

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

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

average final compensation of a member and adds a fiscal note."

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-624) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

An Act to Provide for Payment of Contributions by Employers Under the Maine State Retirement System (S.P. 977) (L.D. 2595)

TABLED - April 4, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Wednesday, April 6, 1988.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Establish Greater Communication in the Rule-Making Process and to Provide Better Standards for the Adoption of Rules" (H.P. 1912) (L.D. 2611)

TABLED - April 4, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Armstrong of Wilton, Adjourned until Wednesday, April 6, 1988, at nine o'clock in the morning.

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

In Senate Chamber
Tuesday
April 5, 1988

Senate called to Order by the President.

Prayer by Reverend Victor Stanley of the First Baptist Church in Gardiner.

REVEREND STANLEY: Let's join in prayer. Our gracious God, we pray that the light of Your love will guide us through the fogs of our lives. Some of us have driven through a fog of questions, help us to gain answers to our questions without losing our desire to learn more. Some of us have driven through fogs of tears, may Your spirit wipe away our tears without taking away our ability to cry. Some of us have driven through a fog of concerns, help us to make our way through the concerns without losing our compassion for the people. We pray that Your spirit will help us in this day and as Your light dispels darkness in our lives, may we use that same light to overcome the darkness in the lives of others. As we desire to make this state a great neighborhood of people who do care about each other and a place where Your love abounds. We pray these things in that powerful love that You give to us daily. Amen.

Reading of the Journal of Yesterday.

COMMITTEE REPORTS
House

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

H.P. 1790 L.D. 2451

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Funding of Elderly Legal Services"

H.P. 1552 L.D. 2112

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-581).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-581) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Protect Lake Water from Phosphorous Pollution"

H.P. 1784 L.D. 2445

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-580).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-580).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-580) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Make Changes in the Administration of the Maine State Retirement System"

H.P. 1764 L.D. 2417

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-592).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-592) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Require Service Stations to Post the Price of Fuel Sold"

H.P. 1717 L.D. 2356

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-594).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-594).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-594) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit the Establishment of Docking Condominiums on Tidewaters, Lakes and Great Ponds"

H.P. 1671 L.D. 2289

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-585).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-585) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Bill "An Act to Amend the Regulation of Lobster Parts"

H.P. 1584 L.D. 2162

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-595).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-595) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Amend the Farm and Open Space Tax Law"

H.P. 1690 L.D. 2319

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-593).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-593) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Revise the Charter Commission Law"

H.P. 1636 L.D. 2235

Reported that the same Ought Not to Pass.

Signed:

Senators:

TUTTLE of York
BALDACCI of Penobscot
GOULD of Waldo

Representatives:

BICKFORD of Jay
WENTWORTH of Wells
HUSSEY of Milo
LOOK of Jonesboro
STROUT of Windham

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-582).

Signed:

Representatives:

LACROIX of Oakland
CARROLL of Gray
ROTONDI of Athens
BOUTILIER of Lewiston
ANTHONY of South Portland

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

Which Reports were READ.

On motion by Senator TUTTLE of York, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act Enabling Municipalities to Establish Municipal Investment and Land Banks Funded by a Local Option Real Estate Transfer Tax"

H.P. 1762 L.D. 2415

Reported that the same Ought Not to Pass.

Signed:

Senators:

TWITCHELL of Oxford
SEWALL of Lincoln

Representatives:

JACKSON of Harrison
ZIRNKILTON of Mount Desert

DORE of Auburn
 DUFFY of Bangor
 NADEAU of Saco

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-587).

Signed:

Senator:

DOW of Kennebec

Representatives:

CASHMAN of Old Town

WHITCOMB of Waldo

SEAVEY of Kennebunkport

SWAZEY of Bucksport

MAYO of Thomaston

Comes from the House the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587).

Which Reports were READ.

Senator TWITCHELL of Oxford moved to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

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. I recognize this morning that we have a pending motion on L.D. 2415 of Ought Not to Pass and I would hope that you would not support that motion before us. It seems for some of us that we have been around this topic before, while the signers on the Joint Standing Committee on Taxation have varied a bit between the First Regular Session of this 113th Legislature and the Second Regular Session, some of us are still supporting what is contained in L.D. 2415. All of us recognize that a report was issued from the Maine Commission on Land Conservation and Economic Development and L.D. 2415 embodies the majority report from that Commission.

During the First Regular Session of this 113th Maine Legislature, I was requested to introduce what is embodied in L.D. 2415 and much like the good Senator from Hancock, Senator Perkins, that measure was temporarily stalled while my counterpart from the other Body, representing the municipalities of Freeport and Pownal, initiated the Bill that was ultimately defeated in the First Session. I remind you hastily, however, that the defeat occurred not in that Body, but in this Body and I have that sense again this morning.

L.D. 2415 would allow local municipalities to access a transfer tax in the sale and exchange of property not to exceed four tenths of one percent, half of which will be borne by the seller and half of which would be borne by the buyer. This assessment at the local level would not occur unless that singular municipality voted in referendum to do so. In other words, before us this morning we have a proposal which contains a municipal or local option. Many of us who have served for a variety of terms in the Maine Legislature or who have a sense of history know that the grand state of Maine is loathe to share its constitutionally vested taxation authority. And this is still another measure that would allow municipalities to share in that taxation authority or that ability to access a local option tax. Unique in this proposal as in the previous land bank conservation proposal as I have already mentioned, is the fact that it would have to be endorsed in a local referendum. The constraints supported in L.D. 2415 are further enhanced in the Minority Report from the Joint Standing Committee on Taxation, which provides that the municipality cannot use these monies collected to purchase or develop affordable housing

or local infrastructure, but must dedicate these monies to the purpose for which land banking is designed and that is to provide access and open space within the boundaries of that singular municipality.

