

# MAINE STATE LEGISLATURE

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

**VOLUME III**

**FIRST CONFIRMATION SESSION**

August 21, 1987  
Index

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987  
Index

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987  
Index

**SECOND REGULAR SESSION**

January 6, 1988 to March 24, 1988

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

In Senate Chamber  
Tuesday  
March 8, 1988

Senate called to Order by the President.

Prayer by Reverend Calvin Dame of the All Souls Unitarian Church in Augusta.

REVEREND DAME: Oh Great and gracious Spirit, source of life and love, in whom we all live and move and have our being, we invoke thy blessings on this Assembly. We invoke the blessings of mission, that the deliberations of this assembly be infused with a sense of purpose. We invoke the blessing of respect, that a sense of the dignity and worth of every human personality be manifest here. We invoke the blessing of wisdom, that the decisions of this Body be just and sound. We invoke the blessing of humility, that each of us in all our efforts be reminded of our own limitations, and thus strive to listen better, to learn more, to grow in understanding. And may this Assembly and its members never cease from striving to build a world more just, to forge a prosperity more widely shared, to attain a society more equal and more free, to carry out its delegated responsibilities faithfully, with dignity and honor. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
House Papers

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1989" (Emergency)

H.P. 1798 L.D. 2462

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

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

Bill "An Act to Amend the Maine Business Corporation Act in Relation to Petitioning the Court for the Removal of Directors"

H.P. 1802 L.D. 2466

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

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

Bill "An Act to Prohibit the Sale of Polystyrene Foam Products Containing Chlorofluorocarbons"

H.P. 1797 L.D. 2461

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

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

Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for

the Fiscal Years Ending June 30, 1988 and June 30, 1989" (Emergency)

H.P. 1796 L.D. 2460

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Promote More Effective Investigations of Child Abuse Allegations in Out-of-Home Settings"

H.P. 1804 L.D. 2468

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

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

Bill "An Act to Amend Maine's Domestic Relations Laws"

H.P. 1801 L.D. 2465

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

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

Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1988-89" (Emergency)

H.P. 1800 L.D. 2464

Bill "An Act to Amend the Maine Income Tax Law"

H.P. 1803 L.D. 2467

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

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

Bill "An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges" (Emergency)

H.P. 1799 L.D. 2463

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

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

COMMUNICATIONS

The Following Communication:

113th MAINE LEGISLATURE

March 1, 1988

Honorable Joy J. O'Brien  
Secretary of the Senate

State House

Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to our authority under Chapter 56 of the Resolves of Maine, 1987, we have appointed Sally Clay to the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute. She will replace Marion McCue, who resigned.

Please let me know if you have any questions about this appointment.

Sincerely,

S/Charles P. Pray

S/John L. Martin

President of the Senate

Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

LEGISLATIVE HISTORY - SENATE, MARCH 8, 1988

Bill "An Act Concerning the Issuance of Subdivision Permits"

S.P. 938 L.D. 2476

Presented by Senator BUSTIN of Kennebec  
Cosponsored by: Representative HOGLUND of  
Portland. Senator ANDREWS of Cumberland,  
Representative PRIEST of Brunswick

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 26  
Bill "An Act Concerning the Storage, Use and  
Transportation of Hazardous Chemicals" (Emergency)

S.P. 939 L.D. 2477

Presented by Senator ERWIN of Oxford  
Cosponsored by: Representative TRACY of Rome,  
Speaker MARTIN of Eagle Lake, Senator KANY of  
Kennebec

Approved for Introduction by a Majority of the  
Legislative Council pursuant to Joint Rule 27  
Which were referred to the Committee on ENERGY  
AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Provide Funding for the Bangor  
Dental Clinic"

H.P. 1582 L.D. 1600

Resolve, Authorizing Philip Wolley of Searsport  
to Collect Compensation from the State of Maine

H.P. 1615 L.D. 2208

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 Establish Policies Governing  
Medical Malpractice Claims"

H.P. 586 L.D. 797

Bill "An Act to Eliminate Ad Damnum Clause in  
Cases Involving Unliquidated Damages"

H.P. 602 L.D. 820

Bill "An Act Pertaining to Civil Liability for  
Volunteers"

H.P. 614 L.D. 832

Bill "An Act to Apportion Fault under the  
Comparative Negligence Law"

