

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

Index

SECOND CONFIRMATION SESSION

May 13, 1988

Index

THIRD CONFIRMATION SESSION

June 15, 1988

Index

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

Index

FOURTH CONFIRMATION SESSION

November 14, 1988

Index

FOURTH SPECIAL SESSION

November 28, 1988

Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

Was read and passed in concurrence.

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

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

In Senate Chamber
Wednesday
March 30, 1988

Senate called to Order by the President.

An Act to Enhance the Voting Rights of Minority Shareholders (H.P. 1900) (L.D. 2596)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

Prayer by the Honorable Ronald E. Usher of Cumberland.
SENATOR USHER: Let us pray. Oh Lord as we enter this holy week, we will not forget to pray for all those in need. We ask that You give us guidance as we make decisions concerning our future. Amen.

Reading of the Journal of Yesterday.

By unanimous consent, all matters having been acted upon, requiring Senate concurrence were ordered sent forthwith to the Senate.

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 to Investigate, Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites, Solid Waste Landfills and Abandoned Underground Oil Storage Tanks"

H.P. 1902 L.D. 2598

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.

(Off Record Remarks)

On motion of Representative Gould of Greenville, Adjourned until Thursday, March 31, 1988, at nine o'clock in the morning.

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 Extend the Sales Tax Exemption on Energy Use in Manufacturing to Agricultural Businesses"

H.P. 1668 L.D. 2286

Bill "An Act to Create a Joint Underwriting Association for Directors and Officers of Corporations"

H.P. 1779 L.D. 2432

Ought to Pass in New Draft

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Extend the Coyote Night Hunting Season"

H.P. 1735 L.D. 2380

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

H.P. 1895 L.D. 2590

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 LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act Concerning Law Enforcement Education and Training and Funding for Training"

H.P. 1556 L.D. 2120

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

H.P. 1899 L.D. 2594

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 LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

The Committee on AGRICULTURE on Bill "An Act to Allow the Sale of Farm-Raised Venison in Maine"

H.P. 1499 L.D. 2049

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Allow the Propagation and Sale of Certain Deer for Food"

H.P. 1897 L.D. 2592

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Amend the Fisheries and Wildlife Work Education Program" (Emergency)

H.P. 1661 L.D. 2271

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend the Youth Fisheries and Wildlife Conservation Education Program"

H.P. 1896 L.D. 2591

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

The Committee on HUMAN RESOURCES on Bill "An Act to Provide that Places of Public Accommodation Install Bathroom Stalls in Conformance with the American National Standards Institute Standards"

H.P. 1543 L.D. 2098

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide that Places of Public Accommodation Install at Least One Standard Bathroom Stall in Conformance with the Standards of the American National Standards Institute" (Emergency)

H.P. 1898 L.D. 2593

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

SECOND READERS

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

Senate

Resolve, Authorizing the Commissioner of Administration to Implement the Final Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (Emergency)

S.P. 727 L.D. 1986

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Expanding the Role of the Bureau of Marine Patrol"

S.P. 855 L.D. 2231

(C "A" S-367)

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

Sent down for concurrence.

ENACTORS

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

An Act to Create a State Capitol Commission

S.P. 966 L.D. 2563

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

(See Action Later Today)

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

An Act to Create a State Capitol Commission

S.P. 966 L.D. 2563

(In Senate, March 30, 1988, PASSED TO BE ENACTED, in concurrence.)

(In House, March 29, 1988, PASSED TO BE ENACTED.)

On further motion by same Senator, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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 USHER of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Reform the Pharmacy Laws" (Emergency)

S.P. 963 L.D. 2555

(S "A" S-349)

Tabled - March 29, 1988, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION
In Senate, March 22, 1988, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-349).

In House March 29, 1988, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-349) AND HOUSE AMENDMENT "A" (H-546) in NON-CONCURRENCE.

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

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

Resolve, Authorizing the Sale of Certain Public Lands

H.P. 1860 L.D. 2546

Tabled - March 29, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED, in concurrence (In Senate, March 29, 1988, READ A SECOND TIME.) (In House, March 28, 1988, PASSED TO BE ENGROSSED.)

On motion by Senator USHER of Cumberland, Senate Amendment "A" 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 Specially Assigned matter:

Bill "An Act to Create the Maine Student Artist Awards Program"

H.P. 1773 L.D. 2426
(C "A" H-540)

Tabled - March 29, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence (In Senate, March 29, 1988, READ A SECOND TIME.)

(In House, March 28, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540).)

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

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

Bill "An Act to Enhance Outdoor Recreation Opportunities"

S.P. 889 L.D. 2301
(C "A" S-363)

Tabled - March 29, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In Senate, March 29, 1988, READ A SECOND TIME.)

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

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

Off Record Remarks

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

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

March 29, 1988

TO: The Honorable Members of the 113th Maine Legislature:

I am returning, without my signature or approval, S.P. 757 - L.D. 2008, "AN ACT Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland." This legislation, in my judgment, would unacceptably interfere with the management of state funds in the Maine State Retirement System.

On March 21st, I requested that this legislation be recalled to provide an opportunity to reconsider those provisions within the bill which I found to be unacceptable. On March 23rd, in response to a request from House Speaker Martin, I further clarified my position by offering amending language which would address my concerns. A recall was not afforded, however, and thus the Legislature was not given the opportunity to consider the suggested language.

The merits of the MacBride campaign, and its goal of reducing religious discrimination in Northern Ireland, are not at issue in my decision to veto this legislation. Rather, there is a broader issue which surfaces here and which directly affects the operations of state government. This legislation illustrates the flaws inherent in linking decisions for managing state funds with campaigns to affect religious, ethnic, racial or other conflicts within other countries.

I am aware that the Legislature enacted similar legislation last year with respect to corporations in South Africa. That nation has an official government policy of separating and subjugating non-white races with the full force of the legal system backed by police power. I cannot agree that the action taken on South Africa sets a precedent for similar action against other nations, such as Northern Ireland, where discrimination is illegal and its persistence is rooted in a complex, centuries-old conflict. American corporations in these nations, unlike those doing business in South Africa, can address injustices by strictly enforcing the host country's anti-discrimination laws within the boundaries of the workplace.