It would also be required of that same municipality that they would have previously adopted a comprehensive plan under as the statement of fact reads, the relevant provisions of the Maine Revised Statutes, Title 30. The question before us this morning is not only do we wish to share in the state's authority to levy taxes with this locally endorsed real estate transfer tax or secondly, do we wish to allow the very people who are causing the stress of development and growth to underwrite the retention of open spaces within the boundaries of that municipality? I dare say that the debate supporting the pending motion will be similar to that which we have heard, not the least of which is my remarks this morning similar to that which I have stated on the record in the previous Session. Suffice it to say that the origin of this concept in the state of Maine emanated from one of the municipalities in Senate District #26 and while I, like many of you, have probably been the recipient of countless phone calls between the passage of this measure in the other Body yesterday and the convening of our Session this morning, I still endorse the concept and the perimeters and the restraints contained in L.D. 2415. It seems eminently reasonable to me that municipalities be afforded a funding option endorsed by the citizens of that very same municipality to create a fund which will allow them to secure critical open spaces which will afford the citizens of that municipality the retention of at least a semblance of the quality of life that they have experienced for countless numbers of years. Some of us in Southern Maine are a little more sensitive to the stress and the crunch of growth than others in other areas of the state, but many of us across the state regardless of the community from which we emanate are sensitive to the need to retain critical open and or green space for all of the citizens within our various municipalities. I would submit to you this morning that it is indeed appropriate that local municipalities raise funds to secure the necessary monies to purchase those lands already or even today and nothing precludes municipalities from doing that other than one fact and that is that those monies would be raised from local property taxation. And there are municipalities whose market values are skyrocketing at such great speeds and whose municipal tax rates have increased twenty-five, thirty-seven and forty percent over the past two or three years that they simply cannot place that tremendous burden on the backs of the local property taxpayers. This L.D. 2415, in its amended version, provides for a funding mechanism which would one, again provide a pool of money as the result of the immense rapid rate of real estate transfer. And two, afford that municipality non-taxpayer generated funds to purchase critical land pieces. And three, to allow access to some areas of the town, which the town quite frankly can't afford to purchase for they have other municipal costs, not the least of which is school funding which consumes their budget every single year. I would urge the members of this Body to reject the pending motion, thereby giving us the option of addressing this issue positively with the Minority Report, which interestingly enough reflects bipartisan support. I understand that there is a potential that an amendment might be offered should that option be provided us this morning. Thank you Mr. President.

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

Senator TWITCHELL: Thank you Mr. President. Mr. President, men and women of the Senate. Something that I have always dreaded in here was debating the good Senator from Cumberland, Senator Clark, she is an eloquent speaker. I did sponsor this Bill last session and as you probably know I didn't have much success with it. The reason for that is there has never been a local option tax before and I believe that this is just opening up a can of worms on local option taxes. Before you know it we are going to have local option sales tax, local option income tax, local option meal and lodging tax and a local option tax on services and it will go on and on and on. I have two towns in my district that held a special town meeting, they raised the money and bought the piece of property and I think that seems to be the way to go. I hope that you would support my motion to Accept the Majority Ought Not to Pass Report. Thank you.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. A week or so ago we had in here a Bill on Speculation Tax which I spoke on, in fact people told me I spoke too long on it, but I felt very strongly about it. At the end of that debate Senator Twitchell of Oxford, got up and he said, "Thank you Mr. President, men and women of the Senate. In about three or four days I have a Land Banks Tax Bill coming out of Committee. So let's not all jump on this Bill because we have one coming out that is going to do almost the same thing." Then he proceeded to ask for a quorum. Well, I felt from that statement and from subsequent conversations that there probably would be a Land Banks Tax Bill coming out of the Committee with his signature on it - Ought to Pass. I understand that things happen in Committee and thoughts change from time to time, but this seems to be the last one of the things that we can do this particular Session, this 113th Maine Legislature, in order to preserve some land on the local level. So, I would urge that we follow the good Senator from Cumberland, Senator Clark.

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 would hope that you would go along with the prevailing motion. What we have to remember, and I feel like I just debated this a little while ago, since we had it last year and now we have it back for a second time in the 113th Legislature, but what this is is a new tax. Make no mistake about it, it is an absolute new tax. When the Senator from Cumberland, Senator Clark, says it is non-taxpayers funds, who do you think these people are who will be paying it? They are the people who have owned houses and for some reason or other have to sell them, the young people buying houses who are going to be paying taxes, these are all taxpayers, but it is only a few taxes. So, we have a new tax and the tax is levied only on a few people, those people who for what ever reasons sell or buy property in the town and are then going to be paying the on going property tax there or someplace else where they move to fund all of those causes.

Also, towns may already vote with all the citizens voting, not just a few, but with all the citizens. They may vote to buy land already and I think that is appropriate and I supported the bond issue for the state buying land for access and I think that is the appropriate way to do it. Any town

that wishes to have that land may raise that money at town meetings or by referendum if they have a council and so forth and buy the property. Now, let's talk about the referendum. Well, only in the referendum the town then decides whether they want to have the option of having this tax. That is fine, so who is going to vote for it and who is going to vote against it? How many people in a town are buying or selling? If you are selling probably you are a small percent of the members of that town. If you are buying you don't have to worry about it because you have no vote anyway. So half the people that are paying this don't vote on this referendum anyway and the people who live there obviously, if they are not planning to move, say this is a good deal, we will get those people who are moving into the community to pay for this. That is fine and sometimes I think to myself in the small town where I live, maybe I should be supporting this, because the prices go up astronomically, my taxes have more than quadrupled in five years and as my taxes go up and somehow I am able to afford to stay living there, more and more people are having to move, maybe I should just do it and pretty soon a few of us would own the whole town and the rest would be a part and most of us don't have children and so forth so we wouldn't have schools so maybe it would be a good idea. But, that is the eventual calculation of this system if you watch it. So, I hope you support the pending motion and I hope we finally get rid of this Bill once and for all.

