

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

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

In Senate Chamber  
 Wednesday  
 June 10, 1987

Senate called to Order by the President.

Prayer by the Honorable Donald F. Collins of Aroostook.

SENATOR COLLINS: Let us be in the spirit of prayer. O Lord, as we go about our legislative duties, these last days of the session, grant us wisdom and courage that we may make decisions that are beneficial to all the people in this state. Help us to respect the views of others, to remember that we are all human and to retain a sense of humor. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE  
 Non-concurrent Matter

Bill "An Act to Prevent Abuse of Handicapped Parking Spaces"

S.P. 458 L.D. 1402  
 (C "A" S-148)

In Senate, June 9, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-148).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-148) AS AMENDED BY HOUSE AMENDMENT "A" (H-290), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMITTEE REPORTS

House

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 Provide a Sales Tax Exemption on the Sale of the Self-help Literature on Alcoholism"

H.P. 73 L.D. 76

Bill "An Act to Establish a Sales Tax Exemption for Sales to Incorporated Nonprofit Homes for the Elderly"

H.P. 110 L.D. 120

Bill "An Act to Fund Energy Outreach Workers in Presque Isle, Bangor, Augusta, Lewiston and Portland"

H.P. 200 L.D. 252

Bill "An Act to Fund Increased Insurance Costs, Children's Programs, Rural Outreach Programs and Minimal Standard Requirements in the 9 Member Agencies of the Maine Coalition for Family Crisis Services"

H.P. 234 L.D. 302

Resolve, Appropriating Funds for the Chester Dental Clinic

H.P. 332 L.D. 431

Bill "An Act to Provide a Sales Tax Exemption for Nonprofit Animal Shelters"

H.P. 478 L.D. 645

Bill "An Act to Ensure Job Training Assistance to All Aid to Families with Dependent Children" (Emergency)

H.P. 486 L.D. 653

Bill "An Act to Provide a Special Needs Payment to Recipients of Aid to Families with Dependent Children for Excessive Housing Costs"

H.P. 519 L.D. 692

Bill "An Act to Expand the Sales Tax Refund for Agricultural and Other Equipment"

H.P. 744 L.D. 1007

Bill "An Act Concerning the Taxation of State Lottery Prizes"

H.P. 746 L.D. 1009

Bill "An Act to Enable Local School Administrative Units to Support Certain Child Care Programs"

H.P. 906 L.D. 1218

Bill "An Act to Promote the Development and Improvement of Child Care Resources in Maine"

H.P. 1083 L.D. 1474

Bill "An Act to Create a Crisis Intervention Program for the Mentally Ill to Serve Penobscot, Hancock, Piscataquis and Washington Counties"

H.P. 1147 L.D. 1562

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency)

H.P. 1318 L.D. 1802

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 23.

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

Ought to Pass in New Draft

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Dealing with the Authority of Harbor Masters" (Emergency)

H.P. 254 L.D. 327

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

H.P. 1315 L.D. 1794

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-288).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-288) READ and ADOPTED, in concurrence.

Under suspension of the Rules, the Bill in NEW DRAFT READ A SECOND TIME and the NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

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

Ought to Pass in New Draft under New Title

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Provide for Municipal Control of Noise Generated by Development"

H.P. 1030 L.D. 1388

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide for Noise Generated by Developments" (Emergency)

H.P. 1319 L.D. 1803

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.

Under suspension of the Rules, the Bill in NEW DRAFT under NEW TITLE READ TWICE and the NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

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

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Concerning Removal of Submerged Watercraft in Coastal Waters of this State"

H.P. 992 L.D. 1338

Reported that the same Ought to Pass in New Draft under New Title Resolve, Requiring the Department of Conservation to Study the Problem of Submerged Watercraft in Coastal Waters of the State (Emergency)

H.P. 1316 L.D. 1795

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the rules, the Resolve in NEW DRAFT under NEW TITLE READ TWICE and the NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

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

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.

On motion by Senator DUTREMBLE of York, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Divided Report

The Majority of the Committee on ECONOMIC DEVELOPMENT on Bill "An Act to Create Job Opportunity Zones"

H.P. 1116 L.D. 1512

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Delineate Areas of Economic Distress and to Create Job Opportunity Zones to Alleviate Distress"

H.P. 1312 L.D. 1790

Signed:

Senators:

ANDREWS of Cumberland

KANY of Kennebec

Representatives:

CROWLEY of Stockton Springs

PRIEST of Brunswick

MELENDY of Rockland

CARROLL of Gray

STEVENS of Bangor

MAHANY of Easton

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under same title.

H.P. 1313 L.D. 1791

Signed:

Senator:

DILLENBACK of Cumberland

Representatives:

BAILEY of Farmington

ARMSTRONG of Wilton

STANLEY of Cumberland Foreside

HICHBORN of LaGrange

Comes from the House the Minority OUGHT TO PASS IN NEW DRAFT (H.P. 1313) (L.D. 1791) Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Revise the Review Process of the Maine Health Care Finance Commission"

H.P. 435 L.D. 588

Reported that the same Ought Not to Pass.

Signed:

Senators:

GAUVREAU of Androscoggin

GILL of Cumberland

KERRY of York

Representatives:

MANNING of Portland

DELLERT of Gardiner

PINES of Limestone

LAPOINTE of Auburn

TAYLOR of Camden

BOUTILIER of Lewiston

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Require the Maine Health Care Finance Commission to Recognize the Cost of Patient Volume Currently Served"

H.P. 1314 L.D. 1792

Signed:

Representatives:

ROLDE of York

CLARK of Brunswick

SIMPSON of Casco

FARNUM of South Berwick

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

Which Reports were READ.

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

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Revise the Harassment Law"

H.P. 984 L.D. 1331

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

H.P. 1309 L.D. 1787

Signed:

Senators:

BRANNIGAN of Cumberland

GAUVREAU of Androscoggin

Representatives:

PARADIS of Augusta

COTE of Auburn

CONLEY of Portland

THISTLE of Dover-Foxcroft

VOSE of Eastport

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

Signed:

Senator:

BLACK of Cumberland  
Representatives:  
BEGLEY of Waldoboro  
MARSANO of Belfast  
MACBRIDE of Presque Isle  
HANLEY of Paris  
WARREN of Scarborough

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

Which Reports were READ.

On motion by Senator CLARK of Cumberland, the Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED IN NON-CONCURRENCE.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED IN NON-CONCURRENCE.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants"

H.P. 1310 L.D. 1788

Reported that the same Ought to Pass.

Signed:

Senators:

DUTREMBLE of York  
ANDREWS of Cumberland

Representatives:

MCHENRY of Madawaska  
RAND of Portland  
HALE of Sanford  
RUHLIN of Brewer  
JOSEPH of Waterville  
TAMMARO of Baileyville

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

Signed:

Senator:

COLLINS of Aroostook

Representatives:

ZIRNKILTON of Mount Desert  
HEPBURN of Skowhegan  
WILLEY of Hampden  
BEGLEY of Waldoboro

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

Senator DUTREMBLE of York moved the ACCEPTANCE of the Majority OUGHT TO PASS Report, in concurrence.

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

Senator COLLINS: Thank you Mr. President and members of the Senate. The Labor Committee, under the leadership of its good Chairman, has again performed substantial service in trying to put together a Bill on drug testing that we could all support. I regret to say that, in spite of the effort, it is one that I cannot support. It has done several things that I think are worthy of comment and commendation. Among those things, he has relieved some of the pressure for the cost of the program from small businesses. For this I am truly appreciative. However, it seems to me that if we are to enact legislation in this area, we do, in fact, have to face up to the fact that we must have a truly random method of testing for safety sensitive positions. In spite of all the changes that have been made, this issue has not yet been addressed satisfactorily. So, I would urge you to oppose the pending motion.

Senator COLLINS of Aroostook requested a Division.

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

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. When we addressed the drug testing issue this last time in the Committee, we tried to address those concerns that Governor McKernan had and I think we did a pretty good job. I think most of the changes that were made on the Bill that were concerns Governor McKernan had, would have been taken care of initially when we worked on this issue, if they had been there in the first place. Regardless, we have taken care of just about all of the concerns that were relayed to us, with the exception of one. That still remains the issue of random testing versus probable cause. I guess I really tried to understand random testing and I really tried to see if I could go along with it when we dealt with the issue downstairs. We talked about it, but the more I heard I realized the less I liked. Then I found out that what they really wanted was not just random testing, but random and arbitrary testing. I might say that not everyone could go along with that. Arbitrary testing would mean that an employer would be able to test an employee anytime and as many times a year as he or she wants to. As opposed to a strict form of random testing, which would be picking an employee out of a hat and testing him only at that time. The more I heard, the more I realized that we were really going in a direction that was much too far.

I also realize that if we didn't do anything this year that there wouldn't be any protection. A decision has to be made by some of us whether or not we should put random testing in, in exchange for those protections. I really debated that over a great period of time and I still just couldn't allow myself to ever agree to random testing.

I am really glad to report to you today that I just heard that the New York high Court of Appeals has ruled that random testing is unconstitutional in the private sector. I don't have that in writing yet, we have sent for it and we are suppose to get that within twenty-four hours, but the Court of Appeals in New York has ruled that random testing is unconstitutional and this was for the private sector. Sometime in your life as a Senator you are going to have to decide whether or not the constitution means anything.

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

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion of Senator DUTREMBLE of York to ACCEPT the Majority OUGHT TO PASS Report.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, 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: Senator KERRY

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator DUTREMBLE of York, to ACCEPT the Majority OUGHT TO PASS Report, PREVAILED.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Name the Finback Whale as the State Marine Mammal"

H.P. 368 L.D. 482

Reported that the same Ought to Pass.