Investment decisions in the Maine State Retirement System should be based on sound fiscal policy, with the ultimate beneficiaries in mind. However, because the Trustees of the Maine State Retirement System recently adopted a proxy voting position of supporting Shareholder initiative on the MacBride Principles, I have indicated my willingness to accept some language changes in L.D. 2008. This language would reflect broadly the Trustees' position, it would reconcile the fact that L.D. 2008 requires only partial adherence to the MacBride Principles, and it follows the pattern of a New Jersey law which excludes a divestment provision. Absent such changes, I cannot accept L.D. 2008.

I believe that enactment of L.D. 2008 would create a new and dangerous precedent for the use of public funds to affect similarly bitter internal conflicts of other nations. I do not believe the Maine Legislature is an appropriate forum for such debates or that policies for managing the Maine State Retirement System should be determined by their outcome.

Because of these reservations, I am in opposition to L.D. 2008 and respectfully urge you to sustain my veto.

Sincerely,
S/John R. McKernan, Jr.

Governor

Which was READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following the Accompanying Bill:

Bill "An Act Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland"
S.P. 757 L.D. 2008
(C "A" S-323)

THE PRESIDENT: The pending question is: "Shall this Bill become Law notwithstanding the objections of the Governor?"

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. This is a very difficult time because of this particular issue not receiving the signature of the Governor and not becoming law for the State of Maine. Now we are being put in a position where we are being asked to overrule that position and allow this Bill to become law.

Is the question significant enough for us to do that? Does it pass certain standards? This Legislature agreed and the Governor signed a bill that called for the Maine State Retirement System to divest from South Africa because of the apartheid government and what was going on with discrimination against the blacks in South Africa. We have three firms which the Maine State Retirement System funds are going to, that are discriminating against Catholics in Northern Ireland. They are discriminating against Catholics in a situation where you have a young man telling you about his father and grandfather never having worked at any regular jobs, never having to do anything more than a few part time jobs and you wonder why all the violence and unrest is going on. It is because of the economic instability of the situation. This Bill says to those firms that you have five years to shape up and start some affirmative action hiring, or the Maine State Retirement System will use the prudent man rule and see whether it makes economic sense to divest. Is that such a harsh penalty to ask of firms that are receiving the Maine State Retirement System funds? This happened in this country a short time ago, but we have made great strides. We don't have the religious discrimination. As a matter of fact, a member of the Democratic Party who is probably one of the front runners for the party's nomination in the United States of America is a person who is black and a Protestant. We have come a long way, we have progressed. We have a constitution that we all are sworn to uphold and all we are asking is that those firms that are receiving our money, that are using our money, practice what we here in Maine practice which is nondiscrimination based on race, creed or color. We have a Human Rights Commission to investigate and to bring actions against if there are those types of discrimination. When I found out that our Governor had signed the bill on South Africa's divestment, I thought it happened before he had come on board, but he had signed the bill on South Africa and he would not sign the bill on Northern Ireland.

That was very disturbing to me because I wanted to know how you could draw the differences between the two. What were the differences? In the veto message that the Governor has given us it says basically that one has to do with the government, whereas the situation in Northern Ireland is not government policy. The last time that I looked at the situation in Northern Ireland, forty percent of the employment in Northern Ireland had to do with the British Government and the British Government has the arms and the armies that are over there that are

trying to keep peace. So isn't the government of Britain and the famous Margaret Thatcher that was quoted as saying "we are just trying to reach a certain level of violence in Northern Ireland and then we will consider its success", doesn't the country of Great Britain have an obligation and a presence there in Northern Ireland that the Governor must not be aware of?

My heritage is that of an Italian and somebody who is Lebanese. My mother was born in Waterville and my grandmother was born in Lebanon. They both experienced those difficulties and I had told you about my grandfather when he came over to this country. This Bill is not the Irish. This is the thing that I have not been able to impress upon the Governor or people who are in opposition to this legislation, but it is of all nationalities because it could be going on in Italy with firms that are receiving the Maine State Retirement Funds that are discriminating against Catholics in Italy. It could be going on in Poland, it could be going on in France. There was a letter from Vietnamese people in the Portland Press Herald that stated that it wasn't just the Irish, it was discrimination against all peoples. I would hope that if it was going on in Italy, France, Germany, or Poland that we would have a resolution if there were firms that were there that were not hiring Catholics and it was causing instability in the country and friction and fighting and blood shed, that we would at least want those companies receiving our funds not to practice that kind of hiring which was causing the instability in the situation. I think it is so totally reprehensible that I am standing up here today telling all of you how reprehensible it is because we are not allowing Catholics an opportunity in Northern Ireland for jobs and that, men and women of the Senate, has a lot to do with the problem there and we have a Governor that in this particular instance, doesn't realize the importance of the situation and the opportunity to say something positive to those people. I think it is a disgrace to the Catholics in the State of Maine, I think it is a disgrace to all the heritages, whatever they may be not just Irish, that we have a situation that is not being addressed by this Governor.

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. Today we represent the hope and aspirations of virtually hundreds of thousands of people, both Catholic and Protestant in Northern Ireland. Today we will address an issue of first, principle. I realize that the numbers in this Senate may not be sufficient to prevail upon this Body to speak out eloquently and firmly for persons who are being oppressed by systemic discrimination in that country.

But I also believe and I certainly respect the position of the Governor of this state for having his beliefs and our system of government provides for a judicious debate and discussion of issues and if not a dialogue and at some future point, hopefully, reconciliation of our concerns.

