take on this issue is to establish a workable, clear and responsible policy that would apply to all workers. That would allow for drug testing, when drug testing was warranted would provide for necessary steps to take that person out of the workplace, if he or she was found positive on that drug test, but do it in such a way that protects the rights of everybody. What is missing, often times in these debates, is some good common sense, and the problem, in part at least, is the fad of drug testing. If someone is on drugs at the workplace, you will know it, they show up late for work, they are not doing their job well, the signs are clear and if the employer was using a little bit of common sense, particularly the small business, they wouldn't have to go through all of these procedures. They could deal with the problem head on because the problem would be clear.

Drug testing is a fad, and it takes away responsibility, often times, for dealing responsibly with the problems that we face at the workplace with regard to workers who are not doing their job, or the workers who appear to be impaired. This Bill strikes the balance, strikes the common ground, uses all the expertise that we have heard and discussed over the past thirteen weeks and, frankly, I share the frustration of the good Senator from York, Senator Dutremble, and there is no one in this Chamber who deserves to be frustrated more than that gentlemen, because after that first meeting when he asked all the members of the Labor Committee to put aside the rhetoric, to put aside the hot air, and to put aside partisanship and tackle this issue as a Committee, as a whole, as a group of people wherever our political affiliations lie, to tackle a problem. After that, the Committee, Democrats and Republicans alike, did that job day, after day, after day. The

Administration comes in, on the eleventh hour and fifty-ninth minute, and gives us his list of objections. We considered all the objections that were put on the table during that process, every single one, we engaged everybody in a process of dialogue and compromise and we made certain that there was the expertise available on both sides to make sure that we came out with a workable responsible position. The Administration was absent during that process, maybe they were sitting in the Committee room, but if they were, they were sitting on their hands and that is unfortunate.

This is a good Bill, it is a responsible Bill and it meets what someone told me were the two major components of a good compromise. Number one, nobody is happy, but everybody can live with it. Ladies and gentlemen, this is a Bill that tackles the problem in a responsible, effective way and I urge you to support the Majority Report on this issue and support the motion before us. Thank you.

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

Senator SEWALL: Thank you Mr. President and members of the Senate. It is never easy when you are weighing the rights of all citizens, and we have been talking a lot about the rights of the employee not to be drug tested, and to have a wrong report. But, I would also like to speak for the rights of the public at large. The victims, the people who have been killed because someone was doing something, not only to access, but that was illegal. The example given by the Senator from Cumberland, Senator Andrews, about the young person who smokes a marijuana cigarette the night before and one who smokes one on the job, has one thing about it which is absolutely black and white. They were both committing an illegal act.

Drugs are illegal, people get killed, the victims have a right, as much as the person who is abusing and using drugs to the detriment of the rest of society. This isn't some new philosophy we have. It seems to me that when people are stopped on the highway, they have breath tests and sometimes blood tests and sometimes the tests are wrong, but for the detriment of society we test these people and we see if they have been committing a crime, whether they are drinking or using some sort of substance and are under the influence and they are out threatening the lives of other people. I suggest that these employees who are using drugs on the job are threatening the lives of those other people and I think that other employees working with them would gladly say, yes I will have the test, but keep me safe from those who are abusing their rights. So, not getting into the details of the Bill, it seems to me that the right to test and from my perspective, the right to test randomly, should be kept.

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

Senator DUTREMBLE: Thank you. Mr. President and members of the Senate, one more time, I will answer the good Senator from Lincoln, Senator Sewall. We are not preventing anybody from testing. All we are saying is that under the Constitution of this country, you are innocent until proven guilty, under the mandatory drug testing laws, you are guilty until proven innocent and I have serious reservations about that. I know we do this with alcohol and breathalyzer tests on the Maine Turnpike and on any of our highways in Maine. What we have to remember and let's not lose focus on this, it is done by a law enforcement agency, it is the law. What we are doing here is giving that right to employers, we are giving employers a right to come to you on the line and say,

come with me we want to do something to you and bring you to a room. Under Report B, they can go in and watch while you give your specimen. It is being done now, in this state, people laugh when I say that, but it is being done. It is being done. We are giving employers law enforcement powers. I don't know if we want to do that. The good Senator from Aroostook, Senator Collins, has done a lot of work on this Bill, he was down there compromising with the rest of us and worked as hard as the rest of us. It is unfortunate on that one issue we could not agree. But, he said we over worked the Bill. I don't think we over worked this Bill. He is right, this is a new area, we have to be very careful at what we do, we just can't pass some Bill because employers want to pull people off the line and bring them into a room, provide specimen on-site, using tests that are 35% error prone. I am glad we over worked this Bill, because now I know that if this Bill passes and we have passed a drug testing law, that will allow me to sleep at night. I don't have to worry about harassment and individual's losing their rights. It is a good, positive, rehabilitative drug testing Bill and you know that in our process we also over worked all these companies that have EAP programs and do drug testing right now, and they helped us with their input. Some companies have tremendous programs right now and a lot of what they do is incorporated in our Bill and there are only a few items that we disagreed with and that one happens to be the major item of the whole Bill, random testing versus probable cause. Until someone can prove anything different to me, I will stick with the Constitution. Thank you.