Signed:

Senators:

TUTTLE of York  
BALDACCI of Penobscot  
GOULD of Waldo

Representatives:

CARROLL of Gray  
HUSSEY of Milo  
ANTHONY of South Portland  
LOOK of Jonesboro  
LACROIX of Oakland  
BOUTILIER of Lewiston

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

Signed:

Representatives:

BICKFORD of Jay  
STROUT of Windham  
WENTWORTH of Wells  
ROTONDI of Athens

Comes from the House the Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

On motion by Senator TUTTLE of York, the Majority OUGHT TO PASS Report was ACCEPTED in NON-CONCURRENCE.

Under suspension of the Rules, the Bill READ TWICE.

Senator TWITCHELL of Oxford moved the INDEFINITE POSTPONEMENT of the Bill and all Accompanying Papers.

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

Senator TUTTLE: Thank you Mr. President and members of the Senate. Someone asked me if I could do CPR on a finback whale and I told them I would give it my best shot, so here goes. I hope you will vote against the motion to Indefinitely Postpone, L.D. 482, proposes to establish the finback whale as our marine mammal. Other current designees would be the state bird is the chickadee, the state flower is the pine cone, I have a list here, the state animal is the moose and the state cat is the Maine coon cat. I guess the only question that arises is whether there are any other types of marine mammals that might also qualify for such a distinction. I don't know, but I imagine as the debate goes on we might hear about it today.

Several coastal states have adopted a whale species as their state marine mammal, including Massachusetts with the north atlantic whale, Connecticut with the sperm whale and Hawaii with the humpback whale. As Maine's economy has always been closely linked to the sea, the adoption of the state marine mammal is an appropriate gesture, I feel, to the heritage of Maine. The finback whale is the most common large whale found around the coast of Maine.

The finback whale is the second largest species ever to have lived on earth. The reason, basically, that I supported this Bill is because the finback is presently an endangered species. It is the hopes of the majority of the Committee that this Bill will assist in the preservation of the finback from extinction. I hope you would vote against the pending motion.

Senator TUTTLE of York 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. Being the other Senator on the State and Local Government Committee that dealt with this particular matter, I had the first impression that probably most of you had, which was come on now, we just went through a terrible debate with a lobster on the license plate and that sort of thing and we don't want to go through this again, that was my first reaction. But, we had students from the College of the Atlantic down to the Committee hearing discussing marine sciences and marine biology. The students that were making these presentations and talking about the endangered species, the real intent here was not to do anything other than direct young peoples attention.

Here we have today people who are being honorary pages, we have pictures on the wall that are of the ocean, of the coastal Maine, fishermen looking over the coastal part of the state of Maine. Maine is a very coastal state. Marine biology, marine sciences are something that maybe we all take for granted, our knowledge in that particular area and it was very convincing to me to have had the position that I was opposed to originally to be confronted with the knowledge that maybe we were depriving a lot of the younger people the attention on marine sciences and marine biologies, that there ought to be. So, we didn't get bogged down as to whether it was a seal or a pup or whatever else.

The issue was really the issue to direct the attention to that particular area. So, I think with its' endangered species class, the size of it, the attention and minority that should be obtained from it, that maybe it will start to become an interest in young peoples mind about the marine live around the state of Maine, which there is an awful lot of. So, it was done with that intent and if you look at it without the reaction of saying I am opposed to it because I have had enough of this type of thing and look at it for the educational value for the young people in the state of Maine, I think you will find it very beneficial. It was to me in the presentation in the Committee so I hope you will not support Indefinite Postponement of this Bill.

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

Senator TWITCHELL: Thank you Mr. President and members of the Senate. I live far inland, I am not near the ocean, but all the children in my area and even my own children have always gone down to see Andre the Seal. Thousands of people have seen the seal. I have never seen a whale, my children have never seen a whale, but we all have seen the seal. So, I thought maybe that should have been the choice to make rather than the finback whale. I hope you will support my motion.

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

Senator TUTTLE: Thank you Mr. President and members of the Senate. I don't mean to belabor this issue, but in response to the good Senator from Oxford, Senator Twitchell, I also live inland. In response to the support for the harbor seal, I would

respond by saying that if this Bill passes, I will take it upon myself to designate that the state finback whale will be a first cousin of Andre the Seal. Also, I received a call from some of my constituents in Sanford last night on this issue. They said that they had spotted two finback whales on Main Street in Sanford and that they were wicked big. There were in support of this Bill totally and said that anything that big deserves to be protected and that we should support this Bill. I rest my case.

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. As the Chairman of the Marine Resources Committee and someone who has learned a great deal about marine resources this year, but who knows a little bit about this situation world wide with the killing of whales, I don't want this Body to look at this issue in any light hearted way. I know that the sponsors of this Bill were serious when it came forward to the State and Local Government Committee and I know that the students at the College of the Atlantic are serious in the study of marine biology. I can't see any harm in the passage of this Bill. I don't live on the coast, but I enjoy the coast and the marine environment and it is very important to this state. The killing of whales is a tragedy that should be shared by all of us. I have had the pleasure to see whales off the coast of Maine and elsewhere and for those in this Body who have not seen the magnificent beauty of a whale at sea, you should really take that opportunity to go to the coast and take a cruise to maybe get that first hand glimpse. The whale is the last vestige of a mammal that in size and beauty we just don't have too much of in this world. They are very, very unique and just because of my position on the Marine Resources Committee and knowing how important marine ecology is and biology, I would ask this Body not to deal with this issue lightly and not to deal with it as an inland or coastal Senator, but look at the issue on its merits. I see nothing wrong with passage of this Bill and I don't know what happened elsewhere, but I would ask the Senate to do what is right and vote on the merits of this issue.

Off Record Remarks

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

Senator CLARK: Thank you Mr. President, men and women of the Senate. The pending motion is Indefinite Postponement of a Bill, which by its very nature, was suspect in this 113th Maine Legislature. Suspect because we have been tossed around by the media and by our constituents, as a result of our focus on a lobster on Maine's license plate, as the result of an extended debate on what kind of cat would be Maine's official cat and on earlier legislative sessions, which is some measure, focused on honey bees versus other kinds of insects, namely the black fly. We have here this morning from a number of inland Legislators and I speak before you as a Senator from the coastal region. I too have seen the magnificent view of a whale at sea, and I hope that I don't see too many whales that are not at sea for they are not as magnificent. But as a coastal Legislator, too often the focus of our energies and our industry is other than the coast and it is indeed appropriate that this Senate address the issue very seriously, casting aside the aspersions

which have been directed upon the Legislature relative to past action.

I too parenthetically favor the harbor seal, namely the heirs, sisters and brothers and extended family of our now departed Andre the Seal, but the finback whale is an endangered species and by placing this endangered species on Maine's list of favored living things, we may, in fact, be adding simply one more positive action toward its' survival. If we can, as a state, name a mammal whose main residence is on the earth, the moose, then it is equally appropriate, as reflected by our State Seal, that Maine also designate in this case the finback whale, as Maine's marine mammal. I would encourage you to reject the pending motion of Indefinite Postponement.

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

A Division has been requested.

Will all those Senators in favor of the motion of Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, 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.

4 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion of Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, FAILED.

Which was PASSED TO BE ENGROSSED in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Reduce the Incidence of Motor Vehicle Accidents among Maine's Young Drivers"

H.P. 236 L.D. 304

Reported that the same Ought Not to Pass.

Signed:

Senators:

THERIAULT of Aroostook

CAHILL of Sagadahoc

Representatives:

SOUCY of Kittery

MACOMBER of South Portland

MCPHERSON of Eliot

STROUT of Corinth

CALLAHAN of Mechanic Falls

SALSBURY of Bar Harbor

MOHOLLAND of Princeton

POULIOT of Lewiston

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-287).

Signed:

Senator:

DOW of Kennebec

Representatives:

MILLS of Bethel

REEVES of Pittston

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.

SECOND READERS

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

Senate As Amended  
Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency)  
S.P. 576 L.D. 1717  
(C "A" S-147)

Which was READ A SECOND TIME.

On motion by Senator BRANNIGAN of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED.

ENACTORS

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

An Act to Implement the Recommendations of the Joint Select Committee for Learning Disabled Children  
H.P. 350 L.D. 449  
(C "A" H-253)

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

An Act Relating to Adult Education  
H.P. 893 L.D. 1194  
(H "A" H-243; S "A" S-137)

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

Emergency Resolve

Resolve, Pertaining to the Implementation of a Plan for Greater Coordination of Human Resource Development Programs

H.P. 1277 L.D. 1748

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

ORDERS OF THE DAY

RECALLED FROM ENGROSSING

Bill "An Act to Provide Health Care Benefits to Uninsured Individuals"

H.P. 1292 L.D. 1770

(In Senate, June 8, 1987, PASSED TO BE ENGROSSED, in concurrence.)

(RECALLED, pursuant to Joint Order S.P. 611.)

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

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

On further motion by same Senator, Senate Amendment "A" (S-151) READ and ADOPTED.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

RECALLED FROM ENGROSSING

Bill "An Act to Ensure Safe Abatement of Asbestos Hazards" (Emergency)

H.P. 1286 L.D. 1762  
(H "A" H-278)

(In Senate, June 8, 1987, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

(RECALLED, pursuant to Joint Order S.P. 612.)

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

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

On further motion by same Senator, Senate Amendment "A" (S-150) READ and ADOPTED.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

On motion by Senator BERUBE of Androscoggin, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Enhance Local Control of Community Growth and Strengthen Maine's Land Use Laws  
S.P. 601 L.D. 1764

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act to Enhance Higher Educational Opportunities

H.P. 581 L.D. 779  
(C "A" H-259)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act Relating to Reimbursement of Counties for Costs Associated with Operations of the County Jails

H.P. 808 L.D. 1082  
(H "A" H-269 to C "A" H-239)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 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.