Essentially, I see this issue as one from the perspective of the oppressed or the product of prejudice versus seeing this issue from the product of privilege. In Northern Ireland there are many people who are being discriminated against and have been for virtually decades upon decades. Men, women and children who are living out their lives in quiet desperation and unfortunately, as we all recently have seen in the papers, they are now being violently and ceremoniously and unceremoniously if you will,

killed. On March 17, this Legislature enacted and passed a bill and sent it to the Governor and essentially what did this Bill do? It basically provided that the Legislature would affirm basic principles of equal opportunity in employment for both Catholics and Protestants. Secondly, it would provide that people who live in Northern Ireland should enjoy security in the workplace, to and from work as well as in the workplace. We had amended that particular provision to address just the safety in the workplace. Thirdly, that people would be free from religious and political harassment while on the job. Fourthly, that people would not fly religious or sectarian banners while in the workplace, especially in front of minority groups. Fifthly, that people would have an equal opportunity to employment, jobs, recruitment programs, training programs and affirmative action programs. Finally, that people would be assured that government agencies and private agencies would advertise for jobs. All of us in this Body recognize that we, in this Legislature, passed the Maine Human Rights Act. In addition to that, back in the 1960's we passed the Civil Rights Act. This country is affirmatively behind protecting not only the majority of people, but the minority of people. The United States of America is a wonderful country and the State of Maine is a wonderful state. The question here is, what are we going to do with two companies essentially that are addressed by this issue?

The Legislature of this state passed and enacted and the Governor of this state signed the bill on South Africa. I think it is very important that we recognize that the South African Divestiture Legislation is far more restrictive, far more stronger than this legislation. First and foremost it requires divestiture. The Attorney General's opinion issued last week to the trustees of the Maine State Retirement System indicates that there is no direct infringement upon the flexibility or the manageability of the Maine State Retirement Funds. This legislation does not interfere with that. Most objective observers accept this. Even the trustees now accept this and the Governor acknowledges this and he himself says it has legal validity. So that argument which is a very critical argument is no longer really a matter of our concern today.

As a corollary to that basic argument, the Governor has said that he does not believe that the Maine State Legislature is the appropriate forum to discuss human rights or other civil rights issues that are concerned with other countries.

I respectfully submit to this Body that if the Maine State Legislature is not the appropriate forum to discuss where our investment funds are going to be invested, where else should it be done? We have an ethical and moral responsibility to address this issue. It is not a partisan issue. It is not a Catholic issue. It is not a Protestant issue. It is a human rights and civil rights issue. I believe that we should address the moral and ethical dimensions of our investment policies.

It is very important to recognize also that the South African legislation does have a parallel to the situation in Northern Ireland. For example, I was reading recently that the oppression in Northern Ireland is often times referred to as economic apartheid. The Governor does not see a qualitative difference between South Africa and Northern Ireland, in fact he says what can we do? Why should we say that we can pass legislation in South Africa and then turn around and pass legislation in Northern Ireland? I would submit that no one would question the atrocities that have taken place in South Africa,

but I think one would have to reflect upon the fact that the former South African Prime Minister himself stated back in the mid 1970's, which is not in the distant past, that if he had had the Special Powers Act which is the legal mechanism now enforced in Northern Ireland, that he would eliminate all other apartheid laws in South Africa. In addition, Senator Baldacci, the good Senator from Penobscot indicated that forty percent of all people who are employed in Northern Ireland work for the government. Forty percent of the work force. The British Government rules directly the country of Northern Ireland. Can one not say that this particular situation is not directly related to the officials that run the government and the country? In addition, recently a New York Law foundation analyzed the British Judicial System in Northern Ireland and what did they find? They found and I quote "that an Irish Catholic in Northern Ireland cannot expect to receive equal justice in that country." In addition, they found that the police, the government and the judicial system work together to suppress many of the people in that country. There is a correlation between South Africa and Northern Ireland in that case and I would respectfully disagree with the Governor. It is more important to note that the only person, only British soldier ever to be tried and convicted and sentenced to life imprisonment for shooting an Irish citizen, was paroled only after two years of serving his sentence and returned to his status in the army. What do you think that has had on the impact in Northern Ireland? That happened in 1987. Mr. President, ladies and gentlemen of the Senate, I repeat to you that we have an opportunity today to stand irrevocably with the oppressed, the product of prejudice, or we have an opportunity today to stand with the products of privilege. Back in the 1960's, I recognized that prejudice and oppression is dehumanizing. It robs one of their dignity and should not be tolerated. Although I came from a poor family in this state, I worked and lived with black families in Harlem during the 1960's, and I experienced prejudice first hand and I vowed at that time that I would always oppose with every ounce of fortitude and commitment the destruction of the human spirit wherever it existed and I had a chance to influence it.

A black child in Harlem, a black child in Soweto, South Africa, an Irish Catholic or Protestant child in West Belfast, Northern Ireland deserves our support, our recognition and if not our love. If we cannot give it directly, then we must speak out affirmatively and with conviction in their support. Today we are analyzing this situation not just with economic criteria. Behind every economic statistic there is an oppressed child. Behind every economic flow chart there is an oppressed family. Behind every proverbial bottom line there is a profit or loss of human dignity. I would hope that this Senate would speak out eloquently on behalf of those victims and not consort with those who victimize. I would hope that the State of Maine would recognize our need and our desire to export our principles as well as our products. I would hope that you would vote to Override. Thank you.

Off Record Remarks

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. After

listening to the Senator from Penobscot, I suddenly wondered whether in the next few years we may not have any countries left to invest in companies that do business in various nations in the world. As the very eloquent Senator from Penobscot enumerated one by one all of the countries could or have discrimination problems. Some countries resolve them internally and I think I mentioned in the last debate that the problems Quebec, north of us, had done it very well by passing their language law. They diffused a lot of the problems internally without outside interference. But, that is not the reason that I am getting up. One more thing, on the South African divestiture, we must remember you see that the people who contribute to this pension fund had approved themselves the divestiture. In this particular case, we are using a pension fund which is dedicated as leverage in a situation which certainly is not pleasant. We are doing so without their consent. Does that mean that in the years to come we will use other sacrosanct dedicated funds? We are all know that there are several lying around that we could use to further whatever issues that we feel we have to fight for or defend. I had hoped that this could have been resolved and I thought up until yesterday, that there was this ray of hope that we could accept the principles by excluding the divestiture clause. Such is not the case and I am truly sorry because I think we have heard all of the reasons why we could enact the MacBride Principles, they are principles that all of us unanimously endorse certainly, however, we must also realize that we are dealing with a pension fund that is given to us to protect and if we start eroding it, nibbling at it, granted in three or four years, the stock market might go up and if we divest then, we might make a bundle, it might drop, we don't know.