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

Senator MATTHEWS: Mr. President and members of the Senate. Before I ask my question of the good Senator from Aroostook and those that signed onto the Minority Report, I would echo the comments of the good Senator from York, Senator Dutremble. It is important for people to remember, for the membership of this Body to remember, that there are very, very good employer-employee programs already out there, across this State, that are working. There is one specific program, which I am acquainted with, implemented by the company and the union employees of Fraser Paper Company that is working very, very well as I understand it, without random, mandatory drug testing in the work place. One editorial comment about random testing: If you think that is going to be the key answer to all the drug and alcohol problems in society you are sadly mistaken. The power of addiction, with substance abuse, the power of addiction makes people able to find ways to stay underground and, ladies and gentlemen, if you implement a mandatory drug testing program I guarantee you what will happen is that you will keep a lot of people, not just employees, but also some very sick employers that need help and counseling, probably from getting it. That is the real problem with mandatory, random drug testing. It just brings a big stick into the arena when folks need help and treatment. That is the issue today.

My question to the good Senator from Aroostook, Senator Collins, under safety sensitive job positions, does safety sensitive apply to the President of the Company?

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. I couldn't pass the opportunity by, here today, to add my views on this issue. You know I think I want to add something here that hasn't been mentioned. I, having served here

not as long as many of you, but the time I have been here I have always felt that we shouldn't be passing laws that we don't need. No one yet has convinced me that we need legislation on the books in this area. I haven't heard of any massive abuse by employers, I haven't heard any human cry from the citizenry to pass a law in this area. I have had, as all of us have, many contacts from constituents on many issues that we are debating. If the Governor complained about drug abuse problems and all of them wanted to do something about it, most of the politicians in the state have indicated their concern about drug abuse. I am not sure we ought to be passing Committee Report "A", "B", or "C" or anything else. No one here, in this Body, and the public in general has convinced me that we need a law, at this time, to place us as one of very few in the nation to have this type of law and I am going to vote against anything. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, ladies and gentlemen of the Senate. I think many of us here in the Chamber, today share the frustrations of the Labor Committee and of their deliberations in trying to reach what would seem to be an equitable solution to problems of drugs in the workplace. My interpretation is that it boils down to either a random testing in sensitive areas or probable cause. My profession has brought me in contact with some of these very medicinals, seen the effects of these on people. Ladies and gentlemen, if you wait for probable cause it may be too late. My good President has members of his family here and some dear friends from Millinocket. I think it makes sense to me that a person responsible for their safety between here and Millinocket is in a sensitive position. GCMS is apparently the test that is the most adequate and most reliable. I, for one, would be happy to have this Report B and I suspect the good Senator from Aroostook would too. If it takes that for us to get across the line or close the division, let's do it. I think the larger Bill certainly covers more of the bases.

I think the concern with our Governor and with Senator Collins, is that perhaps it covers to many bases too fast and what he is suggesting or they are suggesting is let's make a start. We know there is a problem, the problem is not to prosecute but to assist. Assist these people into treatment, whether it be through random or probable cause. I think they have our sympathy. But the sympathy turns to a horror in an Amtrak accident, like we had in Maryland, or to an airplane crash, or to something that really causes a drastic loss of life. It is said you make small progress with small steps. Perhaps, we should be considering making a small step today.

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

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. I would be most reluctant to taking that small step backwards that the good Senator Perkins is suggesting. I want to reiterate very strongly that anybody can be tested for probable cause. Any way that they used to do it before, to find out if anyone was in a bad position, whether they were intoxicated or were under drugs before drug testing, they would use it the same way. I would hope that a person who drives a school bus. Let's put it this way, if it was me, hiring that person, I would make sure, I would keep close eye, because my children use the school bus too, but you know, I wouldn't want the person who drives my children around in a school bus to be random tested. Because

by taking that school bus drivers rights away, by the time my kids are adults, they may have none left. You can sit there and say you are exaggerating, but I am sure this is how these things start in the first place. Let's just take a little bit away, and let us remain silent on them and not cry out and pretty soon we will wonder where those freedoms went. The Senator from Franklin, Senator Webster, said he did not hear the human cry. He wasn't at the Labor Committee hearing, I heard the human cry and so did Senator Collins and so did the other members of our Committee. Maybe there are no places in the good Senator's district that randomly drug test. Those people are very fortunate.

I want to point out that I believe that as far as pilots go, they are restricted by the FAA and already can be drug tested under Federal Regulations. There is a stipulation in our Bill that would also allow the NRC to determine that to be fit. They are the policy makers for the nuclear power plants. So there are methods that are being used right now if there are areas that are very dangerous, which we have no control over. Thank you,

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

Senator COLLINS: Thank you Mr. President and members of the Senate. The hour grows late, we have discussed the issue before us and I have just one further brief comment to make. I am sure the good Senator from York, Senator Dutremble, recalls that one of the companies that sat with us through all of our deliberations was the IBM Company. They have been in the business of drug testing and providing rehabilitative services for a long, long time. They are known throughout the country as the leader in providing services for their employees. I would like to share this with you, I learned today that IBM feels that they could not live with the law you propose today to pass. And yet, their record is splendid, for they have done testing in the proper fashion and they have provided rehabilitation services for those who had drug problems and yet they feel we have, in fact, gone too far with this particular proposal. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator DUTREMBLE of York to ACCEPT the OUGHT TO PASS in NEW DRAFT under NEW TITLE Report A. (S.P. 457) (L.D. 1400)

