

MAINE STATE LEGISLATURE

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

VOLUME III

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

In Senate Chamber
Tuesday
March 15, 1988

Senate called to Order by the President.

Prayer by Reverend Richard M. Hamilton of the United Methodist Church in Bangor.

REVEREND HAMILTON: It is good to be with you on this one hundred and sixty-eighth anniversary of the admission of the State of Maine into the Union of the United States. Let us be in the spirit of prayer.

Most gracious God, giver of life for the day You have given us, with all its possibilities, we thank You. We ask Your presence here. In the midst of the business of the day, may we not lose sight of the business at hand, how it effects life and the common good of those within our State and the world. We pray for clear minds, that our decisions might be wise and for the common good. We pray for insight that our actions may reflect Your justice and Your peace.

Be with us in a special way this day, Oh God, that the commonness of each moment, might reflect the many gifts which we so often take for granted: The precious gift of life. The beauty of Your creation within this space we call Maine. The resources of persons, their hopes, their dreams. The resources of the earth and the various ways that life is sustained. We ask that You would take the opportunities and challenges before us and match them with our ability and willingness to serve, that community may be strengthened and peace preserved. Our prayer we lift to the glory of Your Name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency)
S.P. 946 L.D. 2494

In Senate, March 10, 1988, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-478) in NON-CONCURRENCE.

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

House Papers

Bill "An Act to Increase the Appropriation to Municipal School Districts for the Inspection and Replacement of Unsafe School Buses"

H.P. 1835 L.D. 2512

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 Substantially Revise the Driver Education Evaluation Program" (Emergency)
H.P. 1838 L.D. 2515

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 Provide for a Partial Rebate of 1987 Individual Income Tax"

H.P. 1833 L.D. 2510

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

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

Resolve, to Create a Commission to Study the Feasibility of a Toll-Based Highway in Mid-Coast Maine

H.P. 1836 L.D. 2513

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.

Bill "An Act to Revise the Charter of the Brunswick Sewer District" (Emergency)

H.P. 1837 L.D. 2514

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

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

COMMUNICATIONS

The Following Communication:
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333

March 10, 1988

The Honorable Charles P. Pray
President of the Senate
Office of the President
State House Station 3
Augusta, Maine 04333
Dear Senator Pray:

As chairman, I am pleased to submit a copy of the findings of the Commission engaged by the 113th Legislature to study the resolve entitled "Resolve to Establish a Commission to Study the Feasibility of Constructing a 4-lane Highway from Interstate 95 to the St. John Valley".

The report, while indicating that a new controlled access highway facility cannot be justified at this time under traditional analysis processes, clearly states the importance of Routes 1 and 11 and indicates the strong need to continue and accelerate the upgrading of these corridors.

I appreciated the opportunity to serve as Chairman of this Commission and express my concerns for the highway system in Aroostook County.

Sincerely,
S/Gregory J. Cyr
Chairman

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

SENATE PAPERS

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

S.P. 950 L.D. 2521

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative PARADIS of Augusta

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26 Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Assure Adequate Housing for the People of Maine"

S.P. 954 L.D. 2526
Presented by Senator BUSTIN of Kennebec
Cosponsored by: Representative DUFFY of Bangor, Representative CLARK of Brunswick
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.
Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

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

Resolve, to Protect Against Property Tax Losses Resulting from Transfers Under Provisions of Certain Land Trust Transfers

H.P. 1445 L.D. 1956

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 Make Adjustments in the State Tax Structure as a Result of Federal Tax Reform"

H.P. 548 L.D. 735

Bill "An Act to Amend Eligibility Requirements under the Household Tax and Rent Refund Act and the Elderly Low-Cost Drug Program"

H.P. 1554 L.D. 2114

Bill "An Act Concerning the Use of Lands Abutting Farmlands"

H.P. 1576 L.D. 2151

Bill "An Act to Improve the Marketing of Potatoes by Strengthening the Maine Bag Program"

H.P. 1606 L.D. 2197

Bill "An Act Relating to the Net Operating Loss Carry-Back on the Maine Income Tax"

H.P. 1681 L.D. 2310

Change of Reference

The Committee on JUDICIARY on Bill "An Act Relating to the Direct Initiative Process"

H.P. 1616 L.D. 2209

Reported that the same be REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on ENERGY AND NATURAL RESOURCES.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on ENERGY AND NATURAL RESOURCES, in concurrence.

