

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
Monday
May 4, 1987

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMPENSATION COMMISSION

April 30, 1987

Honorable Charles P. Pray
President of the Senate
Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333

Senate called to Order by the President.

Prayer by Pastor Emeritus Winifred Reynolds of the Windsor Memorial Baptist Church in Windsor.

PASTOR REYNOLDS: Our Father, God, in the midst of these changing times and with values that seem to change, we would think of Thee as to give to us the assurance that Thou art the same yesterday, today and forever. We realize that right and wrong are unchanging even as Thou art and so in this quiet moment as we enter upon a new day and a new week, as we face human issues, help us not to have selfish motives or wrong desires. But give to us wisdom and guidance that we may make decisions as they affect others in the light of Thy right and wrong. Bless our nation, our state and our communities on this day. In this time of perplexity and confusions, may we turn to Thee in Whom there is order and peace to say in God is our trust. In Jesus' name. Amen.

Reading of the Journal of Friday, May 1, 1987.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Create a Maine Dairy Stabilization Fund"

H.P. 1015 L.D. 1368

In House, April 28, 1987, referred to the Committee on AGRICULTURE and ORDERED PRINTED.

In Senate, April 29, 1987, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

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

House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Detection and Removal of Asbestos Hazards in State Facilities and Public Schools"

H.P. 1041 L.D. 1403

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing Municipalities with Opportunity Zones to Authorize Selective Tax Exemptions to New or Expanded Businesses within the Zone

H.P. 1035 L.D. 1393

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

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

COMMUNICATIONS

Dear Senator Pray and Representative Martin:

The State Compensation Commission is pleased to submit its first Interim Report to the Legislature as required by statute, 3 M.R.S.A. § 2-A.

The Commission has met twice since it was originally convened by Senator Pray as Chairman of the Legislative Council. In these meetings we have reviewed our statutory charge and defined both the preliminary scope of our work and a schedule for completing our work. The enclosed Interim Report lays out the proposed scope and schedule for our work. It contains no recommendations. We expect, however, to complete our work in at least one area and submit recommendations before adjournment of the First Regular Session.

As you know, the membership of the present Commission is the same as the 112th Commission. We appreciate having the opportunity to continue working together and with the Legislature and believe the continuity will be important in what we are able to accomplish. We look forward to reviewing the Interim Report with you and to working with you throughout the biennium.

Respectfully submitted,
S/Stephen R. Crockett
Chairman

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Acquisition of Public Lands"

S.P. 465 L.D. 1422

Presented by Senator PERKINS of Hancock
Cosponsored by: Speaker MARTIN of Eagle Lake,
Representative STANLEY of Cumberland Foreside,
Representative MCGOWAN of Canaan
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Limit the Time Allowed to Complete an Investigative Consumer Report"

S.P. 468 L.D. 1428

Presented by Senator TWITCHELL of Oxford
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Require Municipal Approval of New or Expanded Landfill Facilities"

S.P. 470 L.D. 1430

Presented by Senator TUTTLE of York
Cosponsored by: Representative MURPHY of Berwick, Representative RIDLEY of Shapleigh, Representative LORD of Waterboro
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Establish a Cancer Prevention and Control Advisory Committee"

Bill "An Act to Provide for the Electric Power Needs of the State while Phasing Out Nuclear Power Generation" (Emergency)

S.P. 462 L.D. 1419
Presented by Senator MAYBURY of Penobscot
Cosponsored by: Representative NICHOLSON of South Portland, Representative MACBRIDE of Presque Isle, Senator BERUBE of Androscoggin
Submitted by the Department of Human Services pursuant to Joint Rule 24
Bill "An Act to Amend the Laws Governing the Licensing of Children's Homes"

S.P. 471 L.D. 1431
Presented by Senator KERRY of York
Cosponsored by: President PRAY of Penobscot, Speaker MARTIN of Eagle Lake, Representative VOSE of Eastport
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on UTILITIES and ORDERED PRINTED.
Sent down for concurrence.

S.P. 463 L.D. 1420
Presented by Senator WEBSTER of Franklin
Cosponsored by: Representative FARNUM of South Berwick, Representative ROLDE of York, Representative GARLAND of Bangor
Submitted by the Department of Human Services pursuant to Joint Rule 24
Bill "An Act to Adjust Time Limits and Clarify Responsibility for Certification and Registration of Deaths"

Pursuant to the Statutes Committee on AUDIT AND PROGRAM REVIEW
Senator BUSTIN for the Committee on AUDIT AND PROGRAM REVIEW, pursuant to the Maine Revised Statutes, Title 3 Chapter 23, ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency)

S.P. 466 L.D. 1423
Presented by Senator WHITMORE of Androscoggin
Cosponsored by: Senator ESTES of York, Representative MURPHY of Berwick, Representative LEBOWITZ of Bangor
Submitted by the Department of Human Services pursuant to Joint Rule 24
Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

S.P. 459 L.D. 1406
Be referred to the Joint Standing Committee on AUDIT AND PROGRAM REVIEW for Public Hearing and printed pursuant to Joint Rule 18.
Which Report was READ and ACCEPTED.
The Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, pursuant to Joint Rule 18.
Sent down for concurrence.