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 ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, MAYBURY, PEARSON, THERIAULT, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, LUDWIG, PERKINS, RANDALL, SEWALL, WEBSTER, WHITMORE

ABSENT: Senators None

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, with No Senators being absent, the motion by Senator DUTREMBLE of York, to ACCEPT Report "A" OUGHT TO PASS in NEW DRAFT under NEW TITLE (S.P. 457) (L.D. 1400), PREVAILED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

SECOND READERS

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

House

Bill "An Act Relating to Social Worker License Fees" (Emergency)

H.P. 1003 L.D. 1350

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

House As Amended

Bill "An Act to Require Legislative Approval and Public Hearings for any Plan to Decentralize the Pineland Center Facility" (Emergency)

H.P. 402 L.D. 536  
(C "A" H-74)

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

Senate

Bill "An Act to Extend the Life of the Advisory Committee on Staff Retention"

S.P. 162 L.D. 466

Bill "An Act Enabling the State to Join the Regional Truck Permit Agreement"

S.P. 304 L.D. 873

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

S.P. 449 L.D. 1375

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Electric Rate Reform Act as it Applies to Cost Recovery for Utility Financing of Energy Conservation"

S.P. 265 L.D. 746  
(C "A" S-42)

Bill "An Act to Clarify Election Procedures and the Effects of Interconnected Water Lines in Water Fluoridation Referenda"

S.P. 329 L.D. 957  
(C "A" S-43)

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

Sent down for concurrence.

ENACTORS

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

An Act to Extend the Time for the Rangeley Water District to Purchase the Rangeley Water Company Plant

H.P. 613 L.D. 831

An Act to Assure Proper Notice of Workers' Compensation Claims

S.P. 413 L.D. 1271  
(H "A" H-73)

An Act Concerning Housing for Hearing Ear Dogs and Seeing Eye Dogs

H.P. 971 L.D. 1314

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 Relating to School Construction

S.P. 435 L.D. 1315

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

Resolve

Resolve, to Compensate Thomas P. Peters, II, Attorney-at-law, for Professional Services Rendered in the Adoption of Benjamin B., Heather B. and Lucas B.

S.P. 287 L.D. 814

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

On further motion by same Senator, the Senate RECONSIDERED it's action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-47) READ and ADOPTED.

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

Sent down for concurrence.

Emergency

An Act to Make Additional Allocations for the Administrative Expenses of the Department of Finance, the Bureau of Alcoholic Beverages and the State Liquor Commission, for the Fiscal Year Ending June 30, 1987

S.P. 180 L.D. 507  
(C "A" S-34)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Reimbursement Fund for the Fiscal Year Ending June 30, 1988, and June 30, 1989

H.P. 988 L.D. 1333

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on TRANSPORTATION on Bill "An Act to Increase the Threshold for Fuel Tax Licensing"

S.P. 302 L.D. 871

Report - OUGHT TO PASS

Tabled - April 29, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF REPORT

(In Senate, April 29, 1987, Report READ.)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending ACCEPTANCE OF THE REPORT.

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

Bill "An Act Relating to Questions Put to the Electorate at Referendum"

S.P. 116 L.D. 289  
(C "A" S-39)

Tabled - April 29, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, April 28, 1987, READ A SECOND TIME.)

On motion by Senator PERKINS of Hancock, Senate Amendment "A" (S-45) READ.

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

Senator KANY: Thank you, Mr. President and members of the Senate. I ask for a Division and I urge you to vote against the pending Amendment.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, ladies and gentlemen of the Senate. The gentlelady from Kennebec has been very courteous and very kind through all of this, and it has been very trying, I am sure for all of us. What I have presented, is an amendment which will be attached to her piece of legislation, which incidentally, I spoke of its' behalf at the presentation of the Bill. I am supportive for her Bill and I have not changed my position on that at all. My amendment would act retroactively, that any referendum that are in the process at this point, would be treated in the same manner. I am asking that if that is good prospectively, that it should indeed, be as effective and good retrospectively. I would only ask that we do this. Then, I don't think it is any secret to anybody, that I would be hopeful to present an order and ask for a solemn occasion, asking the opinion of the court on whether or not the legislature has the right to look at the wording on this.

I am not asking, nor am I editorializing on the philosophy of the question. I am only asking that the court be given the opportunity to rule on our participation in the process. Having done this, and the courts' ruling, and should they not rule that we have this privilege, then the ball game is over. I would hope that neither I or my colleague would have to go through this bit of frustration again. Were they to rule otherwise, then I think we would want to address that at that time. But, my course today, is to ask the privilege of presenting to the courts, this question and this question only.

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

Senator KANY: Mr. President and members of the Senate. I would just like to point out to the Senate that a vote in favor of the adoption of this amendment is a vote to change the Maine Yankee referendum question, which is to go before the voters in November. I don't know how you feel about the closure of Maine Yankee, nor about the quality of the question that was attached to the petitions that various citizens signed, over 53,000 of them. Regardless, it seems to me and to 12 out of the 13 members of the Legal Affairs Committee, that it is really inappropriate to change the question that was attached to the petitions.