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

ENACTORS

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

Emergency Resolve



Resolve, to Create the Commission on Sport Fisheries to Study the Possibility of Enhancing and Upgrading Fishing Opportunities in the State

S.P. 591 L.D. 1744  
(S "B" S-143)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Requiring the Commissioner of Educational and Cultural Services to Develop a Plan to Improve the State's Adult Education Program to More Adequately Address the Problems of Illiteracy and High School Completion

H.P. 1281 L.D. 1754

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Resolve

Resolve, Creating a Watershed District Commission  
S.P. 261 L.D. 742  
(H "B" H-268 to C  
"A" S-65)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Resolve, Authorizing the Exchange by the Department of Defense and Veterans' Services of a Certain Parcel of Land in Bangor, Fronting Main Street, for 2 Parcels of Land at the Bangor International Airport, being part of the Former Dow Air Force Base

H.P. 1293 L.D. 1771

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

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

ENACTORS

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

An Act to Ensure that Salaries, Perquisites and Other Compensation of Executives of Regulated Utility Companies are Just and Reasonable and do not Unfairly Increase Utility Rates

H.P. 1282 L.D. 1755

An Act Concerning Wholesale Power Purchases by Consumer-owned Electric Utilities

H.P. 1283 L.D. 1756

An Act to Establish a Program of Financial Assistance to Expedite the Removal of Underground Oil Tanks

H.P. 1287 L.D. 1763

(See Action Later Today)

An Act to Establish a Cancer Prevention and Control Advisory Committee

S.P. 462 L.D. 1419

(C "A" S-146)

An Act to Assure Accessibility to Newly Constructed and Renovated Educational Facilities

S.P. 600 L.D. 1760

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

On motion by Senator BERUBE of Androscoggin, the Senate RECONSIDERED whereby it PASSED TO BE ENACTED:

An Act to Establish a Program of Financial Assistance to Expedite the Removal of Underground Oil Tanks

H.P. 1287 L.D. 1763

(In Senate, June 10, 1987, PASSED TO BE ENACTED, in concurrence.)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act Relating to the State Employee Assistance Program

H.P. 683 L.D. 924

(C "A" H-271)

On motion by Senator BERUBE of Androscoggin, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Amend Certain Motor Vehicle Laws

H.P. 150 L.D. 191

(C "A" H-275)

On motion by Senator DOW of Kennebec, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-157) READ and ADOPTED.

On motion by Senator CAHILL of Sagadahoc, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-275).

On further motion by same Senator, Senate Amendment "A" (S-156) to Committee Amendment "A" (H-275) READ and ADOPTED.

Committee Amendment "A" (H-275) as Amended by Senate Amendment "A" (S-156), thereto ADOPTED in NON-CONCURRENCE.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

ENACTORS

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

An Act to Refund Fuel Taxes

H.P. 1006 L.D. 1353

(H "C" H-267 to C  
"A" H-246)

(See Action Later Today)

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

H.P. 1046 L.D. 1409  
(C "A" H-276)

An Act to Protect the State's Freshwater Great  
Ponds and Rivers

H.P. 1285 L.D. 1761

An Act to Amend the Laws Relating to the Maine  
State Retirement System

H.P. 1291 L.D. 1769  
(H "A" H-273)

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

On motion by Senator DOW of Kennebec, the Senate  
RECONSIDERED whereby it PASSED TO BE ENACTED:

An Act to Refund Fuel Taxes

H.P. 1006 L.D. 1353  
(H "C" H-267 to C  
"A" H-246)

(In Senate, June 10, 1987, PASSED TO BE ENACTED,  
in concurrence.)

On motion by Senator DOW of Kennebec, placed on  
the SPECIAL HIGHWAY TABLE, pending ENACTMENT.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Provide Discretion to the State  
Liquor Commission to Establish Temporary Agency  
Liquor Stores in Response to Natural Disasters"  
(Emergency)

H.P. 1311 L.D. 1789

In House, June 9, 1987, referred to the Committee  
on LEGAL AFFAIRS and ORDERED PRINTED.

In Senate, June 9, 1987, READ TWICE and PASSED TO  
BE ENGROSSED, without reference to a Committee and  
ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

On motion by Senator DOW of Kennebec, the Senate  
RECEDED and CONCURRED.

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 an Additional Section to  
the Maine Code of Military Justice to Encompass  
General Disciplinary Offenses Similar to the United  
States Code of Military Justice"

H.P. 1320 L.D. 1804

Committee on AGING, RETIREMENT AND VETERANS  
suggested and ORDERED PRINTED.

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

On motion by Senator CLARK of Cumberland, Tabled  
1 Legislative Day, pending REFERENCE.

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

PAPERS FROM THE HOUSE  
Joint Resolution

The Following Joint Resolution: H.P. 1321  
JOINT RESOLUTION MEMORIALIZING THE CONGRESS

OF THE UNITED STATES TO PASS SPOUSAL  
IMPOVERISHMENT LEGISLATION FOR RELIEF WHERE ONE  
SPOUSE IS CONFINED TO A NURSING CARE FACILITY AND  
THE OTHER SPOUSE IS USING ALL AVAILABLE RESOURCES  
TO PAY FOR THE CARE OF THAT SPOUSE

WE, your Memorialists, the Senate and House of  
Representatives of the State of Maine in the First  
Regular Session of the One Hundred and Thirteenth  
Legislature, now assembled, most respectfully present  
and petition the Members of the United States  
Congress, as follows:

WHEREAS, current Medicaid procedures impose great  
hardships on a married couple when one spouse  
requires institutionalization and one spouse remains  
at home; and

WHEREAS, the institution attaches the income of  
the spouse who is institutionalized; and

WHEREAS, the spouse at home, which is the wife  
80% of the time, is left with insufficient income for  
support of herself and maintenance of the home; and

WHEREAS, current regulations of the United States  
Department of Health and Human Services do not  
adequately define the ownership and availability of  
income between married spouses in these  
circumstances; and

WHEREAS, Senator George Mitchell, Representative  
Olympia Snowe and other Members of Congress have  
initiated federal legislation to correct this  
inequity; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby  
respectfully urge the Congress to work expeditiously  
to enact legislation reforming the Medicaid program  
to repair this inequity that causes hardship to Maine  
citizens; and be it further

RESOLVED: That suitable copies of this Memorial  
duly authenticated by the Secretary of State, be  
transmitted to the President of the Senate and the  
Speaker of the House of Representatives in the  
Congress of the United States and to each Member of  
the Maine Congressional Delegation.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act Relating to Periodic Justification  
of Departments and Agencies of State Government under  
the Maine Sunset Laws" (Emergency)

S.P. 590 L.D. 1743

In Senate, June 5, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS  
AMENDED BY HOUSE AMENDMENT "A" (H-291) in  
NON-CONCURRENCE.

On motion by Senator WEBSTER of Franklin, the  
Senate RECEDED and CONCURRED.

Senator KANY of Kennebec moved to RECONSIDER  
whereby the Senate RECEDED and CONCURRED.

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

Senator KANY: Thank you Mr. President and  
members of the Senate. I hope the Senate will go  
along with this motion and that we can Recede  
instead. I am having an amendment drafted.  
Something was just called to my attention early this  
afternoon regarding a definition for having to do  
with child abuse and I would really like to address  
that with debate in the Senate. So, I ask you to  
reconsider and to allow us to pursue this particular  
definition.

On motion by Senator BUSTIN of Kennebec, Tabled  
until Later in Today's Session, pending the motion of

Senator KANY of Kennebec to RECONSIDER whereby the Senate RECEDED and CONCURRED.

Off Record Remarks

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Joint Select Committee on CORRECTIONS on Resolve, to Establish the Juvenile Corrections Planning Commission

H.P. 951 L.D. 1280

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

H.P. 1302 L.D. 1781

Comes from the House, with the Report READ and ACCEPTED and the Resolve in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-283).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve in NEW DRAFT READ ONCE.

House Amendment "A" (H-283) READ and ADOPTED, in concurrence.

Under suspension of the Rules, the Resolve in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on JUDICIARY on Bill "An Act to Amend Certain Probate Laws"

H.P. 591 L.D. 802

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

H.P. 1322 L.D. 1805

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.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and the NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

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

ENACTORS

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

An Act to Authorize the Construction of an East-West Highway

S.P. 231 L.D. 625

(S "B" S-144; C "A" S-145)

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

Under suspension of the Rules, ordered sent forthwith.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Resolve, Creating the Commission to Study the Use of Involuntary Services for Substance Abusers (Emergency)

S.P. 324 L.D. 952

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-160).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-160) READ and ADOPTED.

Under suspension of the Rules, the Resolve READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Make Technical Amendments in the Certificate of Need Act to Expedite the Process"

S.P. 483 L.D. 1460

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-159).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Senate at Ease

Senate called to order by the President.

Committee Amendment "A" (S-159) READ and ADOPTED. The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

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 Enhance and Expand Services Provided to Victims of Sexual Assault"

S.P. 229 L.D. 623

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, to Support Dioxin Research by the Bureau of Health

S.P. 316 L.D. 918

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-161).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-161) READ and ADOPTED.

Under suspension of the Rules, the Resolve READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

## Off Record Remarks

## ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on ECONOMIC DEVELOPMENT on Bill "An Act to Create Job Opportunity Zones"

H.P. 1116 L.D. 1512

Majority - Ought to Pass in New Draft under New Title Bill "An Act to Delineate Areas of Economic Distress and to Create Job Opportunity Zones to Alleviate Distress"

H.P. 1312 L.D. 1790

Minority - Ought to Pass in New Draft under same Title

H.P. 1313 L.D. 1791

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

Pending - ACCEPTANCE OF EITHER REPORT

(In House, June 9, 1987, the Minority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED (H.P. 1313) (L.D. 1791) TO BE ENGROSSED.)

(In Senate, June 10, 1987, Reports READ.)