The point I am trying to make is that this Bill did not have the support that the South African divestiture had and so I leave it up to your own conscious. I have never lobbied, I never do, but I hope you will look at both sides and certainly there are compelling issues. Thank you.

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 pleased to support the good Senator from Androscoggin, Senator Berube, in urging you to sustain the Governor's veto. I would like to acknowledge the oratorical eloquence of the good Senator from Penobscot, Senator Baldacci, and the good Senator from York, Senator Kerry. It isn't with much pleasure that I choose a take a different position. I would like to make a couple of things rather clear. First of all, I would like to say let there be no mistake, the Governor of this State does not support discrimination here or anywhere in the world. I would like you to think of this in a matter that is not too emotional, but rather practical.

I don't think that I or any of my colleagues in this Chamber support any of the discrimination that occurs in Northern Ireland. However, the problem in Northern Ireland is one of lack of jobs and unfortunately those of the Catholic persuasion are on the losing end of the job market. It seems to me that the method that will create jobs is a method that we ought to support. That is the method that the Congress and the official policy of the United States government supports an investment policy in Northern Ireland that will create jobs. To that end they have earmarked a hundred and fifty million dollars for investment in Northern Ireland to create jobs. Now it seems to me that our position in this

instance is one that discourages investment in Northern Ireland and thereby decreases jobs. So, the goal that this legislation attempts to create does not in fact occur. The MacBride principles are ones that all of us can support. In fact, the government in Northern Ireland has discrimination clauses in its employment legislation, unfortunately they are not supported and enforced in the manner that they ought to be. But, it seems to me that we are not creating any of the things that are desirable by enacting this legislation. As the good Senator from Androscoggin, has pointed out the prime purpose of the retirement fund is to fund the retirees in the state of Maine that participate in that fund. It seems to me that we ought not to alter the professional management in its chores in selecting investments that will produce adequate income and growth to sustain that fund and to pay the retirement benefits at the appropriate time. Members of the Senate, I hope you will join me in sustaining the Governor's veto. Thank you Mr. President.

Off Record Remarks

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 have been listening with interest to all of the debate on this issue and sometimes when you have an issue that is divided like this either side sometimes maybe stretches some of the testimony. Not to say that has been going on this morning, but this one thing that I can say with accuracy because I have heard it this morning is that it seems that nobody, the Governor, members of this Body, members elsewhere, is opposed to the MacBride Principles. No one agrees with the discrimination that is going on in Northern Ireland, everybody seems to be against it and everyone seems to agree that it is there. I read from the Governor where it says, "I believe enactment of L.D. 2008 would create a new and dangerous precedent." It just leaves me to wonder when before has it become a dangerous precedent in this state or in this country to get up and fight against discrimination. Here or any place else in the world, never before have we ever sat back and let something like this go back. That is not a dangerous precedent, it is a precedent that we have always, time and time again gotten up and fought against. It is what we are doing here today. That is why I was elected and I think that is why we all were elected.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I must respond to the good Senator from Aroostook, Senator Collins, statements that the issue in Northern Ireland is one of jobs. That couldn't further miss the issue by a mile. It isn't an issue of jobs, it reminds me of the comment that was mentioned on this floor during the South Africa divestiture Bill and it was mentioned on the floor of the Congress when someone stood up on the floor of the Congress and said, "I can't vote for this divestiture idea. The issue is jobs for the blacks in South Africa." A black congressman stood up on the floor of the United States Congress and said, "In slavery, the blacks all had a job. The issue is freedom and justice." In Northern Ireland today we have a country that is discriminating against a class of people because of their religious persuasion. What issue in American

history is more important to the foundation of our great country than the freedom of religion? I submit to the members of this Senate we would not be here today in this Chamber if it were not for our founding fathers and mothers that came to this country because they could not stand religious prejudice at that time in Great Britain. They wanted religious toleration and the right to worship the good Lord in the way that they saw fit. That is the backbone of America, ladies and gentlemen. That is the backbone of this Bill, ladies and gentlemen. With all due respect to the second floor and the Governor of this state, he has missed this issue completely in his statements to this Chamber. Missed it by a mile. That is the issue we are fighting for, ladies and gentlemen. The good Senator from Androscoggin, Senator Berube, raises some good questions, but I would submit to any member of this Chamber that is concerned about a precedent being started, ladies and gentlemen of the Senate, we as Americans must deal and uphold the beliefs that we hold true to. Or we have nothing in America.

When the Soviets discriminated against Jews, we spoke out against that discrimination. When discrimination happens in Northern Ireland, we as Americans must speak out against that discrimination and today we have an opportunity to do something about it. If this is not passed in this Chamber today and if we don't deal with the issue of Northern Ireland through peaceful means, then what will happen, ladies and gentlemen of the Senate, is the alternative. Bloodshed, violence, civil war and war, which is a great possibility for Great Britain. That is the alternative. The good Senator from York, Senator Kerry, has given us an opportunity to make a stand, to make a statement, a peaceful one, one which goes to the heritage of what we are as Americans and I support it and I would beg to ask all of you to override this veto today. Thank you.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I am pleased that everybody has so much concern for everybody in the world. I am pleased that you have the attitude about religion that is so important. I think it is wonderful, but I don't think we need it here in the Senate in the state of Maine. That is what we elect people to Washington for, to take care of these problems. Here we have over two hundred Bills that aren't out yet, and here we are debating Ireland, we need to debate the needs of the people in the state of Maine. The displaced homemakers, the poor, the aged, we need all these conditions to be concerned about, perhaps the poor Indians in Aroostook County that never have had a fair shake. I think there is a great many things that this Senate could do, but one of the most important things we should do is take care of the state of Maine. I don't think we are doing a very good job when we stand here and debate world affairs. It costs the state money, what is it about thirty thousand dollars for every day we spend up here? We could cut these sessions in half. I think you people should work and do what you want to do and fight for the causes that you are in favor of, but let's not do it on the Senate floor. Thank you.