H.P. 909 L.D. 1221

Bill "An Act to Authorize a Probation Officer to  
Bring an Ex Parte Motion to Change the Conditions of  
Probation"

H.P. 1460 L.D. 1971

Bill "An Act to Establish a Public Defender  
Program"

H.P. 1475 L.D. 2010

Ought to Pass in New Draft

The Committee on ENERGY AND NATURAL RESOURCES on  
Resolve, Regarding the Study of Low-Level Radioactive  
Waste in the Town of Greenbush

H.P. 1551 L.D. 2111

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

H.P. 1794 L.D. 2458

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

Which Report was READ and ACCEPTED, in  
concurrence.

The Resolve in NEW DRAFT READ ONCE.

The Resolve in NEW DRAFT TOMORROW ASSIGNED FOR  
SECOND READING.

SECOND READERS

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

House

Bill "An Act to Encourage Conservation  
Investments by Electric Utilities"

H.P. 1768 L.D. 2421

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

ENACTORS

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

An Act to Bring the Computer Services Section of  
the Department of Professional and Financial  
Regulation into the Division of Administrative  
Services

S.P. 734 L.D. 1993

(C "A" S-320)

An Act to Establish a Commemorative Day for  
Margaret Chase Smith and Edmund S. Muskie

S.P. 773 L.D. 2030

An Act to Require Gasoline Stations which Provide  
Self-Service at a Lower Rate to Provide Services at  
the Same Rate for Handicapped Drivers

H.P. 1497 L.D. 2047

(C "A" H-456)

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

Emergency Resolve

Resolve, to Extend the Reporting Deadline for the  
Commission on Children in Need of Supervision and  
Treatment

H.P. 1698 L.D. 2331

(H "C" H-463)

This being an Emergency Measure and having  
received the affirmative vote of 30 Members of the  
Senate, with No Senators having voted in negative,  
and 30 being more than two-thirds of the entire  
elected Membership of the Senate, was FINALLY PASSED  
and having been signed by the President, was  
presented by the Secretary to the Governor for his  
approval.

ORDERS OF THE DAY

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

Bill "An Act to Establish a System of Corporate  
Governance to Protect Employees and the Public from  
Corporate Lawbreakers and to Improve Compliance with  
Existing Civil and Criminal Laws"

H.P. 1790 L.D. 2451

Tabled - March 7, 1988, by Senator CLARK of  
Cumberland.

Pending - REFERENCE

(In House, March 4, 1988, referred to the  
Committee on JUDICIARY and ORDERED PRINTED.)

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

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.

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

SENATE REPORTS - from the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland"

S.P. 757 L.D. 2008

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-323)

Minority - Ought Not to Pass

Tabled - March 7, 1988, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 7, 1988. Reports READ.)

Senator BERUBE of Androscoggin moved to ACCEPT the Minority OUGHT NOT TO PASS Report.

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

Senator KERRY: Mr. President, ladies and gentlemen of the Senate. The Bill before us today addresses a fundamental injustice and I think this Senate in the past has supported measures that address human rights and the advancement of personal freedoms in such a fashion that we do it with dignity, prudence and deliberation. I can certainly appreciate and respect those individuals who might not want to infringe upon our bureaucracies investment of their portfolio funds in countries that have been widely acknowledged as oppressive, discriminatory and inhumane. This particular Bill does not require that this Senate or the people of Maine engage itself in international foreign policy on a regularized basis or on any basis whatsoever. What essentially it does is reaffirm our commitment to the advancement of human rights in this country and throughout the world. The MacBride Principles which has been subscribed to by a vast array of human rights, religious, labor and governmental entities throughout this country and throughout Great Britain and Northern Ireland. I would like to submit to you that the MacBride Principles expresses in a manifest fashion our states policies on the protection of women, children and families of Northern Ireland. The reason the MacBride Principles and this Bill is before you today is there has been and continues to be profound, endemic and wide-spread discrimination against a minority group in Northern Ireland. Secondly, that these families that have been discriminated against have within their midst American-based companies that have not necessarily fostered discrimination, but have allowed it to exist as a result of their doing business in this discriminatory environment. It has been stated that we should address this issue unemotionally. That we should address it dispassionately as a judge might assess a proceeding before a court.