Senator ANDREWS of Cumberland moved to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE (H.P. 1312) (L.D. 1790) Report in NON-CONCURRENCE.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I am sure you have not read these Bills in detail, thus a few words of explanation. Job opportunity zones, our answer to all of our economic problems, are but a pilot program to promote development in economically distressed areas and we know where these areas are. Particularly, if you listen to the people we visited on our economic tours. These zones will be selected on a competitive process. One in an urban community, one is a rural zone with a population of less than ten thousand people, one in an area effected by a severe economic dislocation, one in direct response to an economic opportunity, such as a possible expansion or a new location of a business. Economic distress is the first criteria. We have had a long and hard work time on the Committee with the different positions being stated. We worked hard to compromise, we tried to do something that would come out with something everybody would be satisfied with, but it was not to be. The Majority Report came out at 3 p.m. on the last day a Bill could come out of a Committee, there was no public hearing, no input from the economic development professionals, no input from the development council or regional groups who all spoke in favor of our Minority Report.

Look at the fiscal note. Are you going to spend \$100,000 on a study the first year? When we were on our economic tours, we heard the people, we told them we were going to help them, not just study their problems. Let me be more specific, let's look at the Majority Report. The Majority Report basically in the beginning, the two reports are the same, but then you get into the points. Determination of the economic distress. Here is what they want to do. They want to study the unemployment rate, the unemployment rate including these unemployed persons not included in the official employment rate. They want you to study per capita and household income, they want you to study the population declines.

They want you to study federal assistance, the percentage of the population requiring assistance from federal low income and poverty systems

programs. They want you to look at general assistance, they want you to look at the plant closings, which we all want to look at. They want you to look at the lack of available, affordable and decent housing. The lack of available, affordable and decent housing in a zone.

They want you to look at the lack of dependent care facilities, the lack of dependent care facilities which prevent significantly contributes to the prevention of some people participating in the labor force. Other standards, and they go on and on with all the things they want you to study.

Then they want you to determine the remedies, they want you to know the capacity of development strategy, the job tax credits, job training programs, financial programs, infrastructure, dependent care facilities then later they want an advisory committee with somebody from the Legislature on it, from the Senate and from the House. If you want to kill a Bill, you form a Committee. Then they want to spell out the responsibilities. The advisory committee should provide advise to the Director of State Development. When I was in business, when we set out to do anything, we set out an outline and we told people how we wanted it done. Then we let the professionals do it, or the people who were qualified to do it. We didn't set up every little detail of what should be done. Then they want to report to the Legislature, which both Bills want to do, which is perfectly all right. Then they want to evaluate and they want to wait a year and a half before they do anything to help these people. In my mind that is too long.

The Majority Report is going to spend \$100,000 the first year and \$500,000 the second year. The \$100,000 is a study nor do they state how the \$500,000 will be spent the second year. The Minority Bill of \$450,000 is for creating or buying jobs. Isn't that what we want to do? Don't we want to create jobs? Do we need to study anymore? This money is to use for credits and job credits up to \$12,500 per new employee and also their are tax credits as I said.

I probably will speak again, but that basically is the difference between the two Bills. The Bill that the Minority puts out is a Bill that we allowing the professionals to go out and do a job to help the people, particularly the people in the north part of the state. The people down in southern Maine don't need this Bill, we don't need any zones, we can't even hire anybody in southern Maine. But you people that are above are certainly going to need the help. Let me read you what information we have. Municipalities with 80% of the 1983 state per capita income. In Aroostook County there are thirty-five towns and plantations that only have 80% of the state's per capita income. Take another county, Hancock County, there are fourteen towns in Hancock County, they only have 80%. Just think of where you people are. Penobscot County, twenty-seven towns are below the 80%. Piscataquis County, eight towns, Somerset County, fifteen towns, Waldo County, twenty towns. When you get to Washington County, you all have been up through on the tour, there are thirty-four towns in Washington County that need help. Do we need a study to find this out, we certainly don't need to a study to find out where people need help. The municipalities with one and a half times the 1986 state unemployment average is a good figure to use. Aroostook County still has that big list of towns as do all the others.

As far as that goes, we know who those people are. You can check on their fuel, their food, the town aids, the food stamps, there is no need to have

another study. All I am saying is the Minority Report will help these towns immediately. We will have the professionals do it. If they don't do a good job, then we can do something about it. But why study for a year and a half? Thank you very much.

The President requested the Sergeant-At-Arms escort the Senator from York, Senator DUTREMBLE, to the Rostrum where he assumed the duties as President Pro Tem.

The President retired from the Senate Chamber.  
Senate called to order by the President Pro Tem.

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

Senator ANDREWS: Thank you Mr. President, men and women of the Senate. This is the one divided report that we have had from the Joint Standing Committee on Economic Development and as the good Senator from Cumberland, Senator Dillenback, has told you, it was not after considerable work and effort in trying to find a middle ground that we came up with a divided report.

The Senator from Cumberland, Senator Dillenback, has taken you on a guided tour of some parts of the Majority Report and I would like to begin by saying that the Committee was unanimous in our concern for regional economic distress around the state. We were impressed by the information that we have seen to date of the economic distress and the various forms that it takes. The types of problems that it creates and the options for state government to deal with regional economic distress. A lot of that discussion came in the context of the Bill that we have before us, a Bill creating opportunity zones. The Committee was, while concerned about regional economic distress, also concerned with legislation attempting to solve the problems of regional economic distress that are not well thought out, not well developed and that could create problems in Maine as have been created in other states across the country. Opportunity zones, known in other states as enterprise zones, have some history in this country and they have a very mixed record of success to be charitable.

I just returned from a national conference on Economic Development where I had the opportunity to talk to Legislators from states who had opportunity zones or enterprise zones and from economist who had been involved in one way or another with the concept.

Everywhere I turned and everyone I talked to gave me a note of caution. They said, watch out for the band wagon nature of opportunity zones. Watch out for the cliches and watch out for the promises that they can be all things to all people. Because everyone is trying to jump on the band wagon, they said, but they find that once they are on the band wagon, they find that it is not hitched to a horse and they go no where. The more I looked at this piece of legislation, I saw that we were being asked to approve a band wagon approach that indeed was not and is not attached to a horse.

The Bill, if you look at the Minority Report, contains some improvements from the original Bill as a result of the concerns expressed by our Committee. It hardly goes far enough in solving the major problems that we saw in this legislation. Let me give you an example. In the Minority Report, we hear about the creation of tax credits for businesses within opportunity zones. Now the tax credit program, that they have envisioned, will make available to each zone, and I want to make sure you

realize throughout the course of this discussion that we are talking about a program that would offer very little in terms of new dollars per zone. When we looked at the original Bill and we did the arithmetic we found we were talking about less than \$70,000 per zone per year, less than \$70,000. It is difficult to imagine any kind of meaningful work, improvement or strengthening of distressed areas with that pittance.

But when we look specifically at tax credits, we found that there may be available even less than that per zone, \$12,500 per zone. What we are being asked to approve in this Minority Report, is a change in our tax law that would be unprecedented in the state's tax history. In that a company who would qualify for this tax credit located in a zone, fills out his or her taxes, submits the taxes and you would assume they would think that they would be able to get that credit. After all they are in that zone, after all they meet the qualifications and after all that is how they do all of their taxes, state and federal.

You would be mistaken, because they would be able to take the credit out of this Bill only so far as the money goes. When the money runs out, there is no more tax credit. So, you may ask, as we asked, who is to decide and how is it to be decided? Which of those identical businesses in the same zone, with the same qualifications for that tax credit, who decides which business gets the credit and which business is denied the credit? You won't see that explanation in this piece of legislation. What you will see is the state tax assessor shall certify the eligibility of recipients for tax investments and credits. When I asked the tax assessor how this program worked and how these decisions would be made, he frankly didn't know.

So, we are asking for a new program, unprecedented in the state's tax history that creates some very serious questions about tax fairness and equity to businesses, even within those zones. We don't even know how the decision would be made as to who got the credit or who wouldn't. We thought that was a significant problem.

We hear about in the Minority Report what is referred to as priority status. That communities within these zones and businesses within these zones, would have a so-called priority status. Where? Well, with the Department of Transportation, with the Department of Labor, with the Maine Vocational Technical Institute, with the Department of Education and Cultural Services, but when you ask what does that mean, what does priority status mean? You won't find it here in this piece of legislation. As a matter of fact, you look at the Department of Transportation and you think, does that mean that a community in another distressed area, that doesn't happen to be considered an opportunity zone, who let's say has been waiting for a bridge for years, suddenly it comes its' time, under the process of DOT, to get that bridge and their next in line. If we pass an opportunity zone Bill defined in this way and suddenly, another community in an opportunity zone that perhaps is just developing some of its priorities, suddenly it receives priority status. It goes to the front of the line. So, the areas that are in distress, who have been waiting patiently for the system to work, when finally the system gets to it, they find out that they are back in line once again. Again, problems with what is meant with priority status and definitions that we, as Legislators, representing all districts of this state and all regions of this state, have a very clear and concrete idea as to what we mean by priority status

and what it means in terms of basic fairness, in terms of evaluation.

A brand new program and a brand new department, which raises lots of questions as I have mentioned. How is it going to be evaluated? The Director is going to evaluate it. The same director who is going to be implementing the program will be evaluating the program and giving the results to the Legislature of how they made out. We have some problems with that.

In my discussions with Legislators and economist from different parts of the country about this concept, I found that the most critical element in determining the success or failure of this kind of a program is the base on which it is founded. Is there a clearly stated problem, well defined? Is there a program designed to target that problem and the causes of those problems?

Is it clear and concrete and if it doesn't meet that foundation standard, as it was discussed in this meeting, then they said you can be almost certain that there are going to be problems. As we look at this Minority Report, all of the problems are there. We attempted to be fair in trying to come up with a middle ground. We said to the department, look, we want this program to get on its' feet, we want this program to move and move as soon as we possibly can get it to move.

We want it to be based on this strong foundation, not just on the few items listed in the Minority Report, but we want consideration of items in the Majority Report. I will tell you something, if you look at the unemployment rate figures they tell you something. There is a lot more to be found out in terms of distress and unemployment in regions across the state.