The process began almost a year ago and I believe it certainly would interfere with the on-going

process, and there are people, whether we agree with them or not, who are trying to work within the system for a change. I do believe that they would be extremely discouraged if we changed that system now.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you, Mr. President. For your "for what its worth column", I live closer to Maine Yankee than any legislator in the 113th Legislature, and I rise today in support of the good Senator from Hancock, Senator Perkins' amendment. I believe the wording of the referendum petition, whether intentionally or not, misleads the electorate. I don't think there is anything particularly sacred about that wording, and I will tell you why. I go to the polls on election day, I guess it sort of a nervous disorder that I have, but I do go to the polls, and I have watched the petitioners. I think they are well intentioned. But, they say to people either before or after they vote, "Are you interested in signing a petition?" The voter will probably say "What does the petition say?" In my district, one person said it just shuts down Maine Yankee. Another person said that it eliminates nuclear waste from being produced in Maine. I submit to you that the 53,000 signatures on that petition, probably wouldn't recognize the question as the one before us today. A lady wrote to me recently and she said "You people have done it again. You have confused us. I don't know how I should vote. I am opposed to nuclear waste repositories in Maine, but I do not want to shut down Maine Yankee. How would I vote?"

Recent surveys have shown that more than 80% of Maine voters are confused by the wording and favor a law requiring a yes vote for supporters of a referendum and a no vote for opponents of a referendum. The Maine Yankee referendum should stand or fail on its' merits and not be determined by voter confusion. People have a right to vote, but they also have a right to know what their vote means, and what the effect of that vote will be. Thank you.

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

Senator PEARSON: Mr. President, men and women of the Senate. I would like to concur with the remarks of the Senator from Sagadahoc, Senator Cahill, with the regards to the collection of signatures at the polls. Nothing irritates me more than that issue, which has been around for a long time and I have always been lost on it. With regard to the way the question is worded, whether it ought to be yes or no, you have to remember that with regards to this issue of nuclear anything is Maine. The theme of the people who have been opposed to a high level nuclear dump in Maine, low level nuclear dump in Maine, the production of nuclear waste in Maine, has always been "No." The whole theme of their campaign has been "No." The signs that were at the different conferences that were held for the Department of Energy when they came here, was a whole sea of placards that said "No."

All of what they have been doing is the theme of "No," we do not want any nuclear waste. "No," we do not want high level waste. "No," we do not want any low level waste. That is their theme. And, I think to take that away from them and reverse that, is not fair.

Even if you do not agree with them, it still is not fair. They would have to completely re-educate and re-define their whole message to the people. That would be very confusing. I think you ought to leave it alone.

THE PRESIDENT; The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Mr. President. It is interesting to note, if you look back a year ago when this question first appeared, this question was a result of deliberations between the Secretary of State's office and representatives of CMP and the Maine Nuclear Referendum Committee. After consultation, this was the question that came out of the Secretary of State's office and the question that appeared on the petitions. If we go back a little earlier than that, on April 2nd, when the petition question was first proposed to the Secretary of State's office, it was originally a question that would have been answered "yes", to close Maine Yankee down. This question has been around for over a year. The validity of the process and the question was upheld by the Attorney General's office in May of last year. The petitions, with the present wording, were presented to the people for their signature of support, from June until just prior to the November election. Approximately 53,000 people signed the petition and it was submitted to the Secretary of State's office to be validated. It wasn't until December 5th, that after analyzing polling data related to the referendum question, that questions were raised regarding the confusion of the question and the possibility of rewriting it.

So, we come down to the situation of does yes mean yes, or does yes mean no? We have been dabbling with it for several months now. Providing clear, concise and direct questions on referendum ballots has been just the issue the Legal Affairs Committee has been wrestling with for the past 2 months. L. D. 289 is a major step towards that goal and it received a 12 to 1 report of support out of that Committee. While L. D. 289 deals with all future referendums, the confusion of the proposal to close Maine Yankee remains. In the past, Maine voters have shown that they can figure out the most obtuse questions. Last years confusing Local Measured Service questions, and before that the 3 part question on low level nuclear waste dumping are just 2 cases in point. I believe that we should avoid confusing the question on Maine Yankee any more and resist this attempt to rewrite the question. To continue meddling with this referendum question, I believe is presumptuous of the ability of Maine voters to figure it out. Maybe, it is even under handed.

I urge you to defeat this amendment and instead place your energies to ensuring that the future questions mean what they say and say what they mean. Thank you.

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

Senator DILLENBACK: Thank you, Mr. President. I am also on the Legal Affairs Committee and I voted for Senator Kany's Bill. I was also opposed to any repositories in the Sebago Lake area, or any place else in the State of Maine. I have a summer home on Sebago Lake. But, that is not what we're talking about today. We're not talking about changing that wording on the referendum. We're talking about getting a decision from the court. Many of the people on the Committee who joined me in voting for Senator Kany's Bill, agreed that they would not vote to change the wording when the time came. All we are trying to do is get a solemn occasion here. We're asking you to vote for it and when and if the court should decide that we can make that decision, that is the time you would make the decision whether you vote to change it or not. We're not asking you to do that today. All we are asking, and I think you would want to know, does the Legislature have the right to

change a referendum? Do you want to wait down the road several years before you find that out? It is one of the few opportunities that we have had to approach the court. Let's get the thing going so we know what we are doing. There are 3 branches of Government. We are one of them. Shouldn't we know what we can do and what we cannot do? You're not voting for any referendum changing the wording. We just want to get a vote so we can have a solemn occasion and go to the court and then you can make your decision of what you want to do. Thank you.