Bill "An Act Concerning the Affidavit of Paternity"

S.P. 460 L.D. 1417
Presented by Senator MAYBURY of Penobscot
Cosponsored by: Senator BUSTIN of Kennebec, Representative BRAGG of Sidney, Representative WENTWORTH of Wells
Submitted by the Department of Human Services pursuant to Joint Rule 24
Bill "An Act to Amend the Probate Code to Allow Reasonable Compensation for Public Guardians or Conservators"

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

COMMITTEE REPORTS
House
Ought Not to Pass

S.P. 461 L.D. 1418
Presented by Senator BLACK of Cumberland
Cosponsored by: Representative TAYLOR of Camden, Representative HICHBORN of LaGrange, Senator DUTREMBLE of York
Submitted by the Department of Human Services pursuant to Joint Rule 24
Bill "An Act to Simplify Fees for Certified Copies of Divorce Reports"

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 Increase the Tax Exemption on Church Parsonages"

S.P. 464 L.D. 1421
Presented by Senator SEWALL of Lincoln
Cosponsored by: Representative FOSTER of Ellsworth, Representative LORD of Waterboro, Senator THERIAULT of Aroostook
Submitted by the Department of Human Services pursuant to Joint Rule 24
Bill "An Act to Amend the Maine Juvenile Code to Provide Greater Flexibility in Sentencing Juvenile Offenders"

H.P. 265 L.D. 348
Bill "An Act to Insure Clean-up Capability by Persons Undertaking Movement of Hazardous Materials"
H.P. 667 L.D. 900
Bill "An Act to Require Payment of the Property Tax at the Time of Transfer"
H.P. 774 L.D. 1046
Bill "An Act to Establish the Procedure for Notice and Foreclosure of Delinquent Real Property Taxes in Municipalities When the Property Owners are Unknown"
H.P. 793 L.D. 1065

S.P. 469 L.D. 1429
Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative WARREN of Scarborough, Representative MARSANO of Belfast, Representative COTE of Auburn

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 a Juvenile to Waive the Protection of the Maine Juvenile Code"
H.P. 227 L.D. 295

Bill "An Act Relating to the Quality Incentive Adjustment in the Educational Finance Law" (Emergency)

H.P. 476 L.D. 643

Bill "An Act to Require Notice of the Smoking Policy in Restaurants"

H.P. 664 L.D. 897

Bill "An Act to Alter the Exemptions in Property Tax"

H.P. 812 L.D. 1086

Bill "An Act to Amend the Laws Regarding Small Claims"

H.P. 898 L.D. 1199

Bill "An Act Relating to a Court Appearance by a Property Manager on Behalf of a Landlord"

H.P. 918 L.D. 1230

Ought to Pass

The Committee on FISHERIES AND WILDLIFE on Resolve, to Create a Commission to Review the Laws Relating to Registered Maine Guides (Emergency)

H.P. 993 L.D. 1339

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on UTILITIES on Bill "An Act to Clarify the Laws for Transmission of Electric Power to Study Related Issues"

H.P. 131 L.D. 160

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-82).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-82) READ.

On motion by Senator KERRY of York, Tabled 1 Legislative Day, pending ADOPTION of Committee Amendment "A" (H-82).

Ought to Pass in New Draft under New Title

The Committee on BUSINESS LEGISLATION on Bill "An Act to Prohibit Vending Machine Sales of Cigarettes"

H.P. 163 L.D. 204

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Regulate the Location of Vending Machines Containing Cigarettes"

H.P. 1033 L.D. 1391

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 TAXATION on Bill "An Act Relating to Taxation of Aircraft" (Emergency)

H.P. 190 L.D. 234

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-77).

Signed:

Senators:

TWITCHELL of Oxford

DOW of Kennebec

SEWALL of Lincoln

Representatives:

CASHMAN of Old Town

SWAZEY of Bucksport

NADEAU of Saco

DUFFY of Bangor

INGRAHAM of Houlton

JACKSON of Harrison

ZIRNKILTON of Mount Desert

SEAVEY of Kennebunkport

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

Signed:

Representatives:

MAYO of Thomaston

DORE of Auburn

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-77) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Enable the Department of Transportation to Produce the State Map"

H.P. 337 L.D. 436

Reported that the same Ought Not to Pass.

Signed:

Senators:

DOW of Kennebec

THERIAULT of Aroostook

CAHILL of Sagadahoc

Representatives:

MILLS of Bethel

CALLAHAN of Mechanic Falls

SOUCY of Kittery

REEVES of Pittston

MACOMBER of South Portland

SALSBURY of Bar Harbor

POULIOT of Lewiston

MOHOLLAND of Princeton

MCPHERSON of Eliot

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

Signed:

Representative:

STROUT of Corinth

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 Provide Equitable Rate Making in Medical Professional Liability Insurance"
S.P. 233 L.D. 627

Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act Relating to Disclosures When Selling Used Cars"

S.P. 295 L.D. 845

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-51).

Signed:

Senators:

BALDACCI of Penobscot
BRANNIGAN of Cumberland
WHITMORE of Androscoggin

Representatives:

ALLEN of Washington
ALIBERTI of Lewiston
GURNEY of Portland
TELOW of Lewiston
HILLOCK of Gorham
LEBOWITZ of Bangor
STEVENS of Sabattus
REED of Falmouth

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

Signed:

Representatives:

RACINE of Biddeford
SHELTRA of Biddeford

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-51) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act Concerning Inspection, Registration and Abandonment of Dams"

H.P. 1022 L.D. 1376

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

Bill "An Act to Provide Unemployment Compensation During Employer-initiated Lockouts"

H.P. 1008 L.D. 1355

Which was READ A SECOND TIME.

On motion by Senator WEBSTER of Franklin, 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 Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President and members of the Senate. I would like to pose a question through the Chair to any Senator who may care to respond. In regard to this particular Bill, would it mean that if an employer locked out employees who wanted to go to work, they would be able to get employment directly assessed against that employer, or would it be against the general unemployment fund?