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. When the piece of legislation that I was involved in last year became a study and it became the study of the Maine Commission on Land Conservation and Economic Development, I was quite frankly disappointed that we were going to put off what I thought was very important action for one year. But, as I review the work of that Committee and as I followed their progress and their public hearings and their deliberations and I looked at the package that they presented to us, I am extremely impressed and want to congratulate them publicly for the work that they have done and the tremendous contribution that they have made, not only in terms of their recommendations, but also in terms of the quality of the debate of this very important issue. I am particularly impressed with their recommendation and their proposal for this particular piece of legislation that we have before us today. I am joining those who would urge you to oppose the pending motion before us. A comment on the debate this morning that I simply cannot let go by and that is the picture that we have just had painted for us by the good Senator from Lincoln, Senator Sewall, about the towns people, the taxpayers of a community ganging up so to speak on those who are engaged in a transfer of real estate and passing this local option because they know they are not going to be directly effected by it. Before you put that consideration aside, I would like to present the other side of that story, that is what is happening right now.

That indeed those who are speculating on land and real estate in many of our communities I would submit are ganging up on the towns people and taxpayers right now. The land speculation is driving the prices of land far beyond the means of most people, certainly the children of many of our people who have built their homes and their families have built their communities in those towns and would like to see generations come after them. That option is no

longer an option for many of them. As the integrity and quality of life of that community is eroded, the bitter irony is that the increased costs for this speculation in additional municipal services, schools, sewers, police, fire, all of those additional expenses are being borne on the backs of all of those taxpayers who are seeing their communities erode away and the integrity of their community assaulted. What this proposal simply says is that those communities who choose this option can say to those developers and those speculators who are reaping enormous profits that they should at least be paying some fair share of the additional expense that is being put on the backs of those communities. If you are receiving enormous profits from these sales, it seems to make sense and indeed it seems to me just and fair that those taxpayers be allowed the option of asking for fair share payment for the additional expenses that are occurring to that town. That is sensible, it is reasonable and it is a moderate proposal, men and women of the Senate. This is not a new tax that we are imposing on the people of Maine. This is an option that we are laying out to the municipalities of this state. These municipalities are in very serious trouble, they are being eaten alive by greed. The speculation that goes on in these towns has no thought at all very often for the quality of life of that community, for the integrity of that community, for the future of that community, for the children of that community. There is one factor going on in those deals and that is the bottom line, quick profits that can be taken quickly from that community, very often taken quickly out of the State of Maine. It is greed that is running havoc on our communities and changing the character of those communities forever. And closing out options for families and for children and for generations to come. It seems to me that in light of this reality, the least that we can do in this Chamber is to give those communities the option, a defense, the possibility of recouping some of the tremendous costs they are incurring. That is exactly what this proposal does. I hope that we can look at the grave situation in the State of Maine for what it is. A very grave and very serious situation. I hope that we recognize today that we are at a cross roads in this state and the decisions that we make today are going to have irreparable consequences for future generations for Maine citizens if we don't make the right decision. So, I ask you today to join those who have spoken before me in opposing the motion on the floor right now and provide those communities with the option to defend and protect their community and options for their children. Thank you very much.

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

Senator BRAWN: Thank you Mr. President. Mr. President, men and women of the Senate. I did not intend to stand and speak this morning and I don't have an eloquent speech to give to you, but as speaking from one Senator to any Senator, the good Senator from Oxford, who has seen the light, I would like to say that I have also seen the light. I stood up on the floor last year and debated very heavily for this Land Banks Bill and I think the concept is excellent. I think it is a wonderful concept and I have been struggling for over a week and spent most of my weekend with different people on both sides of this issue and it is a real struggle for me this morning. But, the bottom line in my mind, I think we should always give choice, always, but I think we are setting a very dangerous precedent if we are going to allow local option taxes. This has not been done before and we don't know what will happen. So, the

reason I am going to be voting for the Majority Report and not passing the Land Banks Bill is because I am afraid of setting a precedent. I think it could be very discriminatory. What if Camden should decide to do this and Rockland should not? What kind of mess would we find ourselves in? Thank you.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I am pleased this morning to hear my good seat mate concur in the view that I share with the respect to this proposal. It seems to me that regardless of the merits of the cause, it is indeed a very dangerous move to let municipalities enter into a new field of taxation. I object to the precedent, I do not wish to relinquish on the part of the state that type of authority. I should also like to point out that we hear a lot of concern about property taxation. We have heard several speakers suggest that is indeed a burden upon our many towns and that we ought to do something about it. Yet, we are proposing a vehicle which essentially enhances a tax on property. I don't see how you can argue in any fashion that this does not increase the property tax. It increases the price of the real estate. It is paid by both the buyer and the seller. It seems to me that we haven't considered the many, many options that we have to acquire property for open space. We have a private sector, that is we have land trusts that are acquiring property in the state, in the coastal area and in the islands. They are acquiring the property to protect it to provide open space. We should support that. We have issued or are about to issue thirty-five million dollars in state bonds to acquire property for the public use. It seems to me we go too far. We open up a new can of worms. We permit municipalities to enter into a tax field that they ought not to be in. We must guard jealously and zealously the taxing authority in the state. I can see of no merit to offering it when we have so many other options to protect and acquire open space. Thank you Mr. President.

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

Senator MAYBURY: Thank you Mr. President. Mr. President, men and women of the Senate. I rise today to speak in support of the pending motion Ought Not to Pass. Having spent a good many days last spring looking for a house to buy in the community of Brewer, I found that most of the houses that were on the market at that time were listed in the ninety thousand dollar category and up.

If we are talking about protecting the little person, the hard working young people of our state and allowing a tax to go through, we are going to be hitting those very people. Most of the houses you cannot even find for under ninety thousand dollars unless you do a lot of hard work which fortunately, I was able to do and I was able to find one under that amount, thank goodness. There are so many other taxes that are included in your payments. You have to pay your insurance in your monthly mortgage payments and a variety of property taxes and closing costs and everything else. You are talking about a lot of money plus a large down payment. We are going to be hurting the middle and lower income people who are working hard for a living as it is. Many of them are two income families struggling and we are going to be prohibiting them further from owning their own home. I encourage you to support the pending motion. Thank you.