I realize that this Senate might not truly desire to engage in a long, drawn out debate about the concerns of individuals in Northern Ireland. But I have visited Northern Ireland. I have looked into

the eyes and the faces of people that are experiencing discrimination in its most pernicious and insidious form. One that now robs children and young people of hope for their future. The MacBride Principles, initiated by the Nobel Peace Price Laureate Sean MacBride and two individuals who were labor leaders and civil rights leaders in Northern Ireland, Inez MacCormick whom I spoke with, a woman labor leader and Dr. John Rob, a physician and civil rights leader both of whom are Protestant. The Catholics and the Protestants who believe in peace in Northern Ireland have supported this measure and its principles. I would hope this Senate would see to it that they would acknowledge, by enacting this legislation, that the State of Maine and our American companies have a responsibility not only to invest our dollars in Northern Ireland, but to promote our principles of equality and justice for all. We should not be profiting on the oppression of other people.

Mr. President, ladies and gentlemen of the Senate. There is a wrong that must be righted. The MacBride Principles is not the only answer to this issue. It is a piece of a very large and complex puzzle, but it has in fact been the motivating factor in Ireland to promote peace, to promote British Government action, to resolve some of the problems that they have ignored for probably centuries and certainly throughout the last five or six decades. I believe these principles, the MacBride Principles, and this legislation will be a positive and affirmative action on the part of this Senate to support people of good will throughout the world. Most importantly, I think it will give to those persons in West Belfast who happen to be rioting today, hope that their future will hold a job. That their children will be able to have a good education, good employment practices and a fair opportunity for advancement and the fulfillment of their individual potential. It is hard for us to believe that promoting principles that merely say you cannot discriminate against a person because of their religion. That you cannot waive religious or political banners while you are working in the workplace. That you cannot be secured in the workplace. That you will have a person who will be checking the minority status of people in the work force. That people will have an equal opportunity to apprentice programs. That people will in fact have an opportunity to a job. That you in fact, because you happen to be a person of a specific minority, you will not be able to work in a specific place. These principles are so fundamental to our American way of life and our democratic principles that I think every company operating in their country should adhere by our principles that we have in this country.

Mr. President, ladies and gentlemen of the Senate, I would move that we oppose the motion and implore you to accept the Majority Ought to Pass Report. Thank you.

Senator KERRY of York requested a roll call.

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

Senator BERUBE: Thank you Mr. President. I don't get up often to speak as you all know, nor do I speak for lengthy periods of time, but this morning I would like to talk to you about this particular Bill.

There are many major issues facing us and to some this is a major issue. First of all, I would like to say that none of us subscribe to discriminatory practices and if we vote against this Bill that does not mean that we indeed condone those practices. If we could reaffirm our values to the entire world by

simply passing a Resolution that would call upon whoever is in power to look into discriminatory practices without entanglement with our retirement system. I guess the easiest thing for me to do today or last week in our Committee would have been to vote with the Majority Report. It would have ingratiated myself certainly to a couple of people who worked very, very hard to dismember, if you will, members of our Committee. This is a political cause and it is an ideal that all of us should embrace and the ideal being that we want to send our own values, the values that we in America have to the rest of the world. If we are going to do that with Northern Ireland, then let's do it in the Soviet Union with Pepsi Cola who is opening plants there, or other American companies because from what we hear and I have never visited the Soviet Union, there is great discrimination against the Jewish population. We could do the same in all parts of the world where there is civil strife. We could do it in Canada where there is great discrimination against the population and until in very recent years where a French speaking Canadian could not secure a well paying job. That has been changed with their Law 101, but they did it internally you see. A member of our Committee stated that he was voting for this Bill because he wanted to send a message to the American companies abroad that we were not going to tolerate American companies leaving the United States to set up shop in other parts of the world and hiring people for pennies. This is not what the Bill is. None of us condone, in fact we oppose American companies going away. But if we are going to do that, let's do it with American companies that go to Mexico, let's divest of those companies that conduct those practices.