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

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. If the Bill passes and an employer locked out his employees who want to go to work, in this case they would receive unemployment compensation only the experienced rating of that employer would be effected. The only time the cost of unemployment compensation would effect all the other employers is if ever the trust fund is so badly depleted in the negative that they have to put in money to make it up, as it happened in the seventies. In this case here, only when an employers experienced rating was effected by a lockout, would a lockout be effective in the system, not all employers.

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

Senator BALDACCI: Thank you Mr. President, the question more directly, it has been my understanding in the past that the fund has been depleted and has required other employers to pay in addition to the experience in a short fall that the fund has, even though their experience rating may be very good they are still assessed a percentage of their gross payroll to make up that difference. If some mill of eight hundred employees was somehow impacted on the unemployment fund, would it be realistic to assume with the past record of the unemployment fund and that particular number of employees that, in fact, it would have to be from the general employers of the state together.

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

Senator COLLINS: Thank you Mr. President, both of the previous speakers are correct in their observations. The fund impacts, most directly, as a result of a particular employers activity. It is true that the experienced modification factor deals first with that employer, however, the danger is as the fund is depleted then other employers have to contribute to that and of course we had a situation in the seventies when the fund got into a minus position and all employers in the state had to contribute through a surtax, while we paid off the debt that we had incurred from the federal government. While it is true that it bears first on the immediate employer, it can in certain situations, as the fund is depleted, cost all employers to add addition funding to the fund. Thank you.

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

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. It would be great if no employer had to pay into an unemployment insurance compensation fund, but the system was designed to replace lost wages when an employer cannot provide work to a person or persons who want to work.

This is what we are talking about when we are talking about an employer initiated lockout. People want to go to work, they may actually walk to the door and were refused entry, or can be refused entry into the plant. They want to work, but cannot because the employer refuses. That is what the unemployment insurance compensation is suppose to take care of. Thank you.

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

Senator BALDACCI: Thank you Mr. President and members of the Senate. I don't intend to disagree with the good Senator from York, Senator Dutremble, but the fact of the matter is, in this particular circumstance, the allowance of unemployment compensation due to a lockout. It is my understanding that these things take place probably

during negotiations or the potential of the lack of negotiations between the employer and the employees. I think that if this law was more directly targeted to the employers, specifically, in that other employers were not liable for that particular action of that individual case, I think it would be more just and equitable. I think that it is unfortunate that they are trying to amend the unemployment law when, in fact, they should be dealing more harshly and severely with the particular employer in that particular situation where the employees want to go to work. Thank you Mr. President.

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

Senator CLARK: Thank you Mr. President, men and women of the Senate. A lot of the focus on the debate relative to this Bill, has been directed at the potential for assessing all employers of this state. When employers in the state of Maine have been assessed it has been an admiration of what is normally the conduct and the operation of the unemployment system. In times of great recession, perhaps even depression, but we didn't call it that back in the early seventies when, in fact, employers across the state were assessed to reimburse the unemployment fund following a major period of unemployment and adjustment economically in the state.

Many of us have served in this Legislature for years, and years, and years and some of us haven't, but we all our sensitive to the ebb and flow of our economy. We are all sensitive and, particularly, aware of the influence of small businesses in our state. I would submit to you here, this morning, that this Bill should appropriately be Passed to be Engrossed, because the pressure of the many small employers across the state will be focused on that potential employer who chooses to lockout his or her employees who wish to work. Lockouts occur, not casually, but as a result of severe labor strikes and when an employer chooses to use that action to enhance their position in the process of this labor strike or negotiations, they are, in fact, depriving employees of their subsistence.

I think it is appropriate in these instances that the unemployment fund come to the rescue and maintain at a barely subsistence level the employees who would normally wish to work who exhibited by their behavior a willingness to work and who want, above all, to work, because they can afford to do nothing else.

A lockout can be compared to laying seize in the medieval days, we all remember our history. When the enemy would surround the castle and lay seize to those inside and starve them out. While the conditions may not be as severe, and the ultimate goal not as final, that is, in fact, what a lockout is. And if the influence, the considerable influence of the employers in this state, big, medium, and small, can be exerted under the potential of, maybe, an assessment, to be directed against the employer that chooses this less than admirable labor technique to get his or her employees where they want them. then I think it is appropriate and that Passage to be Engrossed is also appropriate this morning.

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

Senator PERKINS: Thank you Mr. President, ladies and gentlemen of the Senate. I think my associate the Senator from Cumberland, Senator Clark, has played something that I don't think is possible. I as an employer in a small town in Hancock County, am going to have very little pressure, whether it be peer pressure or whatever pressure on an employer in York County, who decides to lockout their employees. It would be nice if I could stamp my foot and cause

an earthquake and have such a tremor that it disturb that employer in York County to the degree that he would cease and desist this labor practice, but I doubt that it will happen. The small businesses of the state, of which make up almost 90% of the businesses, are not a labor group, so, thus, are not organized to the degree to act in a similar matter of the labor organization. To suggest that it would be possible for them to exert a pressure on a larger employer, I think is perhaps wishful thinking at best. I think that for us to say that they are going to exert any pressure that would be substantive or effective, will not work and could, indeed, if the employer is large enough to end the strike or the lockout long enough, will impact drastically on the unemployment fund.

THE PRESIDENT: The pending question before the Senate PASSAGE TO BE ENGROSSED.

A vote of Yes will be in favor of PASSAGE TO BE ENGROSSED.