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

Senator TWITCHELL: Thank you Mr. President. Mr. President, men and women of the Senate. The bottom line here is that this is just another tax. We have already got a tax on real estate now to the tune of four dollars and forty cents per thousand. This is already on the books. Now you want to put another tax on the books on the real estate transfer tax of four dollars on a thousand. This is just another tax and we don't need it. If we want to buy a piece of land, like my two towns have done, all you have to do is hold a special town meeting, raise the money and buy the property.

In response to the good Senator from Penobscot, Senator Pearson, I did tell you last week that we did have another bill coming down and it was a Land Banks Bill and not to jump on the Speculation Tax Bill. I did say that. I didn't say that I was supporting this Bill.

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

Senator TUTTLE: Thank you Mr. President. Mr. President, men and women of the Senate. As a member of this study commission who worked hard and diligently on this issue, I will be supporting the Minority Report and I would like to speak to you about some of my feelings on this issue.

When I think about the current problems hammering away at York County and the rest of the state, I think about my grandfather who spent his days working the land as his family had done for generations. To me he remains a warm beacon in a region known more for its development avalanches, flatlanders and fading heritage. A region that changes rapidly runs the risk of losing its history and character. Without those two vital organs the town gets flat and lifeless. A changing community risks losing its pulse and vibrancy. Finding the heart and soul of a town that has been redesigned by developers more interested in profit than preservation is difficult. I pick up hints of heritage in the stately downtowns of South Berwick and Berwick in my district. I catch whiffs when I pass old farmhouses in Lebanon with lilacs and day lilies skirting their sagging foundations. The hands that planted those flowers were busy, honest and economic. They left this state rich in ethics and intent.

I can still discern the hopes and prayers of hardworking mill workers murmuring in the rich silence of Sanford's churches. The small cluster of farming communities and family graveyards harbor our past and preserve those who cleared farmland and shaped our present. The problems of unyielding soil, fickle frosts and rain, never ending winters and isolation have changed. Now our problems revolve around housing shortages, overdeveloped landscapes and a loss of community symbols and standards. Rampant development has made us all strangers, whether we are natives or newcomers. What was once familiar in my area is no more. The rules of the game have changed and are changing rapidly. We are faced with the choice of changing or being forcibly changed. In place of unruly weather, we are stormed by development and landfills proposed by corporations whose payrolls exceed our county's annual budget. Developers continually carve into farmland to house the growing population, but most of the new homes are built for the rich which most of us are not. The more expensive the home, the greater the developers profit margin. It seems that the poor get poorer. In Biddeford, they live in hotels because of the dire shortage of affordable, subsidized housing. Life is changing fast and furiously and the untroubled independence of our predecessors no longer protects us. I think of my grandfather much lately, the man

who bred cows for disposition instead of milk production. The man who sold maple sugar candy at town meetings and cut hay by hand imparted something to me that eases hard change and transition. He carried the heritage and history of his town and a secure promise of survival in the face of adverse nature. Inside his rich book of memory was integrity and compassion that can help a man, woman or a community stand up to anything, even a room full of developers or lawyers. A handful of leaders alone will not protect or preserve this state or York County. Towns are increasingly in need of planners lawyers and goals to protect themselves. Municipalities will not be able to halt growth, but they can control it and protect its uniqueness and the environment. My grandfather, if alive today would, I am sure, limit open transformation of his home town from a community of farmers to a community of commuters. He might not have all the answers, but he would have wielded compassion and common sense that weathered many family tragedies. That heritage, that backbone is there for everyone. It rustles around stone foundations of old farms to be breathed and ingested and relied upon in the face of disquieting change. They say change or be changed, but remember the necessary tools and the tonic of history. It is for that reason that I am supporting this Bill. It is a step in that direction.

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. One of the things that has amazed me since I came to the Legislature in the last ten years is the feeling that this Legislature has about local municipalities. We see the exhibit from Aroostook County out in the rotunda representing that great county, and yet we hear the Senator from that district, Senator Collins from Aroostook, showing a great deal of mistrust or guarded desire to give power to the municipalities of that county. I don't understand.

The people who elect me and elect you to come here are the same people that elect the people who run our government in our communities. I have never been able to understand, nor do I today, why we are so reluctant to share the powers we have with the people that elect us and elect the people who run our communities. The fear of these local communities run wild is one that I abhor and I would like very much here in this particular Bill to support it for that reason as well as many of the other reasons that have been given here today. Thank you Mr. President.

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. Although I would agree with the good Senator from Cumberland, Senator Brannigan, that we should have all the respect in the world for our local officials and I do think that my local officials do a tremendous job, I also believe that the buck stops here. In this case, it is not one that I want to pass along. I think that the American dream has been for as long as I can remember for any young couple that you can go out and buy a home. What we are talking about here is adding another cost to the buying of that home. I have real problems with that. We already have the deed charge, a transfer tax, we have the assessor fee and we have the attorney's fees and the banks fees and a few years ago the banks put on points so that you could borrow their money so they could charge you interest and points on it. Now today we are going to add another four tenths of one percent and I want to caution you. I think you all realize this, but I

would like to say it. In all the years that I have been here I don't remember too many times coming here to bring a tax down. You start with .41 percent and you bring it up, that is just the starting point. We will be here discussing this week an increase in another tax pretty soon, not a decrease. Once you have got it on, then it is there to increase. At some point, we may have reached that point already, it is going to become impossible for someone to go out there and buy a home because of all these little extras that they have added that have become part of the mortgage. Pretty soon all these extras will be more than the mortgage itself if we continue passing laws like this. That is why I cannot vote for this Bill. Thank you.