Ought to Pass

The Committee on LEGAL AFFAIRS on Bill "An Act to Correct Liquor License Fees" (Emergency)

H.P. 1649 L.D. 2257

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.
Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Resolve, to Name the New Bridge Between the Communities of Bucksport and Verona the "Dr. Edward Thegan Memorial Bridge"

H.P. 1669 L.D. 2287

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide for Retail Inspection of Potatoes"

H.P. 1447 L.D. 1958

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-477).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-477) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds"

H.P. 1638 L.D. 2237

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-476).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-476) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill "An Act to Provide for Child Care and Child Development Training for Student Parents"

H.P. 1575 L.D. 2150

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-474).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-474) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

The Committee on UTILITIES on Bill "An Act to Increase the Effectiveness of the Public Utilities Commission through Computerization and to Provide Certain Exceptions from the Annual Regulatory Fund Assessment and from Filing Annual Reports and Certain Other Changes"

H.P. 1630 L.D. 2225

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-470).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-470) AS AMENDED BY HOUSE AMENDMENT "A" (H-479) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-470) READ.

House Amendment "A" (H-479) to Committee Amendment "A" (H-470) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-470) as Amended by House Amendment "A" (H-479) thereto, ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

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 Appropriate Funds for Additional Staff for Licensing Bureau of the Department of Human Services"

S.P. 812 L.D. 2126

Bill "An Act to Enhance Adult Literacy Services"

S.P. 836 L.D. 2170

Bill "An Act to Provide More Positions in the District Attorney's Office in Cumberland County"

S.P. 859 L.D. 2247

Ought to Pass in New Draft

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act to Reform Provisions of the Civil Justice System"

S.P. 192 L.D. 539

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

S.P. 952 L.D. 2520

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Senator DUTREMBLE for the Committee on LABOR on Bill "An Act to Include Certain Prisoners within the Provisions of the Workers' Compensation Act"

S.P. 781 L.D. 2038

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

S.P. 953 L.D. 2525

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects"

S.P. 238 L.D. 657

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-336).

Signed:

Senators:

BRANNIGAN of Cumberland
GAUVREAU of Androscoggin
BLACK of Cumberland

Representatives:

THISTLE of Dover-Foxcroft
MACBRIDE of Presque Isle
HANLEY of Paris
MARSANO of Belfast
BEGLEY of Waldoboro
COTE of Auburn
VOSE of Eastport

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

Signed:

Representatives:

PARADIS of Augusta
CONLEY of Portland
WARREN of Scarborough

Which Reports were READ.

On motion by Senator BRANNIGAN of Cumberland, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED. The Bill READ ONCE.

Committee Amendment "A" (S-336) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act Pertaining to the Establishment of Market Assistance Plans"

H.P. 1820 L.D. 2495

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1988 (Emergency)

H.P. 1831 L.D. 2507

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

House As Amended

Bill "An Act to Amend the Uniform Commercial Code"

H.P. 1504 L.D. 2054

(C "A" H-469)

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

Senate

Bill "An Act Relating to Development Along the St. Croix River"

S.P. 949 L.D. 2508

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

Sent down for concurrence.

ENACTORS

LEGISLATIVE HISTORY - SENATE, MARCH 15, 1988

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

An Act Relative to the Union of the Trustees of the Maine Annual Conference of the United Methodist Church and the Trustees of the New Hampshire Annual Conference of the United Methodist Church

H.P. 1601 L.D. 2192
(C "A" H-465)

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

An Act to Provide Increased Funding for the Civil Air Patrol

H.P. 1526 L.D. 2080
(C "A" H-464)

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1988

H.P. 1818 L.D. 2488

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.

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

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

Off Record Remarks

On motion by Senator PERKINS of Hancock, 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:

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 Regulate Marketing and Bargaining in the Maine Blueberry Industry"

S.P. 918 L.D. 2394

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds for Structural Repairs to the Woodbury Pond Dam"

S.P. 771 L.D. 2028

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-337).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-337) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

Senate

Change of Reference

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Improve Personal Care Attendant Services under the Home-Based Care Laws"

S.P. 884 L.D. 2296

Reported that the same be REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.

Sent down for concurrence.

ORDERS OF THE DAY

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

Resolve, Regarding the Study of Low-Level Radioactive Waste in the Town of Greenbush

H.P. 1794 L.D. 2458

Tabled - March 14, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, March 10, 1988, READ A SECOND TIME.)

(In House, March 7, 1988, PASSED TO BE ENGROSSED.)

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-338) READ and ADOPTED.

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

Sent down for concurrence.

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

Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency)

S.P. 946 L.D. 2494

Tabled - March 15, 1988, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, March 10, 1988, PASSED TO BE ENGROSSED.)

(In House, March 14, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-478) in NON-CONCURRENCE.)

Senator DUTREMBLE of York moved to INSIST.