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, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, ERWIN, ESTES, KANY, KERRY, MATTHEWS, PEARSON, THERIAULT, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BLACK, CAHILL, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, GILL, GOULD, LUDWIG, MAYBURY, PERKINS, SEWALL, TWITCHELL, WEBSTER, WHITMORE

ABSENT: Senators BRAUN, GAUVREAU, RANDALL, TUTTLE, USHER

Senator DUTREMBLE of York requested and received Leave of the Senate to change his vote from YEA to NAY.

14 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 5 Senators being absent, the Bill FAILED of PASSAGE TO BE ENGROSSED in NON-CONCURRENCE.

Sent down for concurrence.

(See Action Later Today)

House As Amended

Bill "An Act to Amend the Laws Concerning Extension of Motor Vehicle Registration Expiration Dates"

H.P. 116 L.D. 141
(C "A" H-78)

Resolve, to Name the Bridge Crossing the Sabattus River at Lisbon Village the Lisbon Veterans' Memorial Bridge

H.P. 343 L.D. 442
(C "A" H-79)

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

Senate As Amended

Bill "An Act to Clarify and Simplify the Maine Consumer Credit Code"

S.P. 177 L.D. 503
(C "A" S-48)

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

Sent down for concurrence.

ENACTORS

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

An Act to Include the Tacoma Lakes in the Valuation of the Cobbossee Watershed District

H.P. 440 L.D. 593
(C "A" H-69)

An Act to Amend the Experimental Vehicle Law

H.P. 653 L.D. 881

An Act Relating to Historic Bridges

H.P. 650 L.D. 878

An Act Relating to Enforcement of Accessibility Standards for Places of Public Accommodations

S.P. 440 L.D. 1349

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 the Membership of the Atlantic Sea Run Salmon Commission

H.P. 999 L.D. 1345

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

An Act to Amend the Maine Tort Claims Act Relating to Personal Liability of Employees of a Governmental Entity

H.P. 1000 L.D. 1346

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

Emergency

An Act to Revise the Law Prohibiting the Use of Drugs in Animals Competing in Pulling Events

S.P. 266 L.D. 747
(C "A" S-37)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Make Technical Adjustments to the Truck Overweight Law

H.P. 651 L.D. 879

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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 Amend the Marriage Prohibitions Based on Consanguinity

H.P. 1002 L.D. 1348

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

Senator CAHILL: Thank you Mr. President, men and women of the Senate. Regarding L.D. 1348, I was just looking at the Statement of Fact and, as far as I can determine, this Bill would allow first cousins to marry, providing that they receive genetic

counseling. I was wondering if someone on the Committee might give us a little update behind this legislation.

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 Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President and members of the Senate. Maine law for many years, hundreds of years, has allowed cousins to marry without permission from a judge or without any other prohibitions. Recently, the Legislature, without a great deal of discussion, decided that it would prohibit cousins from marrying. The testimony at the hearing, at that time, which I believe was two years ago in front of one of the other Committees in the Legislature, decided that there was some genetic reasons why cousins should not marry because of the offspring of those cousins having some risk that is a bit more than with those who are not cousins. Therefore, a prohibition was passed.

There are several sets of cousins who do not intend to have children, who were very surprised. This is something there is not a lot of publicity about and so this Bill originally came in as L.D. 544, sponsored by several people, wanting us to allow people to marry who were not going to have children. Our Committee wrestled at great length as to how we would define those who were not going to have children and there was a great deal of sympathy on the part of the Committee that we allowed this to happen. It was just a way of finding a good way to find those who were not going to have children versus those who would. There was also a lot of testimony presented that really there is no problem with cousins marrying. The chances of genetic defeat are very slight and so it was the decision of the Committee, rather than to define those who were not going to have children, to change to a new draft which would allow people to have genetic counseling and then make a decision as to whether they were in any danger. This would allow them to marry with that counseling.

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

Senator COLLINS: Mr. President, I feel rather uncomfortable with this Bill, I guess I think that the risk is, perhaps, a little greater than the Senator from Cumberland has indicated and it seems to me that this was a change that the Legislature made a few years ago that was an appropriate one. I would feel a lot more comfortable if there were some way to either prevent by some fashion in the law where there were to be children. I don't have any objection to first cousins marrying if there are to be no children by the union, but it seems to me we are on rather precarious ground when we just require that they have counseling, but we don't say that they may not get married. I don't pretend to be an expert in this field and supposedly the Judiciary Committee has weighed this possibility, but it is something that I don't feel comfortable about and I guess I shall not vote for it.

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

Senator BLACK: Thank you Mr. President and fellow Senators. This issue was debated in the Judiciary Committee. There was no scientific or knowledgeable breed to prove that this Bill would be contrary to any good practices that we use in genetics.

Many opinions, but nobody can come forth with them. If people carried some recessive genes it

would not be advisable for them to have children. If they happen to be carrying positive ones, it would be very beneficial. As a matter of fact, line breeding interrelated in animals is the way you get your best breeding. I have done that very successfully and have the proof of it. There is no reason, also from the people in the departments here, have already stated so. I don't know why a law should be changed that has been on the books since Maine became a state, until two or three years ago. I see nothing wrong with it. Thank you.

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

Senator BRANNIGAN: Thank you Mr. President, men and women of the Senate. I would say that this Bill did get a great deal of attention in the Committee, because we wanted to come down with a middle ground and I am not an expert either, Senator Collins, and neither was anyone on the Committee. We talked with geneticist in the Bangor area who felt that the law was wrong as it was changed before. It should be allowed, there isn't any risk worthy of changing an age old law. If there was any danger in it, it would have been a much greater danger in the days when people lived more closer together, those who were a family.