I would like to say why I personally voted against this Bill. First of all I feel very strongly that we should not tamper with the State Retirement System. A system that has a \$1 billion unfunded liability. Stocks have gone up; it is fine to sell and make profit, but stocks are coming down and if we divest in three years, five years whatever, we don't know what the rates will be then. This bill divests or orders divestiture without the permission of the people who contribute to the fund; namely the employees and the taxpayers of this state who in turn pay the state's portion. Senator Kerry has said that this would address the American companies doing business in Northern Ireland. The Bill does not so state. It says clearly, "invested in any corporation doing business in Northern Ireland". My second reason is the principles themselves. I read them very carefully and I read them last night. The second principle has been deleted from the revised Bill and that was the one that mandated protection of the employee going to and from work. That was a bit strong even for the sponsor and he agreed that it should be struck out, so there will remain only protection in the workplace. Three of the principles set up a quota system. Sometimes that works and sometimes it doesn't. The largest trade union in Northern Ireland is vehemently opposed to this. They fear that with withdrawal of American companies that will again erode the job base in their country. We heard of the great unemployment rate with the Catholics. Well back in the early seventies, the unemployment rate was only seven percent now it is twenty percent across that portion of Ireland. That is an unemployment rate affecting the entire population. We have heard reference to South Africa. I hope members of this Senate that you don't compare the situation in Northern Ireland with that in South Africa where in South Africa terrorism and discrimination are mandated by the government

itself. There is no comparison whatsoever. At our hearing the American Irish Political Education Committee which I think is based in Washington said and I quote "No one disagrees that the MacBride Principle campaign in the various states has resulted in raising the issue of discrimination and pressurizing British Government to respond. That response needs to be codified in law and until then the principles are necessary." Needs to be codified in law which is exactly what has been implemented. The British Government has increased the funding for the Fair Employment Agency which oversees questions of discrimination. They have tightened up the law to give it more enforcement power. They have made it illegal for discrimination based on religious or political reasons and they have extended to indirect actions as well as direct actions. They have also mandated that all public employers and private employers with ten employees or more will annually register with them the number of peoples religious background so that they will indeed see that there is no discrimination. Number one, they follow it up by making it a criminal offense and number two, by directing that no government contracts or grants will go to those employers who indeed practice discrimination. Basically, they are doing it on their own. They might have been motivated or pushed a little bit by concerns of people in the United States, but nonetheless it is being done without passage of a law by us, without our infringing upon what really should be done by the State Department in Washington.

I have spoken too long, but I just wanted you to know why I personally voted against the Minority Report. I don't feel that we with our State Retirement Fund should get involved in political issues in another foreign country. Thank you Mr. President.

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Off Record Remarks

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THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Randall.

Senator RANDALL: Thank you Mr. President. Mr. President, ladies and gentlemen of the Senate. Do you believe our country was founded upon the basic tenant of freedom of religion? Do you believe American companies abroad should behave as they would at home? Do you believe in social justice and the human dignity of holding a job without regard to religion? If you believe in these basic American values, then you should support L.D. 2008 before us for consideration today.

Mr. President, ladies and gentlemen of the Senate. The list of prestigious supporters of the MacBride Principles is many and varied. Included are the President of Ireland, numerous United States Presidential candidates, United States Senators from both sides of the aisle, Members of our own Congressional Delegation, the Cardinal of Ireland, every major protestant and Catholic organization in the United States, the National AFL-CIO, and our own Maine AFL-CIO, to name a few. As a Maine republican, I am proud to add my name to this list.

The issue of jobs and social justice in northern Ireland is a bipartisan issue. It is a fundamental human rights issue, embraced by members of all congregations, religious beliefs, and political beliefs. L.D. 2008 is a practical and peaceful approach to solving the undisputed discriminatory employment practices which exist in northern Ireland. As the Prime Minister of Ireland, Charles

Haughey has stated: "I fully endorse the MacBride Principles. I welcome the efforts and initiative of concerned Americans who wish to see something done about the chronic discriminatory patterns in employment in northern Ireland. The regrettable position is that fourteen years after the imposition of direct rule in Northern Ireland, the situation in most sectors of employment are as bad as they ever were. The purpose of the MacBride Principles is to ensure that if there is to be American investment, if there are to be American orders, the firms concerned will have to act fairly and in a non-discriminatory fashion in regard to employment."