Off Record Remarks

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 debate is an echo of that which we heard in the last Session. The players have changed somewhat and there has been a shift and that is okay, that's okay. I have this sense that the outcome will be similar and that is okay too. But I want you to know, Members of the Senate, that to echo the sentiments of the Senator from Cumberland, Senator Brannigan, that I do not fear sharing the state's vested right of taxation with our municipalities for as he so eloquently said, those who elect us elect local officials. As a matter of fact, it will be those same people who participate in the local referendum which would determine whether or not the municipalities will exercise a local option tax. I don't fear the people, do you? Four tenths of one percent it is suggested will increase the cost of purchasing property. It would also, I might submit, decrease the profit margin. And what is increasing the price of property today? We have homes in my area in the village particularly of South Freeport, that remain on the marketplace for less than six hours and sell well over one hundred thousand dollars above the listed price as purchasers bid for the property and you feel generous when you say I voted for the thirty-five million dollar land acquisition bond that this Legislature passed last year. And I respond by saying, how much will that buy in the State of Maine today? As the minutes tick by it will purchase less and less property. The crunch and stress of skyrocketing market values on land in our state precludes people from one, retaining their property for they can ill afford the encumbering property taxes as the result of that market value increase. And two, increasingly precludes yes, our sons and daughters and nieces and nephews and retired people from securing affordable housing. Affordable housing has been effectively omitted from consideration in this measure and I further submit that the four tenths of one percent that would be levied if this local option tax were adopted by a municipality is the upper limit, the upper limit that a municipality can opt for a lower tax rate.

I am not afraid of the word tax. It is disguised in a number of words in both our state and other states as well as the national level. But this is a local option tax with the power to determine that tax vested in the citizens of each municipality. There is no more fundamental right than that and you would deny those same citizens even that option because you are afraid. Shame on you.

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

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. A few weeks ago we had a Land Speculation Tax and I was one of nine people who voted to tax the speculator. As I review the Bill this morning and listen to the remarks, I see where the seller will be taxed equally. Although the amount doesn't appear big, one fourth of one percent, I remember a few years ago we instituted a realty transfer tax and it brought in several million dollars and it did so well that the wisdom of this Legislature voted to double that tax which this year brings in sixteen million dollars, ten percent of which remains in the counties. I pose a question, if ten percent remains within the counties, could we take a little bit of that ten percent and earmark it or redirect it to the municipalities to accomplish the goals that this Bill seeks to do?

I feel that I am not ready to support an additional tax on the people who sell their homes and their properties. I think they are already overburdened with the fees and the points they pay and the present doubling of that realty transfer tax.

One more point I would like to make. Every year when I send out my questionnaire I always pose a question - would you allow county government to impose taxes? It is always overwhelmingly no and this year it was close to eighty percent no. I still pose my question if that were feasible. Thank you Mr. President.

Off Record Remarks

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 have listened with a great deal of interest on this Bill. I am certainly in favor of the concept of land banks. I think Freeport was one of the first towns that had one, I think my town has one and I think it is an excellent idea to have one. The thing that bothers me about this Bill is that it is unfair. This is a Robin Hood bill. What do we do? We take the money only from the people who have a home which costs more than seventy-seven thousand dollars. Not everybody contributes to this fund. What about the land owner, the farmer whose only real asset at this time is the land that he owns. He has paid taxes on it through generations. It is interesting to hear Senator Andrews talk about saving land. This gentlemen may have to survive on the land that he has left and you want to tax it for the land that he sells off.

The City of Portland isn't going to have any problem, many homes in the City of Portland are worth more than seventy-seven thousand dollars. Every piece of property that is sold is going to be taxed on this. It is not fair. Lets do it and have everybody contribute to the land banks. I am totally in favor of land banks. When you talk about zoning and you talk about the great developers, if they are making so much money I think I should go back into the business. It isn't a big deal. If you want to have open space what do you do? You have proper zoning. I have no problem with the officials of my community or your community in developing proper

zoning, comprehensive planning, that they can have open space, cluster housing. This is the type of thing you have to do. What about the elderly lady who has a home, her only asset left and she is forced to go into a nursing home and her home is worth over seventy-seven thousand dollars. She has to pay this tax. On a basis of fairness, I don't care about taxation or anything else or about the communities, they are able to handle their own problems. The Town of Raymond is now considering paying four hundred and fifty thousand dollars for a piece of beach property, but if they do it, everybody in the community will contribute to it. Lets be fair, lets not talk about grandeur developments and this sort of thing or affordable housing, or all the other things you bring into this debate. Lets bring in fairness. Thank you.

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. First of all to respond to the good Senator from Androscoggin, Senator Berube, and her question. I believe indeed any municipality or county could target revenues toward conservation and land banks. They certainly could do that and earmark any of those transactions right now for that purpose if they so choose. The problem is that those municipalities are having so much trouble right now meeting the burden that this speculation is causing on those communities, that that revenue simply isn't available. The idea behind this option for those communities is to allow part of the profits that are made in these speculative deals to go into the coffers of municipalities so they can pay for some of these enormous expenses.

I would also like to respond briefly to the good Senator from Cumberland, Senator Dillenback, since he picked me out of his comments. There were some of us in grade school who used to cheer for Robin Hood. The four tenths of one percent is a very small tax to pay and a very large gain to be had by everybody in communities across this state. I would like to address the red herring that is swimming around the Chamber about preserving and taking care of our low and middle income constituents who are trying to buy their first home - our young people who don't have the money to buy their first home and yet this is one more tax, one more burden on top of them. Take a look at the Bill. The Bill says that if it is your primary residence, if you are talking about buying your first home, then we are talking an exemption. No tax whatsoever, even if a community passed this referendum and chose the option of imposing this type of a program, then seventy-seven thousand dollars of your primary residence would be exempt under any circumstance. So in fact unless you are paying more than seventy-seven thousand dollars, you will not be taxed. And then if you, like in my area, have to pay over seventy-seven thousand dollars for a modest home, then the tax would be on those dollars over seventy-seven thousand dollars. The first seventy-seven thousand dollars even in Portland would be tax exempt. Please keep that in mind if your concern is for low and moderate income people having to bear yet one more tax.