In every effort we tried to make, to define people who would not have children, we came to the problem of people having to go off and be sterilized in order to get married, to testify to different situations that we just felt were not good practice. So we felt because there was no great danger from the geneticists testimony, plus the fact that we would leave it with people to make their own decisions once they had been counseled and given those minor dangers that there might be in their gene pool, we felt it was important to go ahead with this. It is an unanimous Committee Report and it was given a lot of consideration. Thank you.

This being an Emergency Measure and having received the affirmative vote of 19 Members of the Senate, with 11 Senators having voted in negative, and 19 being less than two-thirds of the entire elected Membership of the Senate, the Bill FAILED OF PASSAGE TO BE ENACTED in NON-CONCURRENCE.

Sent down for concurrence.

ORDERS OF THE DAY

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

An Act to Amend the Maine Tort Claims Act Relating to Personal Liability of Employees of a Governmental Entity

H.P. 1000 L.D. 1346

Tabled - May 4, 1987, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, May 4, 1987, PASSED TO BE ENACTED.)

(In Senate, April 29, 1987, PASSED TO BE ENGROSSED, in concurrence.)

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

Off Record Remarks

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 for Removal of Oil Storage Tanks and Related Ground Water Restoration"

H.P. 1048 L.D. 1411

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Sewerage Treatment Plant Construction"

H.P. 1049 L.D. 1412

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

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Create Job Opportunity Zones"

H.P. 1057 L.D. 1427

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

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Extend the Period for Filing Birth Records"

H.P. 1045 L.D. 1408

Bill "An Act to Increase Penalties for Violation of Laws Relating to Vital Statistics"

H.P. 1046 L.D. 1409

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

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code"

H.P. 1051 L.D. 1414

Bill "An Act to Fight Illegal Drug Use"

H.P. 1052 L.D. 1415

Bill "An Act Concerning the Requirements of Practicing Law"

H.P. 1056 L.D. 1426

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

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Make the Director of Safety a Major Policy-influencing Position"

H.P. 1044 L.D. 1407

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

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Return to Maine Income Taxpayers the Additional Tax Payments Associated with Conformity to the United States Internal Revenue Code of 1986 for Tax Year 1987"

H.P. 1050 L.D. 1413

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

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Clarify the Taking of Property by the Department of Transportation"

H.P. 1047 L.D. 1410

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

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Establish a State Nuclear Safety Program for Commercial Nuclear Power Facilities in the State"

H.P. 1053 L.D. 1416

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

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

(See Action Later Today)

Senate at Ease
Senate called to order by the President.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it referred to the Committee on UTILITIES:

Bill "An Act to Establish a State Nuclear Safety Program for Commercial Nuclear Power Facilities in the State"

H.P. 1053 L.D. 1416

(In Senate, May 4, 1987, referred to the Committee on UTILITIES and ORDERED PRINTED, in concurrence.)

(In House, May 4, 1987, referred to the Committee on UTILITIES and ORDERED PRINTED.)

On further motion by same Senator, Tabled 1 Legislative Day, pending REFERENCE.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Authorize a Bond Issue in the Amount of \$4,300,000 for Constructing and Equipping Centers for Advanced Technology that Service the Economic Development Needs of Maine"

S.P. 220 L.D. 601

Tabled - March 10, 1987, by Senator CLARK of Cumberland.

Pending - Motion of Senator PEARSON of Penobscot to RECONSIDER REFERENCE

(In Senate, March 3, 1987, referred to the Committee on ECONOMIC DEVELOPMENT.)

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

Senator ANDREWS: Thank you Mr. President, men and women of the Senate. No one likes a reference dispute, particularly when they spill out onto the floor of the Senate, I am certainly among them, but this issue has been on the Unassigned Table for so long and a resolution has not been forthcoming, and because of the waning days of this session, it is important for us to finally take the bull by the horns and make a decision one way or the other. I ask you that you stick with our original action, whereby we referred this Bill to the Joint Standing Committee on Economic Development and that you vote against the motion for us to Reconsider that action.

Just by way of a brief history lesson, we created the Joint Standing Committee on Economic Development for two essential reasons. Number one, to place the issue of economic development front and center before this Body and the other Body and state government as a whole. It was a recognition of the importance of economic development and a recognition for this Legislature to deal with this very important area front and center.

Second, we developed this Committee to coordinate the number of economic development proposals that effect a wide variety of issues and areas into a coordinated economic development package that we could submit to the Governor and to the people of the state of Maine. The Administration has concurred with that direction in proposing before this session the creation of a Department of Economic Development, so that the Administration could also coordinate its efforts around the area of economic development.

Whenever you create a new committee, you create the potential for conflict when it comes to reference issues. And yes, we are the new kid on the block, but when there have been issues where reference issues have surfaced with other committees, where there was certainly the potential of a Bill being considered economic development or, perhaps, in the jurisdiction of another committee the Joint Standing Committee on Economic Development has been forth coming in sitting down with those committees and working out a way to resolve those potential conflict, it has happened with the Committee on Labor, it has happened with the Committee on Education, and it has happened with the Committee on Taxation. We are flexible and we are reasonable, we like to think of ourselves as so, but the Bill that we have before us and there are two others on the Unassigned Table, we feel are absolutely critical to economic development and the creation of a coordinated economic development policy.