There is a growing phenomena in this state and it is called under-employment. Jobs that are being created that do not offer even a decent living wage to get someone off of basic assistance programs. We wanted to know about areas of distress where they was not just unemployment rate camouflaging this under-employment, we wanted to look at under-employment as well. We said, look, we want this thing done, we want this done as soon as possible, we want you to have it back to us at the beginning of next session and we want to act on your recommendations. A. we want see a firm foundation in terms of the problems in need and B. we want have a comprehensive program addressed directly to those problems. And you may found out that there are some key factors, underlying distressed in several areas of the state. What money we have available for this program would be best invested throughout several of those distressed areas in those targeted problem areas that have been identified. So, you might have more than one, two, three, four or even five zones. You have targeted the priority problems that are causing that distress. We said, we want that report in, we want you recommendations and then we want to send you off to implement that program. Together, the Legislature working with the Executive Branch, in a well founded program targeted to needs. We said, "can you do it with existing resources?" They said, "no." We said, "well why not?" They said, "because there is lots of work that we would need to do in order to have that foundation, in order to have that information and in order to design a program that would address real economic distress in Maine."

And that ladies and gentlemen of the Senate, is where this \$100,000 comes from. It is not for an academic study. That \$100,000 did not come from the Legislature. That \$100,000 came from the State Development Office. We said whatever it takes for you to build the foundation for a program that works,

we want to invest in that foundation, because we don't want a band wagon that isn't going to go any where. We want a program that is going to address real distress. So, we said to them, what ever it takes, give us a figure and we will give you the tools you need to build that foundation. That figure, ladies and gentlemen of the Senate, is \$100,000, that the Development Office is saying that they need in order to build this foundation for the program that we are talking about. Creating jobs is a very important bottom line for everybody in this Chamber, it certainly was for the members of our Committee.

There is a right way to do things and there is a wrong way to do things and this, ladies and gentlemen of the Senate, this Minority Report hastily thrown together it appears, ill defined, not well developed, not targeted to real problems is the wrong approach. If we have learned anything from opportunity zones and enterprise zones and their track record across the country, we have learned that you need a foundation in order for a program to work.

The question before us isn't, do we look at regional economic distress and target resources to assist that economic distress? The question is, do we have a firm, strong foundation for a program that is going to work or not?

The Majority Report does just that and does it in a way that is responsible, involves you, members of the Legislature, as well as the Executive Branch, and gets this program off the ground as quickly as possible. I urge you to accept the Majority Ought to Pass Report. Thank you.

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

Senator WEBSTER: Mr. President and ladies and gentlemen of the Senate. I would urge you today to oppose the Majority Report and support the Minority Report for one very simple reason. I have to live and represent one of the areas of this state that could benefit from the Minority Report. I am concerned, as all of us are, about jobs, about the economy and I am darn well sure that I don't want to study any more. It seems reasonable to me that something ought to be done. You know, it is ironic that the two Legislators before me to speak both live in areas of the state that would not benefit from the enterprise zone idea. But those of us who live in the parts of the state that aren't in all that good of shape and there is a lot of reasons for that. I remember during the last campaign, the two main arguments and the fact was that there were two Maine's and there still are two Maine's in this state. Those of us who live north of Portland and those of us who don't, but actually it is southern Maine in general. I am not sure that either one of these proposals, the Majority or the Minority Report, are not full of flaws perhaps they are not perfect, but if I have a choice between doing something that might create jobs and might improve the economy in this state, particularly in rural Maine, or something that might study for another year. It is a simple decision for me, but I would hope that the members of this body will see their way to give those of us who live in the others parts of the state who are not benefiting from the improved economy in this state a chance. And this appears to me as the best chance we have available to us during this session. Thank you.

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

Senator KANY: Mr. President and fellow Senators. I rise as the third Senator on the Economic Development Committee and as a Senator who has some communities in my district that might be

eligible for any economic opportunity zones; towns like Livermore Falls, but I also rise as a Senator who is well-aware of the competition for community development block grants now. Some of my communities have been successful and some have not. We know that at least twice as many communities ordinarily have applied for those community development block grants than have been granted those.

We know that of the two hundred points now required in evaluated for community development block grant applications that forty of those or 20% currently deal with economic distress, yet we have before us a Bill with so many might's and so much discretion for the Executive Branch that the policy would be totally set there and as far as those community development block grants are concerned.

We would just be giving priority status to community development block grant project applications submitted for eligible projects and activities within the zone to the extent allowable under federal law. Does that mean we would be giving an extra twenty or thirty or forty points to the communities within the zone? Does it mean that if there are two equal projects scoring identically on applications that the community that is in the zone chosen in sub-nebulous, undefined, ill-defined fashion in this Bill that that community will get the community development block grant? I would certainly like to know before going along with such a minority Bill. Our communities are more and more dependent upon these. They are without federal revenue sharing. Housing monies have declined from federal sources over the years. Economic development monies so there is greater and greater competition from the dwindling funds available community development block grants.

And my second greatest problem with this Bill has to do with the Department of Transportation. As outlined by the good Senator from Cumberland, Senator Andrews, in the Minority Report, we give priority status to request for funds for planning and implementation of eligible Department of Transportation projects and activities within the zone. What one earth does that mean? Does that mean that projects for safety bridges and roads that needs to be improved for safety reasons would fall below some priority project from some ill-defined zone? I believe we would be absolutely negligent if we went ahead and support the Minority Bill that had been so poorly drafted and defined that we need to think through such policy and make certain we know what the heck we are doing before we do it. The thorough evaluation in that thought process is what is the Majority Report. I urge you to support the motion before us and support the Majority Report.

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

Senator WEBSTER: Mr. President, ladies and gentlemen of the Senate. This appears to be a very simple issue. It is a very simple choice that we are making here today. We are making a choice of doing something to give the people of this state hope who don't live in the fast-growing economy of southern Maine. We are giving people hope for a job and for economic development. If you want to study, then you vote for the Majority Report which is exactly that, a study. And sure we know that we need more studies. I think the facts are in, we know what we can do, I think something as to be done.

I am going to support the Minority Report because it is the only hope the people in my district and the people in the parts of this state that are not prospering and I say we have to support the Minority Report. Thank you.

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 PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I am a little surprised to listen to the debate today because I was under the impression that the State Planning Office and the other offices we have in the state are professional people who know what they are doing. If they don't know what they are doing they shouldn't be there. As far as the tax credits, an amendment could have been put onto this Bill. That was no problem. The State Development Office said this is a pilot program, it is not the major program and I am sure the Development Office would develop information and get the criteria and the information that is needed that has been mentioned in the other report. I am sure these professionals know what they are doing. I don't profess to know anything about planning to any great deal. I don't think anybody on our committee knows how it should be done or where it should be done. The Governor has appointed a committee of thirty-five or forty people on Economic Development. They are coming up with an answer, supposedly. That is a study. We had a study last year from the State Government Committee, they studied the situation. But I think the most important thing that would come out of this and I say it again, the professionals we have in State Government who know their job will bring the agencies of government together. One paragraph from page 5 states: The agencies of State Government shall cooperate to access the needs of zones and provide appropriate assistance to these zones. There should be a committee composed of a minimum of the Director of the State Development Office, the Director of the State Planning Office, Commission of Transportation, Commissioner of Labor, Commissioner of Education and Cultural Services, Executive Director of the Maine Vocational Technical Institute System and the Chief Executive Office of the Finance Authority of Maine. Now are you telling me that if all those people get together and work on a program such as we present here that they are not going to take into consideration what has to be done in these areas? Do you think they are going to offend any small town or not provide for a bridge or for a road that is needed for safety reason? No, I don't think so. I think these people know what they are doing and I think you have to give them an opportunity to do a job. Now if you don't want them to do the job, just vote against this Minority Report. It is very easy. You have the votes here, you can do it, but I would like to tell you that the people in northern Maine will not appreciate it. Thank you.

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. You know I have to chuckle a bit about some of the debate around this Bill, both in terms of our committee and in terms of the debate here on the floor of the Senate, because a lot of this debate is debate of symbolism, of huff and puff, of meaningless gestures that instead of meaningful relief or hope that someone has called it to a distressed area. A program that could really mean nothing more than political hot air and when you consider what it is that we are being asked to provide. Seventy thousand dollars per zone, per year in a distressed area. We are talking symbolism and hot air at best. We have heard a lot of rhetoric today about study, study, study and there is no more



need for a study because we have to move on with action. Well you know, very early on in the Session when we sat down with members of the Executive Branch and the Governor to talk about economic development the first thing the Governor told us was that we need to study. That we need to put together a task force to assess the real problems and needs of the state. That we needed to go out and make an assessment of those regions, all regions of the state and we had to come up with what he call a business plan with clear goals and then on the basis of that plan, he went on, we could make particular decisions about particular strategy issues. And he proposed that we spend more money on that study than we are being asked to give an entire zone, designated zone in a distressed area. More money for that study than we are being asked to give a zone. So we said yes and some of us joined that task force and we have been meeting at different parts of the state. We have been learning a great deal. We have been talked to individuals directly involved in some of the problems and some of the solutions in those regions. But isn't it funny that before that task force and that study is even half way done, we are being asked to allocate \$75,000 to a regional so called opportunity zone.

If it was true that we needed to have a study in the first place and we had to have a business plan and we had to have clear goals and objectives, then why don't we let that task force do its work? And if we needed it then and we don't have the information from them at this point, then we still need it. We still have the same questions and problems that we had at that time. And there is still that many unanswered questions now as we had then. So the study, study, study rings a hollow note. What also rings a hollow note is the admonition to allow these professionals to work together to assist zones and areas of distress.

Well ladies and gentlemen of the Senate, are we to understand that it takes an action of the legislature to get executive agencies to sit down and work together as a team, to address the economic development concerns of those areas. Can't the executive branch sit down with those agencies, with those commissioners, look at existing resources and say let's go out there and let's begin to target and prioritize and put together a program that can assist areas of economic distress.