Senator SEWALL of Lincoln moved to RECEDE and CONCUR.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I hope you will defeat the motion of Recede and Concur so that we, in fact, may Insist. We have discussed the Bill before us the other day and I think this Body overwhelmingly supported the basic premise of the retraining program and the funding mechanism. Today, as we look at this Bill, we find that there has been a change in the funding mechanism from the other Body where there is an Amendment that proposes that funding come from the General Fund and if you are serious about this Bill, as I think you are, you have

to recognize that that type of funding will not occur. If we are to support this legislation we must do it by the method that is in the original Bill, which uses money through the Unemployment Fund. For those of you are concerned about that mechanism I would like to suggest two things that may influence your decision. You all know that I am very zealous of that fund, I have lived through the days when it has gotten to such levels that employers had to increase their contributions and I have seen the time when we have borrowed Federal Funds in order to put that Fund in proper perspective. I am pleased first to report to you that the Fund is in the best condition that it has ever been in and secondly, I want you to remember that there is a built in circuit breaker that does eliminate all Star contributions when unemployment conditions are not favorable. Keep in mind that Star contributions are separate from the Unemployment Compensation Program and not one single penny would come out of the trust funds reserves. So, I hope you will join me in defeating the pending motion and then vote to Insist, which is our previous position. Thank you Mr. President.

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

Senator SEWALL: Thank you Mr. President. Mr. President, men and women of the Senate. It is a very strange occasion when I rise to oppose the good Senator from Aroostook on a motion dealing with a labor issue, but I must oppose him and the Governor on this point. I served a good deal of time of the Labor Committee, not the most enjoyable time of my life, but I did learn a few things. One of them is the Unemployment Compensation Fund which was set up for one singular purpose and none other. It was set up to give some income to those people who are unemployed, it was not set up for another purpose. The only contributors to this Fund are employers. The employers before, when they started adding more expensive propositions to the Fund, had to pay a penalty. They said that the time, don't worry, we will put these benefits in, everything is fine and if we get into trouble we will borrow the money from the Federal Government and as they have done with so many other states, they will never make us pay it back. Surprise, surprise, there has been a surtax to employers in the State of Maine for years and years and years to pay back that loan from the Federal Government which we supposedly were never going to pay back. If you look back in the law and you see where there was a series of amendments put in by a fellow name Bernard Estes, who I believe was a Senator at the time, to clear up that Fund and to finally make it viable. It is viable, our economy is better than it has been in years and as much as I would like to see the economy stay that way, I am sure there will be changes in it. If we are going to start using money that was set aside and is taken from employers for one specific purpose and distributed into any other purpose, I feel that is wrong and I feel that is detrimental to the Fund. I also think that it sets a precedent which is worse than this Bill which may be a small movement in that direction and maybe eventually they will want to say, well in order to get this you must take training or maybe they will say eventually that employees should pay in something. Maybe employees should pay one percent into the Fund. Maybe they will try to make it better that way, but right now they don't and who is really going to pay for this? Remember in Maine that small business is the backbone of business here and those small employers, who pay into this Fund and generally they are people who have small stores, mom and pop outfits, gasoline stations and the like,

those people are going to be paying in this retraining program which chances are they are not going to retrain anyone to be a clerk in their store or to pump gas and that sort of thing. I think it is detrimental, I think that the idea of retraining is a good one, I have supported a lot of legislation in that direction, but I think that we now have an option before us of funding a social program, along with other social programs in this state and I think if we Recede and Concur, we will be doing a better thing, not something that opens the door wide for social programs to be financed by the Unemployment Fund.

Off Record Remarks

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

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. I heard referred in debate this morning from the good Senator from Aroostook about those tough times when businesses throughout the state had to pay in on a surcharge to the Unemployment Insurance Fund, because this state has unemployment laws that caused it to be in deficit to the Federal Government. The small businesses had to pay a surcharge so that the state of Maine would not be in the red. That was paid over years, it was paid in good times as well as bad times, by all the businesses in the state.