As a matter of fact, if you look at the issue that we are debating right now and then you look at Tabled item number five, you will see that they are very similar. They both deal with advanced technology and using this advanced technology and coordinating this technology in research around this technology to promote the economic development needs of Maine. There are other Bills before our Committee that will relate directly to how we develop the potential technology centers. The only way we can do that in a responsible way, is to allow our Committee to do its job. Namely, take all of these proposals dealing with technological development, allow us to coordinate them and develop them, to look at them in

the context of the proposed Department of Economic Development and come out with a coordinated package that makes sense. One Bill with relationship to the other.

The question before us, I submit, is not a question of whether this Bill should go to the Joint Standing Committee on Economic Development or the Joint Standing Committee on Appropriations. It is going to go to the Appropriations Committee one way or the other. The bond issues will all end up on the Appropriations Committee Table. The question is how this Bill and other Bills like it, upon today's Unassigned Table, will go there. I submit that it makes good public policy for us to submit to the Appropriations Committee and to the Legislature as a whole, a coordinated package. That we take the various initiatives along this line, balance them one against the other, look at them in the context of our overall economic development initiatives and then pass out a package, including a bond package, that makes sense one issue related to the other.

For that reason I ask you to vote against the motion to Reconsider our action, whereby this Bill was referred to the Joint Standing Committee on Economic Development. Thank you.

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

Senator PEARSON: Mr. President, men and women of the Senate. Whether we like it or not we are in the middle of a dispute on where a Bill or Bills should go, there are three items on the calendar, only one which is before us now. They are bond issues.

I think that most of you are familiar enough with the process to know that in the past bond issues have gone to the Appropriations Committee to be heard. We have this year before us 158 million, 800 thousand dollars worth of bond issue proposals so far. Two of them were reference in the calendar this morning. We have hearings on the bond issues and we save our actions in our Committee until almost the very last, the reason we do that is multi-faceted. One, we can't float that many bonds without effecting our bond rates. Even more important than that, or as equally as important as that is that when we start receiving Bills from all kinds of different committees that have money on them, we find out whether or not the Bills we have before us are doing some of the same things that the bond issues do. If they do, we try to tailor the bond issue, or the Bills before us, to compliment one another. We can't do it any other way and make any kind of fiscal sense out of it. It seems to me that we usually float between fifty and sixty million dollars worth of bond issues each year. So, we are going to have to pare that down. Before the Committee on Appropriations, right now, of that number, six of them that are similar, some of them introduced by the Governor and some by individual sponsors, some of them having an effect on land acquisition, cleaning of oil storage tanks, all kinds of different issues. Every one of those issues is important, and we try to take them at the end of the year after we have heard the Bills with all the arguments for and against and combine the ones that seem to be similar in nature, for example, an oil contamination clean up bond issue and the removal of oil storage tanks, might very well be a similar bond issue.

It really would be a very difficult process, if we weren't able to bring this all together and hear the Bills and the arguments of the different people who are for and against it in front of us. Secondhand explanation of the Bills, I think, would serve no one well. So, consequently, I think it is tremendously important that we have a coordinated

bond program, because of our rating and because of the knowledge that is necessary in order to make an intelligent decision about which ones we ought to float.

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

Senator DILLENBACK: Thank you Mr. President, Ladies and gentlemen of the Senate. I concur with the Senator Cumberland.

The number of years that I have served in the Legislature, it seems to me I have always heard at the end of the session what a problem the Appropriations Committee has, the amount of work they have, the night sessions they have, all of the problems they have dealing with these Bills. Here is an opportunity for them to get a little relief. We have a wonderful group on the floor, the Economic Development Committee, if you look at the list of people that are serving on that Committee you would be proud to have them make a decision. These people have one interest and that is to develop the economy of the state of Maine.

It seems to me that if we do a little of work for the Appropriations Committee, prior to them getting all of the bond issues down there, it might be an aid to them. Certainly, they can't be proficient in everything. We think we are proficient in the subject we have to study. Perhaps they can be proficient on how many bonds go out, but let us decide which is the most appropriate way to go. I hope you will support the comments of the Senator from Cumberland. 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. Not to prolong the debate on this issue, but I simply would like to say that I agree with just about everything the good Senator from Penobscot, Senator Pearson, had to say, when he addressed the Senate this morning. I have great respect for our colleagues on the Joint Standing Committee on Appropriations, including my seat mate to my right. I have no disagreement that, indeed, we should have a coordinated bond program, to take a look at one bond as it relates to the other. In fact, that is exactly what we will have if we send this Bill and the other two Bills, first, to the Joint Standing Committee on Economic Development. I submit that it will make all of our jobs easier, if the Appropriations Committee could have before it, not just two or three isolated Bills dealing with economic development, but a coordinated bond package that makes sense. One, with respect to the other and have before it the input and the resources of the Joint Standing Committee on Economic Development. It will not take away from our common interest in having a coordinated bond package voted out by the Appropriations Committee. I believe it will enhance that process, by giving the Economic Development Committee a chance to do its' work and vote out a coordinated economic development bond package. Thank you.

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

Senator BERUBE: Thank you Mr. President and members of the Senate. Generally, Bills that deal with policy issues, the meat, the substance of an issue go to their appropriate committees, notice that I say the appropriate committees. But, when it comes in matters dealing with funding, with bonding, they generally come to the Appropriations Committee.

If you will notice what L.D. 601 is, much of the wording is very similar to the wording of all bonding

proposals. Appropriations has dealt with issues that have to do with job creating opportunities created by bonding issues, those have come to the Appropriations Committee.