It is true, this is a tax, we will say it right out front. As we have heard earlier in this debate, it is a tax. A tax is supposed to strike fear and trembling into the hearts of politicians during election years - I realize that. It is unprecedented. It is true as the Senator from Aroostook, Senator Collins stated. But this is an unprecedented situation that we are facing in Maine. We have never seen the likes of the real estate speculation in the history of our state that we are

seeing right now. It is a crisis. When you are dealing with a crisis that is unprecedented, then you should have the willingness and the guts to take unprecedented steps. I am willing to take an unprecedented step, particularly when it is as modest and as reasonable as this one.

Finally, the irony around the debate on this issue, the comments and the positions that have been taken by those who have opposed any kind of protection for our communities and for open space purchases. We heard in the debate over the referendum last year the slogan local control. Whatever happened to local control goes the saying. And it is used as a phrase to oppose measures that attempt to recoup some of the profits that are being generated by land speculation. This is local control, men and women of the Senate. It is a local option. It is giving our communities one tool, one important tool to use at a time of unprecedented crisis. Lets give them that tool and that option. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator TWITCHELL of Oxford, to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BLACK, BRAWN, BUSTIN, CAHILL, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, GOULD, KERRY, MAYBURY, PERKINS, RANDALL, SEWALL, THERIAULT, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators ANDREWS, BRANNIGAN, CLARK, DOW, ESTES, GAUVREAU, KANY, LUDWIG, MATTHEWS, PEARSON, TUTTLE

ABSENT: Senators BALDACCI, GILL

22 Senators having voted in the affirmative and 11 Senators in the negative, and 2 Senators being absent, the motion by Senator TWITCHELL of Oxford, to ACCEPT the Majority OUGHT NOT TO PASS Report, in NON-CONCURRENCE, PREVAILED.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland, 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:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1918 ORDERED, the Senate concurring, that Bill, "AN ACT to Ensure that a Certain Percentage of Public Housing is Handicapped Accessible", H.P. 1869, L.D. 2558, and all accompanying papers, be recalled from engrossing to the House.

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

Off Record Remarks

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Provide the Capability to Assess the Impact of Overweight Trucks on Maine Highways"

H.P. 1751 L.D. 2400

Reported that the same Ought Not to Pass.

Signed:

Senators:

- DOW of Kennebec
- THERIAULT of Aroostook
- CAHILL of Sagadahoc

Representatives:

- MOHOLLAND of Princeton
- MILLS of Bethel
- STROUT of Corinth
- MACOMBER of South Portland
- CALLAHAN of Mechanic Falls
- POULIOT of Lewiston
- SOUCY of Kittery
- MCPHERSON of Eliot
- SALSBURY of Bar Harbor

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-531).

Signed:

Representative:

- REEVES of Pittston

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

Which Reports were READ.

On motion by Senator DOW of Kennebec, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Senate
Ought to Pass As Amended

Senator TUTTLE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Relating to the State Health Insurance Program and the Bureau of State Employee Health"

S.P. 937 L.D. 2470

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-403).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-403) 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:

Senate

Bill "An Act to Authorize the Creation of the Freeport Water District" (Emergency)

S.P. 987 L.D. 2615

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify the Standard of Proof in Prelitigation Screening Panels" (Emergency)

S.P. 711 L.D. 1941

(C "A" S-395)

Bill "An Act Providing for the 1988 Amendments to the Maine Housing Authorities Act"

S.P. 841 L.D. 2186

(C "A" S-399)

Bill "An Act to Enable Additional Agencies to Participate under the Finance Authority of Maine Loan Program"

S.P. 909 L.D. 2364

(C "A" S-400)

Bill "An Act to Require the Department of Human Services to Reimburse Home Health Agencies for the Reasonable Costs of Recruiting, Training and Retaining Qualified Nursing Staff"

S.P. 935 L.D. 2455

(C "A" S-401)

Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education"

S.P. 947 L.D. 2501

(C "A" S-402)

Bill "An Act to Authorize the Maine Self-Insurance Guaranty Association to Act as a Statistical Advisory Organization" (Emergency)

S.P. 964 L.D. 2556

(C "A" S-397)

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

Sent down for concurrence.

Bill "An Act to Enhance the Effectiveness of the Operating-Under-the-Influence Laws" (Emergency)

S.P. 885 L.D. 2297

(C "A" S-398)

Which was READ A SECOND TIME.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. There is an amendment coming in on this Bill. Therefore, I would ask some Senator to kindly Table this matter until Later in this evenings Session.

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

ENACTORS

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

An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants

S.P. 975 L.D. 2589

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1988 (Emergency)

H.P. 1917 L.D. 2617

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1489.

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.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning State Mandates to Local Governments"

H.P. 1536 L.D. 2090
(C "A" H-578)

In Senate, March 31, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578) AS AMENDED BY HOUSE AMENDMENT "A" (H-613) thereto, in NON-CONCURRENCE.

The Chair, in absence of a motion from the floor, moved the Senate RECEDE and CONCUR.

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

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. Before we vote to Recede and Concur with the other Body, would someone on the Committee on State and Local Government explain briefly what this legislation does?

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

The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Thank you Mr. President. Mr. President, men and women of the Senate. By Receding and Concurring we are putting a needed fiscal note on the Bill. What this Bill is doing is that it requires bills that mandate that county and local government take action that will result in a cost to them must be submitted after engrossment to a mandate table. This Bill also establishes an office of Intergovernmental Affairs in the Executive Department. Its purpose is to coordinate the various state and local relationships and to provide a focal point for requested information and assistance to local governments. This is the unanimous report from the Committee on State and Local Government. It is something that we have been working on for over a year in the area of trying to control state mandates. I would hope that we could Recede and Concur so that we could put the fiscal note on this and finally pass this Bill.