Ladies and gentlemen of the Senate that can happen right now. It does not need an act of the legislature to do that. It can happen right now and it should be happening right now. Let me reiterate one other point that I made initially. When we asked the Development Office if they could do what is needed to build a foundation for a program that works as outlined in the Majority Report, those basic questions about the kinds of distress we have out there and what we can best do about that distress the answer was no. We can't do it unless we have more money, so we said fine. We will give you the funds necessary to do it and do it immediately so that we can have a comprehensive program before us targeted not to these vague, vague notions in the Minority Report or vague definitions of zones, but the specific program addressed to specific problems in distressed areas. And that is my final point. The good Senator from Cumberland, Senator Dillenback listed a number of counties and a number of communities that have distress and he is absolutely right. There are many communities facing distress in the State of Maine. But how is this Minority Report going to help all of those communities. The answer, it is not going to help all of those communities. If that community is lucky enough to be in a zone so

called opportunity zone, then they will have less than \$75,000 to address some very serious problems. But if they are outside of the zone, they are going to be even more distressed then they are right now. The Majority Report, ladies and gentlemen of the Senate, looks at all distress in this state, all of it, every town, every community and says let's identify those underlying factors and let's put out a program that is going to address all distress in this state and not a token bandwagon approach. A bandwagon not hitched to anything that throws \$75,000 worth of symbolism to areas with real problems. I ask you to support the Majority Ought to Pass Report.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator ANDREWS of Cumberland to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE (H.P. 1312) (L.D. 1790) Report in NON-CONCURRENCE.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BRANNIGAN, BUSTIN, CLARK, DOW, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PRAY, THERIAULT, TUTTLE, TWITCHELL, USHER, THE PRESIDENT PRO TEM - DENNIS L. DUTREMBLE

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

ABSENT: Senators PEARSON

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator ANDREWS of Cumberland, to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE (H.P. 1312) (L.D. 1790) Report in NON-CONCURRENCE, PREVAILED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

The President Pro Tem requested that the Sergeant-At-Arms escort the Senator from Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from York, Senator DUTREMBLE to his seat on the Senate floor.

Senate called to order by the President.

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

Bill "An Act to Revise the Harassment Law"

H.P. 1309 L.D. 1787

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

Pending - PASSAGE TO BE ENGROSSED

(In House, June 9, 1987, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, June 10, 1987, the Majority OUGHT TO PASS IN DRAFT Report READ and ACCEPTED in NON-CONCURRENCE. Under suspension of the Rules, READ A SECOND TIME.)

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



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

COMMITTEE REPORTS  
Senate

Ought to Pass As Amended

Senator TUTTLE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Aroostook Water and Soil Management Board"

S.P. 559 L.D. 1671

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-162).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-162) READ and ADOPTED.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

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

Resolve, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (Emergency)

S.P. 588 L.D. 1742

Tabled - June 9, 1987, of Senator CLARK of Cumberland.

Pending - Motion by Senator BUSTIN of Kennebec to ADOPT Senate Amendment "A" (S-139) (Division Requested)

(In House, June 8, 1987, FINALLY PASSED.)

(In Senate, June 9, 1987, RECONSIDERED PASSAGE TO BE ENGROSSED. Senate Amendment "A" (S-139) READ.)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator BUSTIN of Kennebec to ADOPT Senate Amendment "A" (S-139) (Division Requested).

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

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Allow Aroostook County to Contract for Services for the Operation of the County Jail"

S.P. 380 L.D. 1156

Majority - Ought Not to Pass.

Minority - Ought to Pass in New Draft under same title.

S.P. 607 L.D. 1797

Tabled - June 9, 1987, by Senator CLARK of Cumberland.

Pending - Motion of Senator COLLINS of Aroostook to ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT Report (Roll Call requested)

(In Senate, June 9, 1987, Reports READ. Motion to ACCEPT Majority OUGHT NOT TO PASS Report FAILED.)

Senator TUTTLE of York requested and received Leave of the Senate to withdraw his motion for a Roll Call.

The Minority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and the NEW DRAFT PASSED TO BE ENGROSSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on TAXATION on Bill "An Act Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax"

H.P. 543 L.D. 727

Majority - Ought Not to Pass

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-274)

Tabled - June 9, 1987, by Senator TWITCHELL of Oxford.

Pending - Motion of same Senator to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, in concurrence (Roll Call Ordered)

(In House, June 9, 1987, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274).)

(In Senate, June 9, 1987, Reports READ.)

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

Senator SEWALL: Thank you Mr. President, members of the Senate. I would speak in opposition to this Bill as one of the ten members of the Committee who voted in that direction. I would first like to thank the good Senator from Oxford, Senator Twitchell, for allowing me the opportunity by tabling yesterday for me to get up and discuss this issue with you today.

Generally, in the coastal area in the southern part of the state where we are having an unseen boom in development, residents have become fairly desperate on what to do. We have bought our house now and heaven forbid that someone build a condominium or do something next to us. I understand that, I come from one of those wealthy coastal districts which has this problem. As a matter of fact, at least one Legislator in my district is supporting this Bill. However, for four basic reasons I think this is extremely poor legislation and I hope you will oppose it.

The four reasons are first, it creates a new tax. Second, it raises local property taxes at a time when that is the last thing we want to do. Third, there is no necessity to have this legislation because a municipality can by vote of all its residents, vote to set aside or raise their mill rate to buy property to be owned by the town. And fourth, it is the most elitist legislation that I have seen come before us in this Session.

So, basically to go back in a little more detail over those points, it does create a new tax and the municipality will vote whether or not they want the new tax. Well, why would you go about it this way when a town can already vote, go to a town meeting as we do in most of the towns in my district, or to referendum, they could already vote right now to raise the mill rate and all the citizens, this is the key, all the citizens in the community, the majority of those citizens, can vote that they want to spend a little more of their tax money to buy land for the use of all the citizens.

Apparently, some people feel that the majority of the people in that town wouldn't vote to do that. Wouldn't vote to raise their own taxes a little bit to buy a part for the rest of the towns. So, what is a way around that. You make it this way where the money is raised by people selling property and by people buying property and you know that not 50% of the people in any given community are going to be selling or buying property that year, so the town then just might vote to go along.

Okay, people who sell and people who buy and for those of us who aren't going to do either one, that is a good deal, we will get the park and that minority of people who pay for it. I don't think

that is right. And then who is going to handle this land bank. Are the decisions made by the majority of the people in the community? No, it is made by a few select people who are running the land banks. It raises property taxes because obviously, the more property you take out of taxation when it belongs to a municipality or the state or whatever, we have talked about all those exemptions in taxation, the more property you take out of the base the higher the property taxes will be on those people still maintaining their houses.

And then after you watch this Bill it goes into perpetuity and that is the point that every year say a community sells a few million dollars worth of property and they get in depending upon the rate the community decides to do they get in thirty, forty thousand dollars a year and they buy up and after a number of years \$30,000 a year, pretty soon you have bought up all the town except for that land that isn't sold so the people who stayed in their houses and got a nice park around them, luckily, probably rich enough to stay there. They have got a nice park around them and it has been financed by the people buying and people who can't afford to live in this wealthy community any more and have to sell. For those reasons, I hope you will vote against this measure.

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

Senator TWITCHELL: Thank you Mr. President and members of the Senate. This Bill came to us last session at the very end and we didn't have time to complete it and so what we always do best here if we don't know what to do, we sent it out to study. We have studied this and we have had five hearings this last summer, I chaired the hearings. We had five hearings on land banks. Very few people came to the hearings, in fact at one point I was going to cancel the hearings due to lack of attendance.

Those that were against the Bill was the registrar of deeds and we have taken that out of the Bill and we had a couple of realtors that were against the Bill, but everyone else at the work session all summer were all for the Bill. Therefore, we came out from the study with L.D. 727. It is a great pleasure for me to debate my good friend on Taxation, the good Senator from Lincoln, Senator Sewall, she is an outstanding member on the Committee, she is very knowledgeable and I just don't know where she went astray.

She and I have always signed out reports on the same side and I left one afternoon to present some Bills and when I came back I found here signing on the opposite side of the jacket and somehow she went astray on this one. Although she could be right. I tabled the Bill yesterday twice and wanted her to get a chance to shoot her best shot and I stayed awake all night wondering what she might say and I guess I should have ran the Bill yesterday because she didn't say anything that I didn't really already know.

This Bill, Mr. President, unless the municipalities by referendum imposes the local real estate transfer tax to fund local land bank funds and it is a local controlled Bill, it is a local option Bill, it goes out to referendum and the people of your community has the last say as to whether the Bill is good or bad. This Bill, if it passes, will assess \$4 per thousand on a home. If the home sells for \$80,000 you are going to exempt the first \$77,000 and you are only going to tax on \$3,000. If you go with \$4 on a thousand that comes to \$12 and the buyer pays half and the seller pays half which is \$6 each.

I think it is a good Bill and a good piece of legislation. I think we have to preserve the state,

it is a chance for towns and cities to buy up some property if they want to keep it. In fact, at the hearing we had one community where the town had used a beach as long as everybody in the town could remember and all of the sudden someone came in and bought the rights to the beach and sold the beach very quickly so now the town can't use it anymore. If the town had the money at the time they could have bought the beach and then the town's people could have used it, but now it is gone.

Again, I think it is a good piece of legislation. I enjoy the good Senator on my Committee, she is an excellent member, but somehow on this one she went astray. Thank you.

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

Senator BLACK: Thank you Mr. President and fellow senators. I won't bore you people with needless chatter. This, I think is the most horrendous Bill that I have seen since I have been in the legislature. There is nothing that this Bill will do but what you can do with a normal property tax and here you are asking individuals who own property to reinvest part of that income for what somebody else wants to do. I just don't think that is right. It is not the way to do business.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. It is with some trepidation that I stand this afternoon in opposition to the positions as espoused by the Senators from the County of Lincoln and northwestern Cumberland County. As a matter of fact, I am probably standing in jeopardy of my source of cherries and jelly beans and candy kisses.