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

Senator BALDACCII: Thank you, Mr. President. I think the problem with the proposal that lies before the Senate today, is the fact that we are not really in a solemn occasion position. We really aren't faced with the requirement that the Supreme Court needs in deciding whether we can do something, or whether we can't do something.

When you hear people asking to vote for this to ask the court what their opinion is, not that they are in favor of it, you don't find yourself confronted with a solemn occasion. If the people in the Senate are not going to endorse changing the referendum, why would they want to vote for changing the referendum just to ask the court and say this is a solemn occasion as far as we're concerned, even though we're not really in favor of it, but we would just like to find out how the court feels about it? So, I think that is a basic fallacy of the argument that is being proposed today.

The second point is the fact of just let's get on with it. We have a referendum to take place in 1987. It would take at least 3 or 4 weeks, or a month, for the court to rule on whether we could or not, and then come back here and decide on what to do. There is going to be a referendum. I think it has been crystallized by the debate here in the Legislature and by the newspapers throughout the State and also on TV. Let both sides try to delineate their positions and educate the public on the issue that is there and not anymore confusion. Thank you.

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

Senator DUTREMBLE: Mr. President and members of the Senate. I was one of the cosponsors that dealt with the new wording of future referendum questions. We also talked about this one and I made it very clear at the hearing that I was opposed to changing the wording on the present referendum. I do believe that the initiatives brought by the people are done so because the Legislature has not acted in a way that has served the interests of a particular group of people. In this case, 53,000 people petitioned the State to have this brought to referendum. Just because certain members of the Legislature do not like the wording on the question is not reason to change it.

We have had our shot before with these issues and when the people bring a petition and collect the signatures and all the work and money that it costs to go for a petition, I don't think we have the right to interfere with that process. We have had our shot in the past, this is the peoples shot and I don't think we should interfere with that just because we think the question would lead people into answering in a way different than we would like it. So, I do want to point out that in reading the amendment, not withstanding any other laws, this act shall apply to all pending ballot questions that have not been voted on. This amendment does apply to this question.

This does not deal with the solemn occasion. This deals with the present question before the people.

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

Senator CLARK: Thank you, Mr. President. I hasten to remind you that I am speaking on this issue as an individual Senator and not as a floor leader.

The attachment of the amendment, as presented by the Senator from Hancock, Senator Perkins, Senate Amendment "A" (S-45) does change the wording of the question on the referendum issue that we have sent out to the people for a vote. It applies to that question. Senator Perkins has explained to you, his motivation in presenting this amendment. I would echo his position. It is a solemn occasion in the State of Maine, when the Legislature's role and the citizen petition process is not clear. Men and women of the Senate, it is not clear. It is not clear in our Constitution, it is not clear in the statutes and I submit that it will not be clear until this Legislature can force, if you will, the Supreme Judicial Court to rule on our role in the initiative process.

The amendment which is tendered this morning, the sole purpose at this time, is to place the Bill in a position that would be most favorable to receiving a ruling from the Maine Supreme Judicial Court. You will remember, I feel sure, that we, in this Body passed a Senate Order declaring a solemn occasion by a majority vote, requesting that the Supreme Court to rule on a similar question, earlier in this very session. You also remember, I have not a moment of doubt, that the Supreme Court chose not to rule. We are not privy to the many reasons for their not addressing the question, and oh, how I wish we could inquire and get a straight answer. But, it was clear from the ruling that the position of the Bill or Bills at that time, was the basis for their non-action. If we place this amendment on this Bill, at this time, we will have placed the Bill in the most receptive position for their attention, to the question of what role does the Legislature play, etc.

The questions are incorporated in Supplement #2, which is on your desk. There is nothing under handed about that. This is a public forum. Nothing is being done without your knowledge, without access to information, volumes of it. Without debate and without our attention collectively. This provides an opportunity, in this session, on this day, to clarify our role as a co-equal branch of the government of this State, dealing with the peoples business.

I think it is an opportunity that we should address positively, should the court rule, clearly and concisely, we will then be faced with this Bill with an engrossment with this amendment attached. There are numbers of opportunities to re-address the question that we have all addressed this afternoon. I think it is an opportunity that is timely, that is solemn, and that we should seize this day. Should this amendment be attached, it is my intention to move to table this Bill, so that it will rest on the table while the order is being presented. I would hope that those motions would receive your positive approval. Thank you.

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

Senator ANDREWS: Thank you, Mr. President. Men and women of the Senate. As a co sponsor of this legislation that we are considering today, and the amendment that we are considering today, I simply would like to say that I do not consider this amendment to be a friendly one. The reason I say that, is because this amendment muddies the waters and in fact, does not make clear what the assumption

behind this Bill simply is. That is, we are recognized as sponsors of this Bill, that perhaps there is merit to the arguments that we have heard about the wording of referendum questions. So, we thought we should address it in a clear piece of legislation that everybody can understand. We also feel very strongly, that there is a process in which we make decisions. There is a process that is fair and there is a process that is not fair. Right now, the process that we have in place, whether you like it or not, that is the process that we, as a legislature, are responsible for and have laid out to the public. It is precisely that process that those who have worked on this referendum used. They did not violate the rules. They didn't change the rules, they didn't monkey with the rules. They followed the rules, that we as a State government had established, to a tee. They did what they had to do under the rules, and we have a question as a result of that process.