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

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. I guess the much needed fiscal note, which is the last amendment, House Amendment "A" (H-613) is what I have concerns about. It appears to me that we are adding two and a half positions and a fiscal note of one hundred and seventeen thousand dollars. I think that is a little excessive.

Senator CAHILL of Sagadahoc requested a Division.

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

Senator TUTTLE: Thank you Mr. President. Mr. President, men and women of the Senate. I would agree with the good Senator from Sagadahoc, Senator Cahill. In the initial Bill I did not want to include those two positions, but I was told by other members that unless we include those positions all the things that we want to do with the local mandates would not be accomplished. That is why the fiscal note has been added. Initially in Committee, I thought we could do it without having those positions, but after having done extensive research and a lot of work on this, we cannot. I would hope that we would pass the Bill. I think we should be serious about state mandates to local governments and I would encourage you to support the motion to Recede and Concur. It is a unanimous report from the

Committee on State and Local Government. We have worked on this for a year and a half and it is a very important Bill.

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. I would like to pose a question through the Chair to any one who may care to answer. I want to thank the good Senator from Sagadahoc, Senator Cahill, for bringing this to our attention. I am somewhat curious as to what two and a half people within the Legislature would be doing if this Bill were to pass and these two positions were to be funded.

It seems to me that the Legislature passes some six hundred laws during a two year session, there couldn't be more than twenty or thirty of those that might have impacts on mandates to local governments and it seems to me that we shouldn't be passing or adding new positions unless there is a proven need. I would like to know where these two positions came from and as to whether they are really needed. I don't want to be part of supporting more positions in state government unless they are necessary. Thank you.

THE PRESIDENT: The Senator from Franklin, Senator Webster, 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 BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. Respecting the good Senator from Franklin, Senator Webster's, concern for state mandates and the cost of government, I will remind the good Senator from Franklin that there is a Bill on Tabled and Unassigned that was reported by the Committee on State and Local Government that dealt with requiring fiscal impact statements described in the costs and benefits associated with state mandates. It was a very expensive document, five or six times the amount of money that is being required by this particular legislative document and it was opposed by the Administration. The Committee on State and Local Government studied the matter of state mandates and came up with what they believe to be something that was more workable, something that would show the communities what the mandates were and something that was reasonable in allocating costs and that type of thing. That is what you have before you today. Something that is workable, it is reasonable and it isn't requiring five or six times the amount that L.D. 1149 had proposed to the Committee on State and Local Government. L.D. 1149 had proposed two hundred and twenty-eight thousand, seven hundred and eighty-seven dollars and it was just a tip of the iceberg because when we got into the Bill in the Committee, it was much more expensive even though it was very popular to go ahead and pass the legislation, the Committee on State and Local Government had studied the matter and had worked with the Administration for a more reasonable area as far as covering state mandates and their impact on local government.

So, I would hope that the Senate would go along with the motion of the good Senator and Recede and Concur.

THE PRESIDENT: The pending question before the Senate is the motion to RECEDE and CONCUR.

A Division has been requested.

Will all those Senators in favor of the motion to RECEDE and CONCUR, please rise in their places and remain standing until counted.

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

22 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion to RECEDE and CONCUR, PREVAILED.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on BUSINESS LEGISLATION on Bill "An Act to Clarify the Obligations of Distributors, Dealers and Redemption Centers"

H.P. 1806 L.D. 2472

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-605).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-605) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on EDUCATION on Resolve, Establishing the Advisory Committee on Education and Critical Issues for State Decision Making

H.P. 1776 L.D. 2429

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-589).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-589).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-589) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Ban Disposable Styrofoam Food and Drink Containers from Public Cafeterias"

H.P. 1592 L.D. 2178

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-604).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-604).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-604) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Extend and Strengthen the State's Mandatory Shoreland Zoning Laws"

H.P. 1731 L.D. 2374

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-597).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-597) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit the Sale of Polystyrene Foam Products Containing Chlorofluorocarbons"

H.P. 1797 L.D. 2461

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-596).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-596) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Allow Greater Departmental Input Under Certificate of Need Provisions" (Emergency)

H.P. 1503 L.D. 2053

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-599).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-599).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-599) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Resolve, Authorizing the Bureau of Health to Conduct a Time-Trend Study of Leukemia Incidence in Maine

H.P. 1769 L.D. 2422

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-598).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-598) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act Relating to the Maine Uniform Transfers to Minors Act"

H.P. 642 L.D. 865

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-602).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-602) READ.

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

Senator WHITMORE: Thank you Mr. President. I was looking through my House Amendments trying to discover H-602 so we could follow the changes going on. I asked my seat mate whether we had H-602 and we did not seem to be in possession of House Amendment H-602.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-602), in concurrence.

The Committee on JUDICIARY on Bill "An Act to Amend the Maine Juvenile Code to Expand Notice Provisions"

H.P. 1486 L.D. 2020

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-603).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-603).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-603) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Improve Supervision of Prison Furloughs"

H.P. 1736 L.D. 2381

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-609).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-609).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-609) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Amend Maine's Domestic Relations Laws"

H.P. 1801 L.D. 2465

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-601).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-601).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-601) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (Emergency)

H.P. 1814 L.D. 2482

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-608).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-608) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Establish a Permit to Operate a Railroad"

H.P. 1752 L.D. 2401

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-590).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590).

Which Report was READ.

On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending ACCEPTANCE of the Report, in concurrence.

The Committee on TRANSPORTATION on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 1788 L.D. 2449

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-584).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-584) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Amend Property Tax Exemptions"

H.P. 1657 L.D. 2267

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-586).

Signed:

Senators:

TWITCHELL of Oxford

DOW of Kennebec

SEWALL of Lincoln

Representatives:

MAYO of Thomaston

CASHMAN of Old Town

SWAZEY of Bucksport

NADEAU of Saco

DORE of Auburn

DUFFY of Bangor

JACKSON of Harrison

ZIRNKILTON of Mount Desert

WHITCOMB of Waldo

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

Signed:

Representative:

SEAVEY of Kennebunkport

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586).