And while I respect the positions on this measure as espoused by those two Senators, I must join with the Chair of the Committee on Taxation in strong support of the measure before us this afternoon. While it may be expected that I would support this for some of you perhaps do remember that I was a cosponsor of the original Bill that was introduced into the 112th Maine Legislature, I am pleased and proud that the genesis for this measure originated in my home town of Freeport.

The Senator from Lincoln, Senator Sewall, has listed in good outline fashion four reasons why this measure should not be before us. She has stated that in fact this would create a new tax. She has also stated that it would raise local property taxes and that there is no necessity for this legislation and that lastly it is elitist. Freeport long known not as the jewel on the coast of Cumberland County is now known for something other than our most supportive corporate citizen L.L. Bean. And as a Senator from Senate District 26 and as a lifelong resident of that community as multi multi generations of my family before me, I would share with you this afternoon just a few brief moments what has happened to a town that is no longer ours. One does not see many local residents after 8:30 in the morning up town. Memorial Day is a big day in that town, that is when local residents are seen in large numbers. The streets do not belong to us. The down town district does not belong to us, nor does it meet the needs for goods and services on behalf of the community. Our sense of community is in severe jeopardy and even as an example of that, there is less response from the business community when our seniors go out for yearbook advertisement solicitation, then there was historically when Freeport was a tiny, sleepy, not so popular member of the gold coast of Cumberland County.

In formal conversations on this floor, and on other floors, this piece of legislation has been challenged as being regional oriented, but I submit to you members of the Senate this afternoon, that the same thing that has happened to my home town has, in fact, occurred in other home towns and is going on in large scale fashion across the state. Local municipalities across the state, need a source of funding so that they can purchase land for recreation, wildlife habitat, access to public waters, whether fresh or salt water, and other critical open space land of local significance. The municipal land banks are being formed and not fast enough, but their intent is to acquire pieces of land within the community and a source of funding for that acquisition is needed. It is easy to say that local property taxes can be raised and money set aside to acquire this land.

I don't think it takes a great deal of intelligence on behalf of any member of this Chamber, to realize the price of land in our state is skyrocketing by the minute. Local property taxes are not only a regressive form of tax, but are already in too many areas of our state, onerous and overly burdensome.

In my own home town despite this great development that has occurred, our taxes have increased well over in some instances 100% in the last six months. Local property tax payers cannot afford more. Yes, it is elitist to the extent that only those who can afford the skyrocketing values of land in our area, can afford to pay these taxes. And it is elitist because that is, in fact, what is happening. The average working man and woman, family members of generations of people from my home town and even in my area, are being forced to sell their land because property tax based on market value and the demand is increasing and it is not just in southern Maine or northeastern Cumberland County, as has been alleged.

L.D. 727, in complimentary fashion provides a mechanism to acquire funding that will not be generated by the state, but will be generated in a local referendum. And will be accessed to the very parties who are generating this developmental stress and skyrocketing market value of land. It will place in reserve small parcels of land, which need not be removed from the tax roles, if in fact, as they are in Freeport they are placed under the direction of the local conservation trust, which continues to pay property taxes on that piece of land, or those pieces of land with restraints for retention as green and open space. Land banking is not anti-growth, it is simply a means for municipalities in our state to be sure that the inevitable growth that does occur, does not destroy the very character which people are flocking to Maine to enjoy and the very character of Maine's small villages and not so small communities. We have seen the bumper sticker which reads, just visiting this planet, and as a member of the Freeport Land Bank Commission stated in letters to the Committee and in letters to the Governor, these guests to this planet, who are moving into a town, have benefited from the rise in real estate values as they sell and move on and those developers who are profiting from the boom all should be willing to pay not more than 2/10 of 1% of the sale price with the caveat that it leaves \$77,000 of the property, if residential be excluded, to help preserve the best of that municipality.

The time is now to establish a funding source for land banking. It is with interest that I note yesterday afternoon, and yesterday morning, that indeed we are moving to the end of the session.

Nothing can ever remove from my memory my first term in the Maine Senate. Where then 33 members of the Senate were subjected to the forces of the third House, our friendly lobbyist. That was an experience for someone who had moved from the other Body to the Senate, and yesterday again, I knew for sure that we were moving to the end of the session.

For it was extremely difficult to wend ones way from one end of this floor to the other without having representatives of interest, namely in this measure yesterday, ask you about your position or convince you to one side or the other. That I suppose is the way it should be, it is the way that it was and it is the way that this Legislature always winds up our Legislative Sessions.

I would hope that you would, as you listen to those people who had ample opportunity to access the deliberations of the Committee on Taxation on this measure, listen to them and acknowledge what is happening in your region of the state. That, in fact, it is not the working people, the inhabitants of Maine's municipalities causing the dramatic increase in the market value. It is the influx and the demand from developers, from out of state people who are causing this increase in market value. Freeport Maine has, in fact, increased its commercial center probably over 500% in the last six years and people are quick to suggest that it should in fact address the local property tax base in a very positive fashion. That in fact our tax rate in that municipality should go down. That is not what happened and that is the most effectively perpetrated myth, I think, across our state.

What is in fact occurred is that the demand for services as a result of this growth and development, has as I stated earlier, increased our taxes over 100% forcing Maine people to move out and off land that they can no longer afford to pay taxes on. To suggest that those very same people be accessed additional taxes in order to save the character of the land and the community in which they have chosen historically or by choice recently to make their home is patently unfair. This is a reasonable approach placing on the burden of those who create the stress and development a tax which would only be accessed if the local community or Legislative Body by referendum passes this tax. I submit to you it is worthy of our positive consideration and the time to act is now before your land is gone too.

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

Senator BALDACCI: Thank you Mr. President and members of the Senate. It is also with trepidation that I rise to debate the good Senator from Cumberland, Senator Clark, but it is with question that I rise. We just conducted a debate on job opportunity zones and a discussion of depression, the need for economic development. Within the next minute, we find we are being overrun with growth. I would submit to you that maybe it isn't just the weather that changes if you wait long enough, but the economic climate here in the state of Maine. If we are to believe the economic development overrun of the state, we would also be required to take a ride through northern and eastern Maine and to see the so-called land banking going on by itself, without the municipalities stepping in and buying pieces of land. I would also submit to you that we are not talking about property tax problems, we are not talking about Maine not being for sale. We are talking about adding an additional tax on top of the real estate transfer tax that we increased last session for the home program to be sustaining itself so that young couples could afford to buy their home.

We are talking about increasing that assessment and that is not a small assessment and don't be fooled by the argument that the first \$77,000 is exemption. That is a phony argument.

The argument is an increase in that transfer tax and you are talking about an additional \$200 or \$300 on top of an additional \$200 or \$300 that is there, on top of attorney's fees and closing costs and points that the banks charge. That is what is going on when a house is sold. Those are the problems that a young couple, trying to establish themselves, have to be confronted with. You make it more and more difficult for them. That is what we are talking about. We are not trying to inject here that municipalities ought not to be able to have this ability, this enabling legislation, but they can do it. If L.L. Bean thinks it is such an important thing that they have property here in the state of Maine, or that Maine be like Maine was, then they can do it. They can set forth a trust fund and they can establish one and they can do it. Nothing is going to prevent them from doing that. Why do we want to go after that poor young couple who is trying to establish themselves in a community, put their little name on the mailbox, but all of a sudden, we are going to make it so difficult for them to get going that they are always going to be in debt.

The seriousness of the issue is something because I had experienced buying that home last year and I had seen the costs involved at closing time. I had not experienced the home loan program in the regulations and the hoops that they make you jump through, but I have seen all of the costs that would be laid in front of that young couple's steps. I just don't think that is where you want to lay this. I think it makes sense, I think it should be done within the communities. It is nothing that has to be done state wide. It is not a pressing problem. I haven't heard from Aroostook County, I haven't heard from Hancock or Waldo County and in Penobscot County it is not a problem. So, I would submit to you that where it is a problem, allow those municipalities to be able to do it within their own means and not on a state wide program. Thank you.

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

Senator KANY: Thank you Mr. President and members of the Senate. I served as the second Senator on the land banks study committee along with our good Taxation Chairman, Senator Twitchell from Oxford and heard many people come to the Committee asking for this type of legislation which would allow just those towns that wished it. Those towns where ever they were in the state who wish to do so and whose residents and citizens want such a tax, to allow them to have it. It would be a local decision by local referendum. It would be a local tax, locally collected for local purposes to either improve or keep a community's quality of life. I would suggest to you that it is not just southern and coastal Maine in which there is interest in a Bill like this. Even the town of Fayette, not too far from Augusta, a very rural community about nine hundred people requested this particular legislation. The town of Fayette with nine hundred people has before it currently an application for a subdivision for over sixty lots. You can imagine that impact.

That, like many other central Maine communities like I represent, has a lot of lake property which is extremely appealing for development at this time. That town wishing to keep the rural character would very much like to be allowed to have such a tax in order to keep some of the land for purposes it wishes

for both recreation and undeveloped state and scenic resource purposes. I urge you to go along with the motion of the good Senator from Oxford and allow this Bill to become law.

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

Senator TUTTLE: Thank you Mr. President, members of the Senate. I don't want to belabor this issue, but I would agree with the good Senator from Kennebec, Senator Kany and others who have spoken in favor of this issue. I recall a time, ten years ago, when I look at my area of the state where my family has been there for generations and we were saying, yes, we want economic development and yes, we want jobs.

But today we are finding ourselves in sort of a different situation in which we are saying yes, we like development but when we see the price of land going up, we wonder whether my family and others can still afford to live there. The good Senator from Penobscot, Senator Baldacci, mentioned about the home program for the first time home owner. My wife and I would be in that situation because of yet we have not yet bought a home. Presently, under the Maine State Housing Authority, I think the maximum level is about \$74,000. The lowest price for homes in my area right now is \$80,000 to \$90,000. Five years ago, it was \$30,000 to \$40,000. It is a tremendous jump over the last couple of years. I don't know where this debate is going to go, but I think sometime this Body, in this Legislature is going to have to address this issue to help the people of Maine. To say yes, we want development and yes, we want jobs, but also we want to maintain what is good and the quality of life in the state of Maine. I think this Bill is a start in that direction. I would encourage you to support it.