We may have questions about the wording of that question. We may have questions about the process. That is why we have this legislation. To look at the process and say that when this process happens again, we are going to make changes. But the basic assumption and it was very important to the sponsors of this Bill, was it not be done retroactively. Because, we felt and feel very strongly, that to do so is simply unfair. It is changing the rules in the middle of the game.

The people who used their constitutional right, did so faithfully and squarely, and they used the rules before them. We shouldn't slap them across the face when they were successful in using that process. I believe even raising the question about retroactive, and I think this amendment comes down to two words, the final two words in the amendment - retro active statute, is the key here. I don't question the sincerity of some members of this chamber, who are forcing this proposal. I have a sneaky suspicion that there are some other forces at work here. I have a suspicion that perhaps, the wording of this question is going to make a difference, or at least some polls are indicating that how this is worded may make a difference on elections day.

Whether it is yes or no, could make a difference in the campaign ahead. I know for a fact, that the campaign for this particular issue, is well under way. I know for a fact, that literature has been produced, calling on voters to vote "no." Literature presented by, made by and printed by the proponents of this referendum. I know there are bumper stickers on cars, in this very parking lot, that say to vote no in November.

Money has been spent, a campaign is under way. We are saying that we are going to perhaps change, now. I think that we sometimes have to step back from our positions on a particular issue. We have to look at the process and we have to look at fairness. In this case, if we all do that, that fairness dictates. That we reject this amendment. The campaign is under way and it probably is going to make a difference. I don't have any problem with the two sides coming in here and battling to get the best position in the field. Of course, if you want to defeat this, you want the best position, and if you support it, you want the best position. I don't have any problem with that. The problem I have is how it is being done. While it may put a positive light or a negative light on one side of the issue, what I am saying, is let us step back and go on the side of fairness. Let the process that was in place, that was laid before the people who started this

referendum, the same process they used in putting this issue before the voters, to keep that process in tact.

I ask you to join those of us who are opposing today's amendment, in the name of fairness. Thank you.

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

Senator GAUVREAU: Thank you, Mr. President. I know we have somewhat protracted debate on this and other issues here this morning. I will try, therefore, to keep my remarks fairly brief. I would ask this distinguished body in consideration of the pending question, to try to divorce itself from the underlying, political implications, of the significance of a vote of either yes or no on this particular question. It seems to me, from my perspective, which I would like to lend to this debate this afternoon. What really is the issue, and I think the good Senator from Cumberland, Senator Andrews alluded to this in his remarks, is that this institution not offend the process which was laid forth by our founding fathers, when the Maine Constitution was adopted in 1820. If we step back for a moment, let's analyze what we're being asked to do. We're being asked, as a Legislature, to determine whether we have authority to amend or alter citizen initiated referendum questions which are being put forth to the voters of this State. It seems to me, that there is a logical reason why our founding fathers allowed the initiative process to go forth. Clearly, if, in the views of a significant number of Mainers, the Maine Legislature did not address an important issue of public policy. There was set forth an alternative mechanism, whereby the voters of this State, could secure, be placed on the ballot, a referendum. It would seem somewhat ironic if, when drafting that particular mechanism, the founding fathers would also have intended to allow the Legislature, that same Legislature that had failed to address that issue of public policy, would bring forth such a referendum.

It seems ironic that the founding fathers would then let the Legislature to somehow intervene and perhaps for the best of intentions, alter or modify the citizen initiated referendum question. It seems to me that opinion is not that of myself, but of far many others more intelligent than I, who have given this careful consideration.

As you well know, the Attorney General has already considered this issue and has determined that this body is without authority to amend such a citizen initiated referendum questions. I think that is fairly clear. I don't think anything will be accomplished by deferring this matter to our law courts for consideration. I might add, there's another matter that I, myself have not decided how I would vote if I was going to be asked the question on the closure of Maine Yankee. There are significant legal issues involved, not the least of which are due process issues and mandated compensation for the owners of Maine Yankee, if in fact the people of Maine would approve such a referendum process. It is not at all clear that we have authority as a State to govern or chart policy in this area. But, those issues, I submit, are more appropriate for public debate when this issue goes forth to the voters. For us to interfere at this point would be, in my view, misconceived and inappropriate policy, and in fact, would go in direct contradiction to the intent of our founding fathers when this alternative mechanism of a citizen initiated referendum process was included in our Constitution.

It is for these reasons and these reasons alone, that I would urge this body to decline the invitation of the good Senator from Hancock, Senator Perkins, and vote no on this issue. Thank you.

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

Senator MATTHEWS: Thank you, Mr. President and members of the Senate. We all have to keep things in perspective. Where is this amendment really coming from? Where has this amendment originated? All we have to look to is history and what has happened over the past year. A utility company, Central Maine Power and Maine Yankee have been trying to change this initiated question from day one. Why? I am not so sure, but I would like to share my comments that I mentioned in the Democratic caucus the other day. If I were the president of CMP, and one of the ranking officials at Maine Yankee, I wouldn't be doing this, because in my estimation, if this amendment succeeds and if this citizen initiated question is changed, you will certainly see a rising of Maine citizens from Kittery to Fort Kent, to close down that plant. The reason is the issue of democracy is at stake today. That is the issue. I have to take exception with my good friend, the Senator from Sagadahoc, Senator Cahill, when she says there is nothing really improper or different about changing the citizen initiated question. I take strong exception to that and so should every member of this Legislature.