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 realize that there are differing opinions in this Senate Body over this issue. One of the beauties of a pluralistic society is that we have diversity and yet

we have unity. We in this Senate are a family and families differ and families sometimes disagree, sometimes violently, but I want one thing to be clear that we will seek the truth and try to communicate the truth as best we can. I would like to respond to a couple of comments that were made. Number one, that the impression is being conveyed here that the investment funds of our retirees are being placed in jeopardy because of this particular Bill. I cannot emphasize enough the reality is the Attorney General and most if not all of the lawyers that I have spoken with including the Governor himself, who is an attorney, has stated that the prudent standard that is now utilized for all of our investments, whether it is in Chicago, New York, Boston, or Soweto, South Africa is subject to the prudent person standard.

Therefore, there is no impact on the management ability or prudence of the investment funds as it is today. I want that extremely clear. I do not want to infringe upon that particular aspect at all.

Secondly, I could not agree more with the good Senator from Aroostook, Senator Collins, I am sure he is shocked right about now. That jobs are important and that this Bill in effect does state that if one is discriminating in a systemic way that the jobs not encourage it. The MacBride Principles essentially say if Ford Motor Company is discriminating in Northern Ireland, that the investment portfolio of this state will be invested in another company doing business in Northern Ireland. If they so choose under the prudent person standard. This Bill does not take away jobs from Northern Ireland. I will tell you what does take away jobs in Northern Ireland, since the late 1970's and certainly since 1980, there has not been one nickel of the United States investment in Northern Ireland. Would you like to know why? It is because of the violence, of the instability, of the lack of control in that country due to pervasive discrimination and prejudice and oppression. That is why. The MacBride Principles were instituted in 1985, five years after the investment stopped flowing to Northern Ireland. I submit to you, ladies and gentlemen of this Senate, there are only two games in town in Ireland. The first game is the Anglo-Irish Accords that were signed by Margaret Thatcher, and the Prime Minister, at that time Fitzgerald, from the Republic of Ireland. The current Prime Minister of the Republic of Ireland, supports and endorses the MacBride Principles because he sees it as a peaceful, nonviolent means of resolving the problems there.

I think it is very important that we address the reality. The reality is and there is no other question and I do not disagree with the good Senator from Cumberland, Senator Dillenback, that we must address all of the domestic needs of this state on the floor of this Senate, but the only reason we are discussing and debating Northern Ireland in this Senate and not in the United States Congress is because our state funds are being divested there. It is very clear, it is your money, it is our tax dollars that we have contributed to the employees that work for this state. Let us not try to evade the responsibility for what we are doing. Each person in this Senate must take personal responsibility for the death, the destruction, the terrorism and the discrimination in that country if we continue to invest in companies that are doing business there. I have been there, I have walked through West Belfast, I have approached this issue as unemotionally as one could possibly do. Today it is beginning to become outrageous that we would try to avoid the responsibility that is ours, not the United States Congress. If you vote, vote your conscience, but vote it straight forward and stand up and sit

down, but don't avoid it. I think this is the responsibility of this respectful Body, and I respect every individual here for their position, but ladies and gentlemen of this Senate, we must stand with the victims or we must stand with the victimizers. There is no question of fact of the discrimination, there is no question of fact that it is our money that is being invested in these companies if we are to provide the example for our children and for our state, we must aspire to the highest standards, not the lowest common denominator. This Bill is only a part of a large picture.

We understand that the problem in Northern Ireland must be solved by the Irish people, but let us not forget our responsibilities for the funds that are contributing to their sorrows. I respect the Governor's position, but I would submit that his position is viewed from the position of privilege and my position and those who stand with us is viewed from the victims of prejudice, of poverty and of discrimination. I have seen it in the eyes of the children and I have tried to convey it to you in the best way possible, but as the Great British philosopher John David Humes states, "The most illuminating thought to never convey as adequately the fullest sensibility of prejudice."

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

Senator RANDALL: Thank you Mr. President. Mr. President, men and women of the Senate. As I sit here this morning I can only but be very distraught and concerned with the issue we are voting upon. As I sit here this morning from the perspective looking across this Senate Chamber and seeing the folded arms of that great sixteenth President of this United States, Abraham Lincoln, I am sure as he looks down upon this Chamber today he respects those words which said vote your conscience. I hope members of this Body will do so this morning. Thank you.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. Today, it has been brought to our attention and the concerns from the good Senator from Penobscot and others, that the precedent has been set back when we passed some legislation here, which I might add I opposed and nearly a majority of the Senators did oppose, but dealing with South Africa and tying the funds that the retired people in this state are depending upon. Tied that fund to divestiture in South Africa. Today it has been said that that set the precedent and we shouldn't be concerned about that. Well, I will tell you that two wrongs don't make a right. There is discrimination throughout this world and I can say quite confidently that there is no member of this Body who is supportive of discrimination in any way. But, there is discrimination every where, in Panama, in Nicaragua and every where else in this country and in the world and I am a little concerned that we should be making decisions for the retired people in this state for the solvency of this fund on what is in other places in the world. Divestiture is not going to be good. Passing this Bill is not going to be good for the retired state employees in this state. That is why you find the state employees union and other people throughout this state concerned about this legislation and I think that is why you see this Governor has taken the appropriate decision on this issue. I want to say three things. Let the trustees of the Retirement System deal with where they invest their funds. Let the officials in Washington create foreign policy and let the

Legislature here in Maine do its work and not deal with these kinds of issues. Thank you.

Senator DILLENBACK of Cumberland moved the Question.

Senate at Ease

Senate called to order by the President.

The Chair limited debate to five minutes.

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. The pending motion before us is to move the question. Many members of this Chamber have served in this august Body for a number of years, while I am not the veteran or senior among that group, I have heard the question moved once. I had hoped at that time that I would never hear the question called again. There is one privilege of serving in public office and that privilege carries with it a responsibility to provide a forum in which all of us can express in debate, controlled by the rules that we adopted, are opinions and our perceptions with the fellow members of this Body. I think that moving the question reflects negatively on the prestige of this Chamber and the honor that we assume by serving here. I would hope that you would defeat the pending motion thereby allowing our colleagues as long as they wish to debate the issue before us. For that, members of the Senate, is what it is all about in a democracy.