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

Senator COLLINS: Thank you Mr. President and members of the Senate. I have empathy for those who live in municipalities that have experienced the type of growth that causes the problems that this Bill attempts to address. I know they are real, but it seems to me there are other methods that might be utilized in correcting these problems. It seems to me that the zoning in municipalities has not been utilized to the fullest extent. It seems to me that there are opportunities for municipalities to set up their own municipal land banks, purchase property if they wish. The state of Maine is about to enter a new era whereby they will purchase property within the state. We have a number of private organizations, the Nature Conservatory, the Audubon Society and other trusts that are, in fact, purchasing property to protect it, to make it available for public utilization.

I guess the real concern that I have with this particular Bill is that it provides an additional taxing power for municipalities. And I fear that. I think that the present taxing power of municipalities is adequate and I am not supportive of anything that deviates from that position. Thank you Mr. President.

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

Senator BRAWN: Thank you Mr. President, men and women of the Senate. It is indeed with fear and trepidation that I arise in this point of the afternoon, particularly being a freshman, but I feel that I must. We have heard all afternoon about towns can do this themselves and I want to explain to you my situation in the Knox County area in Camden and Rockland. We have met, we are concerned with the growth that is coming up the coast and it is as far

as we are. We have heard all kinds of people say we don't want Camden to look like Boothbay Harbor and we want to work together in this state to be able to keep our land.

We have brainstormed, we have tried all kinds of ideas to come up with innovative, creative ways to keep our land. We were very encouraged and excited when we heard about the Freeport land bank. We met, we had them come up and the conservation committee members in my town of Camden, the town managers of both Rockland and Camden are very supportive of this Bill. It is my understanding and I truly believe that the bottom line of this legislation is local control. It is choice. It gives towns a choice to have a referendum if they want to. If you are not interested, if your town doesn't want to, that is fine, that is all right. As for my area, we are interested in keeping our land for our grandchildren and I hope you will support this legislation. Thank you.

Off Record Remarks

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

Senator BLACK: Thank you Mr. President and fellow Senators. I have been married for forty years and I have had several disagreements with my wife and I can't ever remember winning one of them. I agree with Senator Collins that a new tax is not necessary property and as the good President has said, we will be here until the seventeenth, if we don't be quite so I won't say anymore.

THE PRESIDENT: The pending question before the Senate is the motion of Senator TWITCHELL of Oxford to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator DUTREMBLE of York who would have voted YEA requested and received Leave of the Senate to pair his vote with Senator KERRY of York who would have voted NAY.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BERUBE, BRANNIGAN, BRAWN, CLARK, ESTES, GAUVREAU, KANY, MATTHEWS, TUTTLE, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BLACK, CAHILL, COLLINS, DILLENBACK, DOW, EMERSON, ERWIN, GILL, GOULD, LUDWIG, MAYBURY, PERKINS, RANDALL, SEWALL, THERIAULT, USHER, WEBSTER, WHITMORE

ABSENT: Senators BUSTIN, PEARSON

PAIRED: Senators DUTREMBLE, KERRY

12 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators having paired their votes and 2 Senators being absent, the motion of Senator TWITCHELL of Oxford, to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, in concurrence, FAILED.

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

Sent down for concurrence.

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

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

S.P. 415 L.D. 1273  
(C "A" S-119)

Tabled - June 9, 1987, by Senator TUTTLE of York.

Pending - Motion of same Senator to RECEDE from ADOPTION of Committee Amendment "A" (S-119)

(In Senate, June 3, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119).)

(In House, June 9, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY HOUSE AMENDMENT "A" (H-280), thereto in NON-CONCURRENCE.)

(In Senate, June 9, 1987, RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.)

On motion by Senator TUTTLE of York, the Senate RECEDED from ADOPTION of Committee Amendment "A" (S-119).

On further motion by same Senator, Senate Amendment "A" (S-153) to Committee Amendment "A" (S-119) READ and ADOPTED.

Committee Amendment "A" (S-119) as Amended by Senate Amendment "A" (S-153), thereto ADOPTED in NON-CONCURRENCE.

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

Under suspension of the Rules, sent down forthwith for concurrence.

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

SECOND READERS

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

Senate As Amended

Bill "An Act to Make Technical Amendments in the Certificate of Need Act to Expedite the Process"

S.P. 483 L.D. 1460  
(C "A" S-159)

Which was READ A SECOND TIME.

On motion by Senator GILL of Cumberland, Senate Amendment "A" (S-149) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator GILL: Thank you Mr. President and members of the Senate. I would like to briefly explain the amendment. What it does is allows for a review and a transfer of ownership of a nursing home facility and it was not put in the Bill while we were working because of the late hours we were dealing with.

At this point, all nursing homes must be reviewed as far as transfer of ownership and the people who intend to purchase a nursing home, if the nursing home costs \$350,000 or more and what we are asking that the review be done on all transfer of ownership on nursing homes. We find that there are a large group of people interested into coming into the state and we would like to be able to review those people who are interested in purchasing nursing homes to make sure that the homes that they have in other states are adequate and live up to the standards that we would like in our state.

On motion by Senator GILL of Cumberland, Senate Amendment "A" (S-149) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Revise the Harassment Law"

H.P. 1309 L.D. 1787

Tabled - June 10, 1987, by Senator GAUVREAU of Androscoggin.

Pending - PASSAGE TO BE ENGROSSED

(In House, June 9, 1987, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, June 10, 1987, the Majority OUGHT TO PASS IN DRAFT Report READ and ACCEPTED in NON-CONCURRENCE. Under suspension of the Rules, READ A SECOND TIME.)

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senate at Ease

Senate called to order by the President.

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

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

Resolve, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (Emergency)

S.P. 588 L.D. 1742

Tabled - June 9, 1987, of Senator CLARK of Cumberland.

Pending - Motion by Senator BUSTIN of Kennebec to ADOPT Senate Amendment "A" (S-139) (Division Requested)

(In House, June 8, 1987, FINALLY PASSED.)

(In Senate, June 9, 1987, RECONSIDERED PASSAGE TO BE ENGROSSED. Senate Amendment "A" (S-139) READ.)

Senator GAUVREAU of Androscoggin requested and received Leave of the Senate to withdraw his motion for a Division.

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-139) ADOPTED.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Senate at Ease

Senate called to order by the President.

On motion by Senator MATTHEWS of Kennebec, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency)

S.P. 590 L.D. 1743

(C "A" H-291)

Tabled - June 10, 1987, by Senator BUSTIN of Kennebec.

Pending - Motion of Senator KANY of Kennebec, to RECONSIDER whereby the Senate RECEDED and CONCURRED

(In Senate, June 10, 1987, RECEDED and CONCURRED.)

(In House, June 10, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291) in NON-CONCURRENCE.)

(In Senate, June 5, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator KANY of Kennebec, to RECONSIDER whereby the Senate RECEDED and CONCURRED.

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

Bill "An Act to Revise the Harassment Law"

H.P. 1309 L.D. 1787

Tabled - June 10, 1987, by Senator GAUVREAU of Androscoggin.

Pending - PASSAGE TO BE ENGROSSED

(In House, June 9, 1987, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, June 10, 1987, the Majority OUGHT TO PASS IN DRAFT Report READ and ACCEPTED in NON-CONCURRENCE. The Bill in NEW DRAFT, READ A SECOND TIME.)

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

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

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 576 L.D. 1717

(C "A" S-147)

Tabled - June 10, 1987, by Senator BRANNIGAN of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, June 10, 1987, READ A SECOND TIME.)

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

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator ANDREWS for the Committee on ECONOMIC DEVELOPMENT on Bill "An Act Providing for the 1987 Amendments to the Finance Authority of Maine"

S.P. 511 L.D. 1535

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

S.P. 613 L.D. 1807

Which Report was READ and ACCEPTED.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and the NEW DRAFT PASSED TO BE ENGROSSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

SECOND READERS

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

House

LEGISLATIVE RECORD - SENATE, JUNE 10, 1987

Bill "An Act to Delineate Areas of Economic Distress and to Create Job Opportunity Zones to Alleviate Distress"

H.P. 1312 L.D. 1790

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Amend Certain Motor Vehicle Laws"

H.P. 150 L.D. 191

(S "A" S-156 to C

"A" H-275; S "A"

S-157)

In Senate, June 10, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275) AS AMENDED BY SENATE AMENDMENT "A" (S-156) thereto, AND SENATE AMENDMENT "A" (S-157).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275) AND SENATE AMENDMENT "A" (S-157) in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

SENATE PAPERS

Bill "An Act to Authorize Kennebec County to Raise up to \$9,500,000 for Construction and Improvement of Jail Facilities for Kennebec County"

S.P. 614 L.D. 1809

Presented by Senator BUSTIN of Kennebec

Cosponsored by: Senator MATTHEWS of Kennebec, Representative WEYMOUTH of West Gardiner, Representative HICKEY of Augusta

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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

Senator KANY: Thank you Mr. President and members of the Senate. It is my understanding that there are a number of people in Kennebec County who would like to see a public hearing on this matter. It is the hope of a number of us that the State and Local Government Committee will be willing to hold such a hearing.

On motion by Senator TUTTLE of York, referred to the Committee on STATE AND LOCAL GOVERNMENT.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Relating to Boards and Commissions"

H.P. 959 L.D. 1288

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-295).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-295) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Amend the Maine Turnpike Authority Act"

H.P. 240 L.D. 308

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

H.P. 1323 L.D. 1806

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.

Off Record Remarks

Senator TWITCHELL of Oxford was granted unanimous consent to address the Senate off the Record.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Thursday, June 11, 1987, at 9:00 in the morning.