There is a very important intricacy part in our democracy and that citizen initiated procedure is the bastion of our democracy, upon which we are formed. I would read to you from the Maine Constitution just two sections. Section 1, under Article 1 of the Declaration of Rights: [All men are born equally free and independent and have certain natural, inherent and unalienable rights. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.] Section 4: [Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press.] Those are very strong words, ladies and gentlemen of the Senate.

I harken back, and I probably shouldn't say this, but I am a member of the JC's and I remember in that creed and I know the JC's have gone through some tough times and they should change on that issue. [We are a government of laws rather than of men.] A government of laws. When we do things to change that premise, we change what we are as a democracy. Believe me, today, the issue before this body is the democratic process. Fellow Republicans of the Senate, fellow Democrats of the Senate. Let's not stand democracy on its' head today. Let's uphold the country that has been such a blessing to all of us. And the system that has been such a blessing. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you, Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question to the good Senator from Kennebec, Senator Matthews. I would like to know why the wording of the question before was not "do you favor the closing of Maine Yankee?" Is it because it has failed already?

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and members of the Senate. Our State Constitution requires the Secretary of State to develop the question. The Maine Legislature has set up, by statute the process which includes going to the Secretary of State and having the question determined by the Secretary of State attached to the petitions. That is what we have referred to earlier.

The actual process that occurred was that the petition organizers did present a question to the Secretary of State as a suggestion. That was the one in which enactment would have been an answer of yes, by the way, and the Secretary of State also asked the opponents for suggestions for questions, the utilities, and took into consideration their suggestions and I understand added that word nuclear power in reference to the power plants, into a question that the Secretary of State or actually the Deputy Secretary of State, designed himself. So, that was the process that occurred. We do have quite a bit of statutory law to implement the Constitution.

I would like to ask for a Roll Call and then subsequently just like to speak to two items that have appeared in the debate. Both the good Senators from Hancock, Senator Perkins and the good Senator from Cumberland, Senator Clark have referred and discussed a separate order, which of course would be a separate motion. That particular order would ask the law courts some questions again. I would like to point out that earlier in the year when we asked the law court those questions, that it took almost 2 months to receive an answer. Of course, the answer was not an advisory opinion, but was simply a communication saying that the court did not feel that there was a solemn occasion. I would suggest that the order which has earlier been discussed, that has nothing to do with the pending motion, in my opinion, that it would not be appropriate to go to the law court immediately if this amendment is adopted, because the House would not have backed it. You did have unanimous report from the Legal Affairs Committee, although one person, the good Senator from Cumberland, Senator Dillenback, had earlier indicated that he did favor changing the question.

I would suggest that if you all are really serious about changing the nuclear plant shut down question to go before the voters in November, and you do want an advisory opinion from the law court, the appropriate time to seek such an advisory opinion, would be after final enactment in both houses of the Legislature. I am just offering that as a suggestion.

I strongly do oppose the amendment. The Attorney General has twice given an opinion, that it cannot be done at mid point in the process, that the question cannot be changed by the Legislature. He used words similar to that of the good Senator from Androscoggin, Senator Gauvreau, when the Attorney General said [moreover it is doubtful that the authors of the initiative provision would repose ultimate control of the ballot question in the hands of the Legislature, when the entire initiative process is designed as a means of over coming the Legislature that refuses to enact the measure itself.] I do ask for a Roll Call.

On motion by Senator KANY of Cumberland supported by a Division of at least one-fifth of the members present and voting a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, ladies and gentlemen of the Senate. After the many discussions on this amendment, I would hasten to add that one of the main reasons for my concern in this, and I think the Senator from Cumberland, Senator Andrews has alluded to it, also, if the wording and the confusion which it creates. It is an established fact that if the wording remains the same, there is the chance for a 20% error. This Legislature has not been unknown or has not hesitated before where there was a chance for a 20% error, to address that and try to correct it. Further, and I think you can relate to this, having seen a question you did not understand, your tendency was to ignore it on the ballot, or if you did understand it, to do the best you could in your understanding, and hope your vote was the way you really intended for it to be.

If, in this process, we cause this 20% error, our we not indeed disfranchising those who do not understand? It would appear to me that they too have a God given right to vote the way they please. Are we giving them this right? The question will be posed. We're not sending it to Washington. We are not sending it to Libya or to Lebanon. It is going to the Maine Supreme Judicial Court. I don't think that is Un-American. In fact, I submit to you it is as American as you can get. Where else would be want to pose a question of the Constitution? Thank you.

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

Senator ANDREWS: Thank you, Mr. President. I would like to go on Record because I want to make absolutely certain that the good Senator from Hancock, Senator Perkins understands what I meant when I spoke earlier. The confusion that you alluded to and the confusion that I talked about, is not going to helped even if you assume that the voters are confused by changing the ballot question. In fact, by changing the question, the question that has already gone through this chamber, is going to add to the confusion. It could take the 20% that we heard about, and I don't know where that 20% came from, but if it is 20%, perhaps it would increase that 20% and create an even greater confusion. The fundamental question with this amendment is whether we could, we are going to ask the court if we could change this wording. Ladies and gentlemen, I don't need to know from the Supreme Court or anybody else if we can do it. It doesn't matter to me if we can do it or not. We shouldn't do it. We shouldn't do it and that is the point. If you believe that we shouldn't do it, there is no reason in the world to ask the Supreme Court if we can do it, because we shouldn't. Thank you.