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

Senator PERKINS: Thank you Mr. President. Mr. President, men and women of the Senate. I think the good Senator from Cumberland, Senator Clark has expressed what many of us here feel. While the debate on many issues to some of us is extreme and maybe prolonged, I think in each and every individual case it is a necessary ingredient of our government. In every area while we may disagree, we have learned that in those disagreements and in those settlements and in the passage of time and of legislation, we have, each of us, grown with our government and with our people to the degree that we become more of a state's person and more of an effective legislator for our people. Therefore, I would at this point urge you also to defeat this motion that we, as individuals, can express our individual feelings towards the end of final action on this piece of legislation.

With due respect to the person who made the motion, with due respect to those who care to make further comment, I think each of us will provide to this Body that cross section which is so necessary for government. I urge you to join me in the defeat of this motion and to join me in letting this motion and other motions draw us closer together so that we may proceed along the lines of good government for the State of Maine.

THE PRESIDENT: The pending question before the Senate is the motion of Senator DILLENBACK of Cumberland, to move the Question.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator DILLENBACK of Cumberland, to move the Question, please rise in their places and remain standing until counted.

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

No Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion

of Senator DILLENBACK of Cumberland to move the Question, FAILED.

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 would like to thank you for the opportunity, not only for myself, but for others who wish to discuss or debate issues to express those feelings. I did not run for the Senate to just take a place here and not do anything or say anything. I do appreciate the opportunity and I think the Senate has stood together, Republicans and Democrats on the issues and I think that was very important.

As far as the issue of Northern Ireland and whether the Catholics are going to be on the losing end of jobs and hiring, I think it is an important question. I just don't appreciate that we are drawing the line at the Catholics when we talk about our investment policies. Thank you Mr. President.

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

Senator MATTHEWS: Thank you Mr. President Mr. President, men and women of the Senate. I want to respond very quickly to one of the comments by the good Senator from Franklin, Senator Webster that we shouldn't be trying to tamper with that fund and that somehow we are doing harm to the Pension Fund. I would just remind you as a cosponsor of the South African Divestiture Bill which passed and became law, it was proven to us and shown conclusively that investments in countries like South Africa and Northern Ireland are bad investments, terrible investments. If you really are concerned about the pensioners, then you wouldn't invest in countries that have civil war and internal strife. That is a bad investment. That is a bad business decision. Let it not be said on this floor that we want to harm those investments. There is a social and a moral issue and there is even an economic issue at stake with investments in Northern Ireland. Thank you.

THE PRESIDENT: The question before the Senate is: Shall this Bill become Law notwithstanding the objections of the Governor?

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.

A vote of No will be in favor of sustaining the veto of the Governor

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators GAUVREAU, PEARSON

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, and 17 being less than two-thirds of the membership present and voting, the veto is SUSTAINED.

The Secretary has so informed the Speaker of the House.

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

On motion by Senator DUTREMBLE of York, RECESSED until 5:00 this evening.

After Recess

Senate called to order by the President.

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

ORDERS

Joint Order

On motion by Senator DOW of Kennebec the following Joint Order: S.P. 979

ORDERED, the House concurring, that the, "Resolve, Concerning a Proposed Supreme Judicial Court Facility", H.P. 130, L.D. 159, and all its accompanying papers, be recalled from engrossing to the Senate.

Which was READ and PASSED.

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:

COMMITTEE REPORTS

Ought to Pass in New Draft

The Committee on BUSINESS LEGISLATION on Bill "An Act to Enhance the Voting Rights of Minority Shareholders" (Emergency)

H.P. 1738 L.D. 2384

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

H.P. 1900 L.D. 2596

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 PASSED TO BE ENGROSSED, in concurrence.

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

PAPERS FROM THE HOUSE

Pursuant to the Statutes

Committee on MARINE RESOURCES

The Committee on MARINE RESOURCES, pursuant to the Maine Revised Statute Annotated, Title 12, Section 6681, Subsection 7 ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the 2-Inch Clam Law"

H.P. 1903 L.D. 2600

Be referred to the Joint Standing Committee on MARINE RESOURCES for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

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 Regulate Use of Jet Skis Within Water Bodies"

H.P. 1587 L.D. 2165

Bill "An Act Pertaining to Free Hunting Licenses For Residents Over 70 Years of Age Who Have Had Military Service"

H.P. 1805 L.D. 2471

Ought to Pass

The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Maine Banking Code" (Emergency)

H.P. 1827 L.D. 2503

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.

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Provide a Mechanism for Insurance for Foster Care and Respite Care"

H.P. 1821 L.D. 2496

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-552).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-552).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-552) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Replace the Abandoned Property Law"

H.P. 1793 L.D. 2457

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-551).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-551) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Bill "An Act to Restore Driver Education Credit in Secondary Schools"

H.P. 1477 L.D. 2012

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-549).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-549).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

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

Senator PEARSON: Thank you Mr. President, would someone please explain this Bill to me.

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

The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Thank you Mr. President. Mr. President, men and women of the Senate. In response to the good Senator from Penobscot, this Bill originally would have reinstated the provision which allowed secondary schools to give academic credit for driver education where fees were charged. We spent quite a bit of time with this and we were also in communication the Attorney General's Office and the question had been raised as to the constitutionality of charging students for courses and then offering credit towards graduation. Under the Maine Constitution, Article 8, Section 1, it requires the towns to provide for maintenance in support of the public schools at their own expense. There are no Maine cases interpreting the Constitution in response to a challenge of charging a fee for school courses, but in cases in other states that have a Constitutional provision that is similar to ours in Maine it was concluded by the Attorney General's Office in an oral opinion that L.D. 2012, as it was, raised a very serious Constitutional question and it was suggested that it would be safer to leave it as it is and put it to a study. The current law was proposed in 1985 and enacted in 1986 as part of a Department of Education and Cultural Services omnibus Bill. The rationale that was given at the time was to make the law consistent with the principle of a free public education. The Legislature at that time enacted the proposed legislation upon recommendations of the Education Committee without any change in that legislation.

What happens in this new Bill that came out of Committee was what we thought was a very reasonable compromise. This amendment directs the Department of Education and Cultural Services to study the issue of granting credit for fee base and driver education courses and report back to the Legislature in December of 1988. One of the areas that they will be researching and working with the Attorney General's Office on is the Constitutional question.