L.D. 2008 is our opportunity to guarantee that American companies practice fair employment, not only at home, but abroad in northern Ireland as well. That those American companies understand they can set a good example and by doing so take the lead in establishing fair employment as good management philosophy. By passing L.D. 2008, we are not meddling in the affairs of a foreign government. Not at all! Rather, we are providing direction through our state investment policy to those American companies doing business in northern Ireland. After all, they are American companies supported by American investment and tax dollars. Certainly, we have a right, I would even argue an obligation, to provide them with direction. They are an extension of us abroad.

I support L.D. 2008 when I did not support our initiative to divest from South Africa. Let me explain. The two pieces of legislation are entirely different. L.D. 2008 is much less restrictive than the South African legislation which requires complete divestment from every aspect of the South African economy. L.D. 2008 pertains only to twenty-four companies doing business in northern Ireland. We invest in only eight of those twenty-four and of those eight, the South African law requires that we divest from six who do business in South Africa as well as Northern Ireland.

We are talking about limiting investment decisions regarding two companies with this Bill, L.D. 2008, far different than total divestment from a nation's entire economy. From my perspective, L.D. 2008 is a more reasonable approach to the intractable issue of job discrimination. Employment discrimination is considered a primary cause of violence in northern Ireland. In some areas of West Belfast the unemployment rates exceeds eighty percent of the Catholic male population. Those are the facts today. I urge you not to wait another day to take action and put our State of Maine on the Record as opposing religious discrimination, both home and aboard.

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

Senator CLARK: Thank you Mr. President, men and women of the Senate. We have before us today a motion that would have this Senate accept a Minority Report from the Committee on Aging, Retirement and Veterans. I would urge you this morning to reject that Report and to join with the Majority in accepting that Report.

It isn't often that I find myself a signature opposite the esteemed Chair of that Joint Standing Committee, but that is the case today. I sort of stand here this morning as the last player. Everything has been said that needs to be said and what I had intended to say and share with you this morning need not be repeated. Suffice it to say in summary that discrimination anywhere and in this case Northern Ireland and in particular against Catholics in the hiring and promoting of employees, is clearly

the primary cause of the bitter division that exists in that country. This is not simply a particular religious issue and it does not represent political interference in the determination of worker democracy. The protections afforded in the version of the Bill reported out of our Committee simply state that the MacBride Principles are not sectarian attempts to promote the employment of Catholics. For these principles apply to any underrepresented religious group. Their implementation would require companies with a disproportionately large percentage of Catholic employees to take affirmative action to recruit, employ and promote Protestants and other religious denominations.

The MacBride Principles, as incorporated in the Majority Report from our Committee, would merely make American companies doing business in Northern Ireland adhere to the same type of nondiscriminatory employment policies which they are required to follow in the United States, due to the Federal Civil Rights Act of 1964 and the various State Human Rights Acts, not the least of which is our very own here in our own state. I believe that L.D. 2008 represents no substantial burden on the Maine State Retirement System Board of Trustees in complying with the MacBride Principles and this L.D. Personally, I can't imagine an American corporation deciding not to do business in Northern Ireland just because it would have to comply with the MacBride Principles. American corporations are used to complying with similar American legislation and they can and will continue to do business in Northern Ireland and the Maine State Retirement System can and will continue to retain its investment in those companies doing business in Northern Ireland when the MacBride Principles are adopted. It is as little as that.

Thank you for considering the testimony and the debate this morning. I would urge you to reject the pending motion.

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 very pleased that there is so much concern of all the people in the Senate for discrimination and unemployment problems in Ireland. I hope their concern goes further, to Afghanistan, the West Bank and the people of the State of Maine. My concern is for the people of the State of Maine. I don't believe my constituents elected me to come to the Senate to talk about the problems of the world. That is what the U.S. Congress is for. It seems to me that we have other things to do. We have problems here in the State that should be taken care of -- affordable housing, people who need help. Here we are talking about Ireland. We are talking about L.D. 2008 and the MacBride Principles. What about the Maine principles. Isn't that what we are here for?

I have a paper here that says Religious Equality of Opportunity and Employment, the new government proposals. I don't know where this came from. It was handed to me. It says "discrimination on religious or political grounds is already illegal in Northern Ireland and new legislation will make it clear that this extends to indirect as well as direct discrimination." The Prime Minister of Great Britain, Mrs. Margaret Thatcher said "the British Government will take whatever further steps are required to work for the elimination of discrimination and promotion of real equality of opportunity for all people in Northern Ireland regardless of their religious beliefs or political views." This is a Special Session that we have today and we are supposed to have emergency legislation

here. I do not consider the woes of the world to be that type of legislation. I hope you will vote against this Bill. Thank you.