Now we have record low unemployment, we have businesses that are paying far above the minimum wage offering health benefits to attract employees and some summer establishments are willing to put up the people in room and board plus a set fee each week, which is totally unheard of. Now we come up with a program that is going to tax the surplus from the Unemployment Fund, which we fought when other entities wanted to tap that Unemployment Fund in different parts of the state because of certain labor unrest. Now we are going to tap that for unemployed people that are chronic unemployed people to help train them. They are going to get employment theoretically, but none of the money that is gained through that reemployment is going back into the State's General Fund. There is no obligation for any of that reemployment theoretically to be paid back to the state either to the Unemployment Fund or back to the State General Fund. There is no commitment on the other side of the equation. I strongly oppose the use of those businesses that paid in to get the state out of red ink, now when we have record low employment in the Insurance Fund, instead of giving that back to those employers, we are now setting up a program that says that once the money runs out, then we will disband the program. All of us here must know by now that that never happens here any ways. That program will have a life of all of its own. I think the important thing here is to start it off on the right foot. If it deserves attention, it will get the attention of the General Fund Appropriation Table. If it deserves to come out of the Unemployment Fund, then there ought to be some commitment on those people theoretically when they get hired again, to recommit some funds back to it. I don't think it is fair to always tap those employers who have paid in. So, I will be supporting the motion to Recede and Concur and I hope that you folks would also. Thank you.

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

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. I would just like to correct a few comments that were made to make sure that everyone is clear about exactly where the money comes from. The money does not come from any existing funds in the Unemployment Trust Fund, nor will it increase an employers rate or will employers have to pay more because of this program. The money is coming from the fact that the schedule was about to go down by .1 point I believe and the money that was going to go down instead of returning it to the employers is going to be used to fund the program. So, when the Governor proposed this idea the question was do you like the idea that they are taking this money or would you rather see it in the General Fund. I guess I looked at it as far as what kind of program it was and saw it was a program that maybe I would generally support and then where would the funding come from. I also realized that going to the General Fund right now would probably mean that the Bill would not pass and the Bill would die. So, the Governor did propose this and it is some way a tax, a minor tax, but I guess it is something I can support because of the program. I hope that you would go with the motion to Insist and reject the current motion to Recede and Concur.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I think the distinguished Chairman of the Labor Committee has made the point rather well that we are not tapping a fund. I guess that we repeated this message several times, but I think it is important because the arguments from the other side seems to suggest that we are doing this and we are not. Second, I would like to call to your attention that this Bill is supported by business. It is a business tax and business people support it. Star program is supported by the Maine Merchants Association, the Maine Chamber of Commerce and Industry, the Maine Grocers Association, the fifteen County Private Industry Council, the Cumberland County Private Industry Council and many others. I would like to suggest to you that at least eighty percent of those people who participate in the Star program, will be placed in small business in Maine. As a small businessman in Maine, I am very pleased that we are taking this type of action, whereby we can train people for the jobs that are available in the places where we need them badly. It seems to me that business people are going to benefit from this legislation as are the people who are taking off the roles of unemployment as they learn new skills and enter into a new job market. I hope that you will defeat the pending motion and then endorse the motion to Insist. Thank you.

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

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Aroostook, Senator Collins, has talked about what is good for small business people and that this act is going to help them in finding employment. And that this is something that they should be paying for because they are the ones that need these people who are well trained. The fact of the matter is that eighty-five percent of the businesses in the State of Maine are small businesses and the fact of the matter is that those small businesses are not contributing to the unemployment problems of the State of Maine, but are contributing to the employment of the State of Maine by and large. They take people that are not trained and

train them in small businesses where you have few employees, where you take somebody that is willing to start at a lower rate, show them the way of doing things and having them learn and going from a small operation to a large operation. That is the training that goes on in small businesses. Some program with classrooms isn't going to be a program that is going to help the small businesses. The program that is going to help the small businesses is a program that you already have on the books. It helps pay a salary of a person that is receiving state aid. So you have the state contributing along with the business contributing to pay somebody to work with the small business. That is an existing program. You have the Women Education and Training Program that takes women that are drop outs of high school to get back into the education framework, pays their tuition and transportation and helps out with those programs and makes them available for the work force.

I don't sit on the Labor Committee, but when I go around my district and talk to people that are effected and work with these programs, they are out there, why start a new program when you already have an existing program? Just because you take something existing and call it Star, it has a bright flashy thing to it and it is going to make everybody feel good? You know I think it is a big waste of money and it could be well served going back to those businesses.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I am rather suspect that the name of this ought to be Star Wars as opposed to Star. I think that we ought to recognize that this program is not going to create a new bureaucracy. One of the strengths of the programs is that it is going to be built on existing systems, including our Vocational Technical Institutes. It is going to include job training, it is going to utilize adult education. It is not going to offer just one thing, it is not going to be entirely focused on classrooms. It is going to offer a multitude of existing programs that can be utilized in this. So, we ought not to fear that we are going to have a new bureaucracy. Second, I would like to remind you once more that the program self destructs in two years time. Third, I would like to remind you that this is not a program when times are bad. It is a program for when times are good and when times are bad and there are additional calls on unemployment funds, this program goes out of business. So, you don't have to fear that.

Senator COLLINS of Aroostook requested a Roll Call.