Committee Amendment "A" (H-549) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator CLARK to the Rostrum where she assumed the duties as President Pro Tem.

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

The Committee on EDUCATION on Bill "An Act to Enhance and Clarify the Role of the State Board of Education"

H.P. 1756 L.D. 2405

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-550).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-550) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Revise and Modify Certain Laws Relating to the Department of Inland Fisheries and Wildlife"

H.P. 1729 L.D. 2372

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-548).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-548) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Bill "An Act to Clarify the Laws Relating to Atlantic Salmon Conservation"

H.P. 1567 L.D. 2134

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-554).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-554) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency)

S.P. 946 L.D. 2494

Have had the same under consideration and ask leave to report that they are unable to agree.

Signed on the part of the House:
Representative MCHENRY of Madawaska
Representative RAND of Portland
Representative WILLEY of Hampden

Signed on the part of the Senate:
President PRAY of Penobscot
Senator DUTREMBLE of York
Senator PERKINS of Hancock

Comes from the House with the Conference Report READ and REJECTED and a SECOND COMMITTEE OF CONFERENCE ASKED.

Which Report was READ.

On motion by Senator DUTREMBLE of York, the Senate REJECTED the Conference Report, in concurrence.

On further motion by same Senator, the Senate JOINED in a SECOND COMMITTEE OF CONFERENCE, in concurrence.

Off Record Remarks

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act to Restrict Smoking in Elementary and Secondary Schools"

H.P. 1682 L.D. 2311

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

H.P. 1901 L.D. 2597

Signed:

Senators:

ESTES of York
KANY of Kennebec
RANDALL of Washington

Representatives:

PARADIS of Frenchville
MATTHEWS of Caribou
KILKELLY of Wiscasset
OLIVER of Portland
O'GARA of Westbrook
LAWRENCE of Parsonsfield
HANDY of Lewiston
NORTON of Winthrop
BOST of Orono

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

Signed:

Representative:

SMALL of Bath

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

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT 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 Establish an Interagency Task Force on Affordable Housing"

S.P. 849 L.D. 2215

Bill "An Act to Provide Maine Residents Access to Graduate Social Work Education in Southern Maine" (Emergency)

S.P. 927 L.D. 2438

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

S.P. 954 L.D. 2526

Ought to Pass As Amended

Senator ANDREWS for the Committee on ECONOMIC DEVELOPMENT on Bill "An Act Providing for the 1988 Amendments to the Finance Authority of Maine Act"

S.P. 912 L.D. 2378

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-372).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-372) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

SECOND READERS

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

House

Bill "An Act to Extend the Coyote Night Hunting Season"

H.P. 1895 L.D. 2590

Bill "An Act to Amend the Youth Fisheries and Wildlife Conservation Education Program"

H.P. 1896 L.D. 2591

Bill "An Act to Allow the Propagation and Sale of Certain Deer for Food"

H.P. 1897 L.D. 2592

Bill "An Act to Provide that Places of Public Accommodation Install at Least One Standard Bathroom Stall in Conformance with the Standards of the American National Standards Institute" (Emergency)

H.P. 1898 L.D. 2593

Bill "An Act Concerning Law Enforcement Education and Training and Funding for Training"

H.P. 1899 L.D. 2594

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

ENACTORS

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

An Act Concerning Charter Changes in Quasi-Municipal Corporations or Districts

H.P. 1888 L.D. 2583

(H "A" H-524)

On motion by Senator KANY of Kennebec, Tabled 1 Legislative Day, pending ENACTMENT.

An Act to Improve the Regulation of Pesticides

H.P. 1557 L.D. 2121

(S "A" S-356 to C "A" H-516)

Senator TUTTLE moved that the Senate SUSPEND THE RULES for the purpose of RECONSIDERATION.

Senator BLACK of Cumberland Objected.

THE PRESIDENT PRO TEM: The Chair hears objection. The pending question before the Senate is the motion of Senator TUTTLE of York, to SUSPEND THE RULES for the purpose of RECONSIDERATION.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator TUTTLE of York to SUSPEND THE RULES, please rise in their places and remain standing until counted.

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

7 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator TUTTLE of York, to SUSPEND THE RULES for the purpose of RECONSIDERATION, FAILED.

On motion by Senator TUTTLE of York, Tabled 1 Legislative Day, pending ENACTMENT.

An Act to Establish the Maine Elderly Tax Assistance Program

S.P. 880 L.D. 2283

(C "A" S-358)

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

Emergency

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

H.P. 1796 L.D. 2460

On motion by Senator ERWIN of Oxford, placed on the SPECIAL FISHERIES AND WILDLIFE TABLE, pending ENACTMENT.

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 Concerning Cutting in Resource Protection Areas"

S.P. 942 L.D. 2489

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act Relating to the Penobscot Indian Reservation" (Emergency)

S.P. 860 L.D. 2248

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-373).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-373) 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:

RECALLED FROM ENGROSSING

Resolve, Concerning a Proposed Supreme Judicial Court Facility (Emergency)

H.P. 130 L.D. 159

(H "A" H-485 to C "A" H-481)

(RECALLED from Engrossing, pursuant to Joint Order S.P. 979.)

(In Senate, March 29, 1988, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-374) READ and ADOPTED.

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

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

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, Authorizing the Sale of Certain Public Lands Located in the City of Portland (Emergency)

S.P. 969 L.D. 2577

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Reimbursement to Certain Employees of the Department of Corrections for Meal Expenses"

S.P. 940 L.D. 2484

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-375). Which Report was READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "A" (S-375) 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:
PAPERS FROM HOUSE
House Papers

Bill "An Act to Create a Demonstration Project to Provide for Ladders of Advancement in the Nursing Profession" (Emergency)

H.P. 1906 L.D. 2603

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

Senate at Ease
Senate called to order by the President.

On motion by Senator BALDACCI of Penobscot, under suspension of the Rules, the Bill READ ONCE, without reference to a Committee.