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Off Record Remarks

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. I wasn't going to say a word, but after the good Senator from Cumberland, Senator Dillenback's comments I think that something else should be said. As one Senator from Senate District 13 duly elected by the people in my district and here to uphold the Constitution of the State of Maine and the Constitution of our great nation, the people of my district do believe that the problems around the world are important and should be debated and not simply left up to the members of Congress. Not the folks that I represent because we engage in debate in my town meetings and sometimes we talk about the ills of the world also. We have heard it mentioned many times that our economy is a global economy and that is very, very true. American enterprise and American business is the biggest cog in the wheel of a global economy and the dollars that are invested and spent and the employment practices of American companies and nations are very, very important. When they engage in discrimination on the basis of race or religion, then I think it is quite appropriate for the people of this great country of ours to say no. The issues in Ireland and in Northern Ireland especially are something that I know about as a descendent of Irish parents and Greek parents. As a Catholic, I remember many days spent with my grandfather Simon O'Connor talking about the discrimination he faced before he came to this great country, the Land of Liberty, America. Having British soldiers come into a Catholic school and say you shall not continue to talk about your religion. We do not want Irish Catholics to get an education or to have an equal opportunity to a job. I remember those discussions with my grandfather.

One comment by the Maine State Employees Association concerns me greatly and I would call your attention to their Newsletter. It simply says about the third paragraph down "we object to this political interference with the management of our members of the Pension Fund. Today some legislators may feel that the situation in Northern Ireland justifies these interferences. Tomorrow another group may seek to influence the situation in Israel, Panama, or Japan." That is an interesting three nations that are mentioned because Israel is a democracy, Japan has a democracy and Panama, Noriega's Panama. Senator Dillenback from Cumberland and myself may be here tomorrow talking about Panama. I applaud the President of the United States that has just taken action against Panama and Noriega with sanctions, with stopping the flow of American investment of dollars, taxpayer dollars to Panama. I am not going to get into all the things that we know about Panama. It is appropriate ladies and gentlemen, for the people of this country to be concerned about social justice and economic democracy, not just for state employees and our citizens in this state, but people of the world also. That is how we were founded. We can't simply put our beliefs, our constitution on the shelf and close up the walls and the boundaries of this country and decide we are going to take care of just America. The American

spirit lives everywhere, in every nation of the world and that is what democracy is all about.

I applaud the people who have talked in favor of this Bill especially the good Senator from Washington, Senator Randall. His words were well taken and well spoken. This is a good Bill. This is truly in keeping with what we are all about and I would urge the defeat of this motion and the acceptance of the Majority Report. Thank you.

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

Senator BALDACCI: Mr. President and members of the Senate. It is rarely an issue which transcends many boundaries, but it is this issue of discrimination against Catholics because they are Catholics that transcends all boundaries. When my grandfather came to the United States of America he landed in Baltimore. He was so impressed with this country that he named his place of business the Baltimore, because America represented the freedoms and liberties and the pursuits which all the world should have. America represented the Statue of Liberty, Bring Ye All. We never discriminated against the Irish, the Italians, the French. All nationalities have helped make Maine and the United States of America a great country. The Italians, the Irish, the French and all nationalities feel that they have made a contribution and are continuing to make a contribution to this country.

We have established a constitution, laws which we abide by because we know that we all must abide by those laws because it says all the people. We the people, all of us, black and white, rich and poor, young and old. What is going on in Northern Ireland is a disgrace. It is a disgrace because it brings us back to the time when in South Brewer across the river from Bangor, they used to burn oil cans in the sign of the cross and they had one of the largest delegations of Ku Klux Klan in the State of Maine. It brings us back in time and it gives us an opportunity to react the way we would react today which is we are opposed to that that is disgusting. It was disgusting when the Senator from Kennebec, Senator Matthews talked about his grandfather. It was disgusting to me when I heard about it from my grandfather and grandmother and my father. If I were there I would have reacted disgusted as the Senator from Kennebec, Senator Matthews did. When you talk about Margaret Thatcher and what is going on in Great Britain, there was some interesting stories that were told. One of which was that there had been enacted legislation that we are discussing today and in fact it has not been enacted. It has been proposed and proposed and proposed, but never enacted. Voluntary standards that are in place have never been adhered to because they are voluntary and anytime U.S. companies go abroad they should be under some set of guidelines as they are in this country and they shouldn't act the way all the other companies do just because that is what all the other companies do. They should set some sort of standard. I think that when Prime Minister Thatcher declared that her goal is to achieve an acceptable level of violence in Northern Ireland, I don't think it is wise for this country or this state to approve those techniques.