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

Senator SEWALL: Thank you Mr. President. Mr. President, men and women of the Senate. I just wanted to respond to a few remarks that have been made, one from my colleague Senator Collins, when he said that business supported this Bill and it is true in a split vote the Chamber of Commerce board finally did decide to go along with this and I presume the Maine Merchants did too. But, let's talk about who represents most of small business in Maine and that is the National Federation of Independent Businesses and when they were asked the question, "Should a scheduled unemployment reduction be reallocated to the training and education program for unemployed workers?" The results were eleven percent yes, eighty-three percent no and six percent undecided. That looks like a pretty clear decision from small business to me. Then just let me mention from

AFL-CIO memorandum which was a statement given in Washington on Monday, December fourteenth, where the AFL-CIO said, "in both cases we are opposed to the use of Unemployment Trust Funds to carry out demonstration projects beyond the purposes that are specified. It is our firm conviction that the nations unemployment insurance system should provide temporary income support to jobless workers. Other programs targeted at displaced or dislocated workers are needed but they should be funded separately. We are opposed to the diversion of trust fund money." So, I am not alone in this and I hope you will consider what you are doing and what a precedent you may be setting today in using these funds.

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

Senator KERRY: Thank you Mr. President. Mr. President, men and women of the Senate. I think what we are really doing today is sending a message to the people of Maine and to the working people as well as small businesses that we are attempting to address a fundamental and systemic problem with people who are chronically unemployed. In the past, many members of my party have supported job training programs, educational programs to put people back to work, and vocational education programs that would provide new opportunities for people to address fundamental long-term concerns with employment. I think this particular program, although it has a good intent and many of us support in concept, may be sending a wrong message not only to the small businesses of Maine, but to the working people of Maine. Probably more importantly, to those who are having a difficult time finding jobs and employment. There may be many of us here who find that the funding mechanism for this program is central to the debate. If we really want to address the problem we must address the problem with sufficient resources to address it over time. It is my understanding from those who have been working on this Bill that this is the first time that they have sought to receive funding for this mechanism through the Unemployment Trust Fund. I, like many of you here in this Body, was either serving in the Senate or the House and we do recall the times when that Fund was in dire straits. But, I don't think that the selection of the Unemployment Trust Fund windfall is the key question either. I think the key question is what is the perception and what is the reality. The reality is for a person that we are trying to address in terms of providing them with better employment opportunities and on-the-job training in a small business in the state of Maine, they will think that they now have a great deal of hope that will last more than twenty-four months. That in fact it will hopefully last for twenty-four to thirty years that they will be able to work and gain skills that are necessary to go forward to feed their families, to develop skills, etc. I honestly believe looking at the Bill as it stands now and looking at the funding mechanism that we are really not addressing the fundamental chronic problem that a person in this situation has. I also believe that the message that we are sending out to the small business community is that we are trying to fund a program in an expeditious fashion. It may seem politically astute for those of us in Augusta, saying that we are going to try to address this problem in a superficial fashion and it may play well out there in the community. The reality is those businesses who are small businesses in Maine, for many of them there never is great times. They are usually struggling to make it every day of their lives. They are usually struggling to meet a payroll, they are usually struggling to pay their taxes, they are usually

struggling to maintain the viability of their businesses. And as many Senators, especially the good Senator from Penobscot, Senator Baldacci, mentioned that the small businesses are in fact the backbone of the Maine economy. My point of view here today is if we are going to be honest in addressing this issue, and I find that the arguments are persuasive, that if we really want to address this issue we must fund it through a proper mechanism and the proper mechanism is the General Fund.

I do in fact believe the concept is good, I think the program itself is questionable, I think the funding mechanism is inappropriate and it is very seldom that I agree with the good Senator from Lincoln, Senator Sewall, but in this particular occasion I do and I would support the Motion to Recede and Concur.

On motion by Senator COLLINS of Aroostook, 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 SEWALL of Lincoln to RECEDE and CONCUR.

A vote of Yes will be in favor of the motion to RECEDE and CONCUR.

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 BALDACCI, BERUBE, DILLENBACK, KERRY, SEWALL, WEBSTER, WHITMORE

NAYS: Senators ANDREWS, BLACK, BRANNIGAN, BRAWN, BUSTIN, CLARK, COLLINS, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators CAHILL, PEARSON

7 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator SEWALL of Lincoln, to RECEDE and CONCUR, FAILED.

On motion by Senator DUTREMBLE of York, the Senate INSISTED.

Sent down for concurrence.

Off Record Remarks

On motion by Senator THERIAULT of Aroostook, ADJOURNED until Wednesday, March 16, 1988, at 9:00 in the morning.