I would also remind you, that last year we funded the Maine Science and Technology Board, which in turn renders assistance for economic development. If you will also notice in your part 1 budget revised, there is an appropriation of \$200,000 for each year of the biennium for that group. So, we are very much involved in funding matters, whether they be bonding or general fund. I strongly urge you support the motion to Reconsider whereby the Bill was referred to the Committee on Economic Development. Thank you.

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. I just have a brief comment to make. Since I have been down here, and I guess for most of us as members of the Legislature, from time to time reference battles arise. One of the things that concerns me about this particular issue is that there is an opportunity for committees to jointly work together. If there isn't, God save us all, because issues are on the balance and can effect two areas. I don't understand why the Economic Development Committee and the Appropriations Committee can't work jointly on an issue of such magnitude for all of us. I guess I will throw that out in the form of a question, why that can't be done. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot, to RECONSIDER whereby the Bill was referred to the Committee on ECONOMIC DEVELOPMENT.

A Division has been requested.

Will all those in favor of the motion of Senator PEARSON of Penobscot to RECONSIDER REFERENCE, please rise in their places and remain standing until counted.

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

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot, to RECONSIDER whereby the Bill was referred to the Committee on ECONOMIC DEVELOPMENT, PREVAILED.

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

Senator ANDREWS: Thank you Mr. President, men and women of the Senate. I would like to get one additional bite of the apple, before we make this final vote. One thought came to mind to Table this for 1 Legislative Day, but we have been Tabling this so long, that we might as well take some action one way or the other today.

This issue that is now before us and I know it is a tough one for us to decide between two committees. Certainly, there is the option for these two committees to work together, in fact, if we allow this Bill to go to the Joint Standing Committee on Economic Development, in fact, we will be working together. It will allow the Joint Standing Committee on Economic Development to do it's job, to look at these issues with respect to the other. It will allow us to provide a coordinated package to the Appropriations Committee and to work with the Appropriations Committee in its' deliberations on this legislation. We have a Joint Standing Committee on Economic Development, ladies and gentlemen, we have some important resources on that committee.

We have a Bill here that deals directly, if you read the Bill, it talks about advanced centers for technology to help us to stimulate economic

development, to keep up with the rest of the country in similar actions that they have taken to to this thing. We can be penny wise and pound foolish, we can act quickly or we can act deliberatively. We can look at one issue with respect to another issue, however, and come up with a coordinated package that makes sense. An economic development package that makes sense. I believe that giving this Committee the chance to do its' job, to do what it was set out to do, makes an awful lot of sense for this Legislature. It makes an awful lot of sense for the Appropriations Committee. And, it makes an awful lot of sense for the process.

Senator ANDREWS of Cumberland moved that the Bill be referred to the Committee on ECONOMIC DEVELOPMENT.

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. It seems that I must have missed the vote, I thought the motion would be to refer to the Committee on Appropriations. I would just like to say, in response to Senator Andrews, from Cumberland, in his latest statement that it making sense that the committees work together and give some kind of a coordinated program. That offer was made, as a matter of fact, part of the joint rules that the Appropriations Committee has on it the members of other committees can attend and work together. Appropriations people asked for the advice of the Committee on Economic Development in determining the pitfalls and the attributes of those Bills. I don't want anyone to think here that a good faith effort on my part wasn't made. I would like to think that I make a pretty good faith effort on almost every issue that comes before the Appropriations Committee. I understand that the nature of the Committee is one that is such everybody wants to get on it at the beginning of the year and everybody dislikes it towards the end of the year. That is part of the difficulty with, not only serving on it, but also chairing it. When you have a picture like we have to face, of almost 159 million dollars worth of bond issues and trying to decide which ones are the ones are the most necessary and the ones that must absolutely float.

The Committee that I serve on is reluctant to float bonds, believe it or not. We try to keep it down to as low as we possibly can, but we do float some and we like to know as much as we possibly can, about each and every issue.

We are busy in that Committee, we have been the busiest we have ever been, since I have been in the Legislature in the last twelve years. That doesn't mean that we don't want to do a good job. In order to do a good job, it seems to me, we have to know as much as we possibly can about all the ins and outs of all the Bills, and bond issues, in particular.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I don't want to prolong this, but I would say that it seems to me that whatever we do in Economic Development is going to cost money. I don't care how you do it, where you do it, it is going to come down to either bonding or financing. Every time that happens, it is going to go to the Appropriations Committee, they are going to have the final word, regardless. They are the ones that are going to make the decision. It just seems to me that if we don't have the opportunity to review these Bills, there probably isn't much sense in having an Economic Development Committee. Thank you.

THE PRESIDENT: The pending question is the motion of Senator ANDREWS of Cumberland to refer to the Committee on ECONOMIC DEVELOPMENT.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator ANDREWS of Cumberland to refer to the Committee on ECONOMIC DEVELOPMENT, please rise in their places and remain standing until counted.

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

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator ANDREWS of Cumberland, to refer to the Committee on ECONOMIC DEVELOPMENT, FAILED.

On motion by Senator PEARSON of Penobscot, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Establish the Maine Business Opportunity and Job Development Program"

S.P. 313 L.D. 915

Tabled - March 27, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.)

On motion by Senator PEARSON of Penobscot, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland the Senate removed from the Unassigned Table the following:

Bill "An Act to Promote Technology Development, Product Development, Research and Innovation for Maine Industry"

S.P. 353 L.D. 1045

Tabled - April 1, 1987, Senator CLARK of Cumberland.