While it is an emotional issue and it has been discussed that we shouldn't politicize the Maine State Retirement Fund, I must remind you that it was this Body four years ago that made decisions to make that fund a little bit sturdier so it would stand the test of time. It is this Body who will make a decisions whether more money should go to the fund to make it sturdy, to meet the new actuarial data, to meet the new recommendations of the Monks



Commission. It will be this Body. It will be this Body who is going to make a decision whether it is right or wrong to do that. It is also this Body's decision to make sure whether it makes sense or not some of the investments of that particular fund and whether they are furthering the cause of discrimination against Catholics whatever it is. If we can stand up and support the blacks in South Africa and what is going on with apartheid, we should be able to at least stand up for discrimination for Catholics in Ireland. Thank you Mr. President.

On motion by Senator KERRY of York, supported by a Division of at least one-fifth of the Members present and voting, a roll call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT NOT TO PASS Report.

A vote of Yes will be in favor of the motion of Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT NOT TO PASS Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator SEWALL of Lincoln who would have voted YEA requested and received Leave of the Senate to pair her vote with Senator BRANNIGAN of Cumberland who would have voted NAY.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BRAWN, COLLINS, DILLENBACK, EMERSON, GOULD, LUDWIG, MAYBURY, PERKINS, WEBSTER

NAYS: Senators ANDREWS, BALDACCI, BLACK, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, PEARSON, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator CAHILL

PAIRED: Senators BRANNIGAN, SEWALL

10 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, the motion of Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report, FAILED.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-323) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator KERRY of York, ADJOURNED until Wednesday, March 9, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
40th Legislative Day  
Wednesday, March 9, 1988

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

Prayer by Reverend Priscilla Traunstein, First Universalist Church, Pittsfield.

The Journal of Tuesday, March 8, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act Concerning the Issuance of Subdivision Permits" (S.P. 938) (L.D. 2476)

Bill "An Act Concerning the Storage, Use and Transportation of Hazardous Chemicals" (Emergency) (S.P. 939) (L.D. 2477)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Were referred to the Committee on Energy and Natural Resources in concurrence.

Non-Concurrent Matter

Bill "An Act to Establish a System of Corporate Governance to Protect Employees and the Public from Corporate Lawbreakers and to Improve Compliance with Existing Civil and Criminal Laws" (H.P. 1790) (L.D. 2451) which was referred to the Committee on Judiciary in the House on March 4, 1988.

Came from the Senate referred to the Committee on State and Local Government in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

MAINE STATE RETIREMENT SYSTEM

State House Station 46

Augusta, Maine 04333

March 7, 1988

Charles P. Pray, President

Maine State Senate

John L. Martin, Speaker

House of Representatives

Dear President Pray and Speaker Martin:

In accordance with the provisions of 5 MRSA, §17806, the Board of Trustees of the Maine State Retirement System hereby notifies you that a 3.7 percent increase in retirement benefits paid to state employees, teachers and retirees of certain participating local districts was authorized effective September 1, 1987. This was a cost-of-living increase based upon the increase in the Consumer Price Index. The Consumer Price Index (CPI-U) published by the United States Department of Labor, Bureau of Labor Statistics, increased 3.7 percent in the twelve month period ending June 1987.

The 3.7 percent cost-of-living increase paid to state employees and teachers will cost approximately \$3.2 million in the current year. The total increase in the System's reserve requirements generated by this cost-of-living increase is \$35.2 million.

Sincerely,  
s/Claude R. Perrier  
Executive Director

Was read and ordered placed on file.

The following Communication:

COMMITTEE TO STUDY THE RETIREMENT SYSTEM

AUGUSTA, MAINE 04333