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

Senator BALDACCI: Thank you Madam President. Madam President, men and women of the Senate. This Bill came to the Committee as a Resolve and because of the work that was done on it, it came out as an Act. It has already been through the Committee on Business Legislation, unanimous Report, establishing this pilot project and it will end up on the Appropriations Table. Thank you.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED in NON-CONCURRENCE.

Sent down 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:

Emergency

An Act to Enhance the Voting Rights of Minority Shareholders

H.P. 1900 L.D. 2596

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

Senator SEWALL: Thank you Madam President. Madam President, men and women of the Senate. I noticed that this Bill, "An Act to Enhance the Voting Rights of Minority Shareholders" was about fifteen minutes ago on Supplement number two in Ought to Pass in New Draft. I have not had a chance to review it in New Draft in the fifteen minutes that it came in and there didn't seem to be a second reading. Here it is for Emergency Enactor, could someone please explain this to me?

THE PRESIDENT PRO TEM: The Senator from Lincoln, Senator Sewall, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Madam President. Madam President, men and women of the Senate. The

Committee on Business Legislation received the legislation as Emergency legislation and gave the Bill an unanimous report from the Committee, all thirteen members voting in favor of the Bill. For the purposes of the Record and an explanation to the good Senator from Lincoln, Senator Sewall. There is a new trend in the United States where individuals or corporations buy enough shares of stock in a corporation to give them effective control of the corporation. After acquiring a controlling interest in the corporation, things begin to occur to that corporation which are unhealthy for the minority shareholders' interests. Sometimes this activity is referred to as "raiding a corporation."

For example, often times the acquirer or raider borrows the money to buy the stock needed to become a dominant shareholder, which in this Bill means owning twenty-five percent or more of the voting shares of a corporation. To pay off the debt incurred when acquiring those shares, they turn around and sell off or shut down parts of the business. Or they "raid" the corporation's pension fund or surplus. Sometimes they do that even if they don't have a big debt to pay off, they may just want to turn a profit. These activities are harmful to the interest of minority shareholders.

Usually these raiders do not have in mind the long-term interest of the business. Consequently, the corporation and its shareholders suffer at the expense of the dominant shareholder.

L.D. 2384 would not limit the ability of someone to become a dominant shareholder. Instead, it is designed to insure that if someone does become a dominant shareholder in a Maine corporation, that shareholder would not be able to engage in activities for a period of five years, without permission from one of two groups of people.

Either the dominant shareholder would have to gain permission to engage in those certain activities from the Board of Directors prior to becoming a dominant shareholder, or from a majority of the minority shareholders after becoming a dominant shareholder. This restriction would exist for the five year period after becoming a dominant shareholder. The Bills purpose is to protect the rights of minority shareholders.

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

Senator SEWALL: Thank you Madam President. Madam President, men and women of the Senate. I would like to thank the good Senator from Penobscot, Senator Baldacci, now would he tell me why it is an Emergency?

THE PRESIDENT PRO TEM: The Senator from Lincoln, Senator Sewall, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Madam President. Madam President, men and women of the Senate. The reason that this Bill is an Emergency is because there is a firm in Maine that has been incorporated since 1907 that is a very successful manufacturing firm in the town of Sanford. It employs over four hundred manufacturing jobs in the town of Sanford. That is the supposed firm that is being looked at to become a hostile take over by outside investments and they are very concerned about staying in the state of Maine and employing people in the state of Maine. They have made a tremendous capital commitment to expand their plan.

The concern is that somebody would come in, take over the facility, and sell off its assets for whatever reason and discard the manufacturing unit of

the plant and no consideration for the families and employees of the facility and would not be a good state citizen or community citizen. That is why the five year provision is in the Bill and that is why it is an Emergency.

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 1 Senator having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

The Sergeant-At-Arms escorted the Senator from Cumberland, Senator CLARK to her seat on the Senate floor.

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 to Reform the Pharmacy Laws" (Emergency)

S.P. 963 L.D. 2555
(S "A" S-349)

Tabled - March 30, 1988, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, March 22, 1988, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-349).)
(In House March 29, 1988, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-349) AND HOUSE AMENDMENT "A" (H-546) in NON-CONCURRENCE.)

On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

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

Bill "An Act to Create the Maine Student Artist Awards Program"

H.P. 1773 L.D. 2426
(C "A" H-540)

Tabled - March 30, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, March 29, 1988, READ A SECOND TIME.)
(In House, March 28, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540).)

On motion by Senator ESTES of York, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-540).

On further motion by same Senator, Senate Amendment "A" (S-371) to Committee Amendment "A" (H-540) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator ESTES: Thank you Mr. President. Mr. President, men and women of the Senate. This amendment is an amendment to L.D. 2426, "An Act to Create the Maine Student Artist Awards Program." There was a typographical error in the fiscal note that made reference to the Maine Arts Commission, which is part of the Department of Education and Cultural Services and there was that correction so the fiscal note would apply the funds to the

Department of Education. We also found in reviewing the Errors and Omissions Bill from the Department yesterday that there was a duplication of the rule-making powers to the Maine Arts Commission and by eliminating the rule-making that was presented in this Bill, we will have it covered in the Errors and Omissions Bill. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-371) to Committee Amendment "A" (H-540) ADOPTED.

Committee Amendment "A" (H-540) as Amended by Senate Amendment "A" (S-371) thereto, ADOPTED in NON-CONCURRENCE.

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 Enhance Outdoor Recreation Opportunities"

S.P. 889 L.D. 2301
(C "A" S-363)

Tabled - March 30, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, March 29, 1988, READ A SECOND TIME.)

On motion by Senator USHER of Cumberland, Senate Amendment "B" (S-376) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator USHER: Thank you Mr. President. Mr. President, men and women of the Senate. This amendment relates to the liability section of the Bill. It was in doubt with a few of the Legislators and also the Chairman of the Judiciary Committee brought it to my attention. We noticed it a couple of days ago and we worked on the amendment for the last two days and this is in agreement with everybody concerned. The area concerned is where the fees are being charged in unorganized territory. This is primitive land, which has no other recreational use greater than camping.

On further motion by same Senator, Senate Amendment "B" (S-376) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Off Record Remarks

On motion by Senator ERWIN of Oxford, ADJOURNED until Thursday, March 31, 1988, at 9:00 in the morning.