Pending - REFERENCE

(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

On motion by Senator PEARSON of Penobscot, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Senator DUTREMBLE of York, moved to RECONSIDER whereby the Senate FAILED to PASS TO BE ENGROSSED:

Bill "An Act to Provide Unemployment Compensation During Employer-initiated Lockouts"

H.P. 1008 L.D. 1355

(In Senate, May 4, 1987, READ A SECOND TIME. Subsequently, FAILED of PASSAGE TO BE ENGROSSED IN NON-CONCURRENCE.)

(In House, April 29, 1987, PASSED TO BE ENGROSSED.)

Senator COLLINS of Aroostook requested a Roll Call.

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

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

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

The pending question before the Senate is the motion of Senator DUTREMBLE of York, to RECONSIDER whereby the Bill FAILED of PASSAGE TO BE ENGROSSED.

A vote of Yes will be in favor of RECONSIDERATION.

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.

Senator TWITCHELL of Oxford who would have voted Nay requested and received Leave of the Senate to pair his vote with Senator GAUVREAU of Androscoggin who would have voted Yea.

ROLL CALL

YEAS: Senators ANDREWS, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, KANY, KERRY, MATTHEWS, PEARSON, THERIAULT, TUTTLE, USHER, THE PRESIDENT - CHARLES P. PRAY

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

ABSENT: Senators BRAUN, RANDALL

PAIRED: Senators GAUVREAU, TWITCHELL

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, and 2 Senators having paired their votes, the motion by Senator DUTREMBLE of York to RECONSIDER whereby the Bill FAILED of PASSAGE TO BE ENGROSSED, PREVAILED.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, ladies and gentlemen of the Senate. Before we continue on with this issue, I would like to tell a story about a good friend of ours, who served here, Senator Shute from Waldo County. He once told me that on an issue that is bad, that is really bad, that he was going to vote no every time.

Senator WEBSTER of Franklin requested a Division.

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

Senator BALDACCI: Thank you Mr. President and members of the Senate. It is pretty evident today what is going to happen with this particular issue and it probably should happen. But, I can imagine that the issue is going to be with us for a little while longer, not so much in the Senate, but maybe here in the Legislature, in some fashion. I would like to think that there would be an opportunity to be able to sit down with people proposing this particular legislation, because I don't think that it is appropriate. I really don't, and that is why I can't support it. I don't think that it is fair to the unemployment fund and I don't think it is fair to all the other employers. But, I do think something ought to be done in regards to an employer initiated lockouts, because people do want to go to work. I think that there should be something more sensible in this particular area and I will continue to encourage you to vote against this particular proposal in light of being able to sit down and discuss this so that there would be something else we could do. Thank you.

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

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. I just thought I had to

respond to the good Senator from Franklin, Senator Webster, before we went on with this vote. That he was going to vote no anytime that he thought the legislation was bad. I want everybody to understand that it is only the good Senator's opinion that this is a bad piece of legislation. The rest of us feel that this is a great piece of legislation needed to protect the people from employers who lockout people who want to go to work.

If the good Senator from Franklin really believes that we are going to deal with all issues that way, maybe the rest of us can go home and he can tell us what his opinions are on every issue and we will vote yes or no. I don't think the people in my district would be too crazy about that.

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

Senator WEBSTER: Mr. President, ladies and gentlemen of the Senate. This morning we debated this issue, we have had a number of votes. It is clear, at this point, what the majority of the Senate wants. I know how the vote is going to end up, but you know, as I have been here over the years, I go home and people say how did you vote for such a Bill? There are certain times, on certain issues, that I have to vote no on every vote. I don't want anybody out there thinking that I would support this type of legislation, which is not in the best interest of my constituents, or the constituents of most of the people that I know in a lot of the districts in the state. Perhaps, the labor union in this state think it is a good idea, I don't happen to think it is. I am proud to stand here and vote no and that is why I am asking for a Division on Passage to be Engrossed.

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

Senator MATTHEWS: Thank you Mr. President and members of the Senate. With all due respect to the good Senator from Waldo, Senator Gould, I want to mention this statement and I mean it in all sincerity. If the good Senator Shute were here, I would be interested to see how he would vote.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED.

A Division has been requested.

Will all those Senators in favor of PASSAGE TO BE ENGROSSED, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill was PASSED TO BE ENGROSSED, in concurrence.

On motion by Senator MATTHEWS of Kennebec, ADJOURNED until Tuesday, May 5, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
61st Legislative Day
Tuesday, May 5, 1987

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

Prayer by Reverend Robert Tapper, First Baptist Church, Cherryfield.

The Journal of Monday, May 4, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Promote Technology Development, Product Development, Research and Innovation for Maine Industry" (S.P. 353) (L.D. 1045)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Establish the Maine Business Opportunity and Job Development Program" (S.P. 313) (L.D. 915)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Economic Development.)

On motion of Representative Lisnik of Presque Isle, tabled pending reference in concurrence and later today assigned.

LATER TODAY ASSIGNED

Bill "An Act to Authorize a Bond Issue in the Amount of \$4,300,000 for Constructing and Equipping Centers for Advanced Technology that Service the Economic Development Needs of Maine" (S.P. 220) (L.D. 601)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Economic Development.)

On motion of Representative Crowley of Stockton Springs, tabled pending reference in concurrence and later today assigned.

Unanimous Leave to Withdraw

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Provide Equitable Rate Making in Medical Professional Liability Insurance" (S.P. 233) (L.D. 627)

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

Non-Concurrent Matter

LATER TODAY ASSIGNED

An Act to Amend the Marriage Prohibitions Based on Consanguinity (Emergency) (H.P. 1002) (L.D. 1348) which was passed to be enacted in the House on May 1, 1987.

Came from the Senate failing of passage to be enacted in non-concurrence.