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

Senator BRANNIGAN: Thank you, Mr. President. Maybe this is too simple, but if we shouldn't do it and I agree that we shouldn't and if the Legal Affairs Committee has done their job, and I believe that they have on this Bill, then all future referendums will be clear and we won't be tempted to meddle in any future referendum questions, so we don't need to know from the law court whether we can meddle anymore. So, I don't think that we need to ask that, whether we can meddle. Maybe that is too simple, but that's the way it seems to me. I am going to vote against it. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PERKINS of Hancock to ADOPT Senate Amendment "A" (S-45).

A vote of Yes will be in favor of ADOPTION.

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 BLACK, BRAWN, CAHILL,  
CLARK, COLLINS, DILLENBACK,  
EMERSON, GOULD, LUDWIG, MAYBURY,  
PERKINS, SEWALL, USHER, WEBSTER,  
WHITMORE, THE PRESIDENT - CHARLES  
P. PRAY

NAYS: Senators ANDREWS, BALDACCI, BERUBE,  
BRANNIGAN, BUSTIN, DOW, DUTREMBLE,  
ERWIN, ESTES, GAUVREAU, GILL, KANY,  
KERRY, MATTHEWS, PEARSON, RANDALL,  
THERIAULT, TUTTLE, TWITCHELL

ABSENT: Senators None  
16 Senators having voted in the affirmative and  
19 Senators having voted in the negative, with No  
Senators being absent, the motion of Senator PERKINS  
of Hancock to ADOPT Senate Amendment "A" (S-45),  
FAILED.

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON EDUCATION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

April 29, 1987

Senator Charles P. Pray, President of the Senate  
Representative John Martin, Speaker of the House  
Dear President Pray and Speaker Martin:

The Joint Standing Committee on Education has  
completed the review of the new administrator and  
teacher certification law required by P.L. 1983,  
chapter 845 and P.L. 1987, chapter 84. We are  
pleased to present the recommendations of the  
majority of the Committee on the certification law.  
A copy is attached along with a copy of legislation  
implementing those recommendations.

These recommendations and accompanying  
legislation are the result of a thorough examination  
of the new certification law and the pilot projects  
established to test that law. We hope our  
recommendations are useful in guiding the Legislature  
in its consideration of this issue.

Sincerely,  
S/Sen. Stephen C. Estes  
Chair  
S/Rep. Stephen M. Bost  
Chair

Which was READ and with Accompanying Papers  
ORDERED PLACED ON FILE.

Off Record Remarks

On motion by Senator DUTREMBLE of York, ADJOURNED  
until Friday, May 1, 1987, at 12:00 in the afternoon.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
59th Legislative Day  
Friday, May 1, 1987

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

Prayer by Reverend Richard H. Hall, St. Philip's  
Episcopal Church, Wiscasset.

The Journal of Thursday, April 30, 1987, was read  
and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on State and Local  
Government reporting "Leave to Withdraw" on Bill "An  
Act to Establish the Maine Legislative Commission on  
Intergovernmental Relations" (S.P. 250) (L.D. 699)

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

Ought to Pass in New Draft

Report of the Committee on Appropriations and  
Financial Affairs on Bill "An Act Making Unified  
Appropriations and Allocations for the Expenditures  
of State Government, General Fund, and Changing  
Certain Provisions of the Law Necessary to the Proper  
Operations of State Government for the Fiscal Years  
Ending June 30, 1988, and June 30, 1989" (Emergency)  
(S.P. 206) (L.D. 577) reporting "Ought to Pass" in  
New Draft (Emergency) (S.P. 449) (L.D. 1375)

Came from the Senate, with the report read and  
accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read  
once.

Under suspension of the rules, the New Draft was  
read a second time, passed to be engrossed in  
concurrence.

Non-Concurrent Matter

RESOLVE, to Compensate Thomas P. Peters, II,  
Attorney-at-law, for Professional Services Rendered  
in the Adoption of Benjamin B., Heather B. and Lucas  
B. (S.P. 287) (L.D. 814) which was Finally Passed in  
the House on April 29, 1987.

Came from the Senate, Passed to be Engrossed as  
amended by Senate Amendment "A" (S-47) in  
non-concurrence.

The House voted to adhere.

COMMUNICATIONS

The following Communication:

MAINE INDIAN  
TRIBAL-STATE COMMISSION  
PO BOX 87  
HALLOWELL, MAINE 04347

April 29, 1987

The Honorable John L. Martin  
Speaker of the House  
Maine House of Representatives  
The Honorable Charles P. Pray  
President of the Senate  
Maine Senate

Dear Mr. Speaker and Mr. President:

In accordance with Title 30 MRSA 6205(5) and  
Joint Rule 36-A of the Maine Legislature, the Maine  
Indian Tribal-State Commission met on April 28, 1987  
for the purpose of making a recommendation on L.D.  
488. With a quorum present, a motion was made and