Which Reports were READ.

On motion by Senator TWITCHELL of Oxford, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-586) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Provide Replacement Funding and Capital for the Maine Fire Training and Education Program as offered by the Southern Maine Vocational-Technical Institute"

S.P. 875 L.D. 2278

Senate at Ease

Senate called to order by the President.

Ought to Pass As Amended

Senator BLACK for the Committee on JUDICIARY on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 950 L.D. 2521

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-404).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-404) READ.

Senate at Ease

Senate called to order by the President.

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. We are about to Adopt the first Errors Bill. It is a little different this year that we are running the big Errors Bill early. The Committee on Judiciary has been working hard and has gone through almost all of the errors that have been discovered. So, if anybody has amendments that they wish to offer to the Bill they may do so, however, we are preparing a second Errors Bill that will be coming along in the next week or so and if you would like to submit any errors from your Committee's or any other errors that you have found, the Judiciary Committee would be glad to look at them for inclusion in the second Errors Bill. We would like to have them by the end of the week so that we can do that at the first of next week. Thank you.

Committee Amendment "A" (S-404) ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on AGRICULTURE on Bill "An Act Concerning Membership on the Maine Blueberry Commission"

S.P. 921 L.D. 2412

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-405).

Signed:

Senators:

TWITCHELL of Oxford

BLACK of Cumberland

Representatives:

TARDY of Palmyra

PARENT of Benton

NUTTING of Leeds

BRAGG of Sidney

MAHANY of Easton

SHERBURNE of Dexter

HUSSEY of Milo

GLIDDEN of Houlton

ALIBERTI of Lewiston

PINES of Limestone

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-406).

Signed:

Senator:

MATTHEWS of Kennebec

Which Reports were READ.

Senator MATTHEWS of Kennebec moved to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-406) Report.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. As you can all see on the Divided Report, I am the lone signer of the Minority Report as Amended by Committee Amendment "B" (S-406). I won't take up a long time on this issue, but I do feel very, very strongly about my position and would like to mention it to all of you. L.D. 2412, sponsored by the good Senator from Washington, Senator Randall, was an issue brought to our Committee dealing with the make up of the Maine Blueberry Commission. The good Senator and the people that came to testify brought to the attention of the Agriculture Committee an inequity in the current composition of the Blueberry Commission. Presently, the Commission is made up of eight members, five processors and three producers of blueberries. The amendment, which I am asking this Body to accept, would change that composition to four processors, four producers and one designee from the Department. Ladies and gentlemen, there is no need in my estimation to study this issue and I think that is almost the most important issue here to be discussed today. We held the public hearing, the good Senator from Washington, raised the concerns of people in his area and in Hancock County and some other areas of the state. There is no need to attempt to salvage something and have a study. There should be an overriding purpose when we study issues, ladies and gentlemen, we are in session and I believe we are here to do the business of the people of the state. We had a public hearing, as I said, people were there to testify, the majority of the people there to testify favored the passage of the Bill which is now amended - my amendment which I am supporting here today. I want to read just a couple of things into the Record. First of all, the Bill was supported by the Department and let me just read very briefly. "The Maine Department of Agriculture recognizes the importance of promoting Maine commodities. The promotion of Maine blueberries, funded half by the producers and half by the processors, is presently administered by the Maine Blueberry Commission. L.D. 2412, will equalize representation so that both growers and processors will have four members. Realizing that the

Commission seems to be working smoothly with the present make up, we believe that in the long run both the interests of the processors and growers will be better served if this Bill is enacted." This is a very clear-cut issue ladies and gentlemen, very clear cut. I had the Office of Fiscal and Program Review do a little bit of checking into the issue of blueberries and into the make up of that Commission and I want to bring to your attention today that the following information was supplied by the office of Fiscal and Program Review: What is the current basis for the blueberry tax? The blueberry tax comes through Title 36, and indicates that the current blueberry tax is levied at a rate of a half a cent per pound of fresh fruit on the growers and a half a cent per pound of fresh fruit on the processors. Both processors and producers are paying this tax and ladies and gentlemen, let me tell you how many processors there are. This comes from the Office of Fiscal and Program Review, they could only find fourteen processors. Now, let me tell you how many growers of blueberries there are. The Blueberry Commission does not have a complete list of the growers, however, Mr. Ed McLaughlin estimates that there are probably between six hundred to eight hundred producers of blueberries. Ladies and gentlemen, that is a clear-cut issue of inequity to me. I don't need to study an issue and spend thousands of dollars of taxpayers money to come back to this Legislature in January and say, ladies and gentlemen, let's do what the Department of Agriculture wanted us to do, let's do what the people in the public hearing a year ago wanted. We don't need to study this issue, it is clear cut. It may sound innocuous and it may sound to many to be low on the priority list, but ladies and gentlemen, it isn't low on my priority list and I will tell you why. It reminds me of an issue with the Maine Milk Commission. An issue that some say is not worth our time and effort to try to bring that Commission to represent dairy farmers, but I took it on as a serious issue and so have others in this Body before. I think when you have Commissions they ought to represent the people that they are there to serve and certainly, when you have a Blueberry Commission that has eight hundred people out there, they ought to get more than three votes out of an eight member Commission when they have eight hundred people to serve. So, ladies and gentlemen, I am here to fight this issue. I shall not support the study. It is not necessary. We have a clear-cut issue and I champion and I applaud the sponsors for bringing the issue forward. Let's deal with it. Thank you.

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. I am very pleased this afternoon that this issue is brought before this Body. I know as we have been sitting here the last few minutes, many of you may feel that you have become much more familiar with the blueberry industry than you were before the discussion on this issue began. I certainly would commend the good Senator from Kennebec, for his thoroughness in looking into the issue. I found myself before the Committee presenting the legislation, hopeful that the wisdom of the Agriculture Committee would come up with something very useful for the blueberry industry in Washington County. I continue in that position and hope this afternoon that perhaps in this Chamber the wisdom of the full Senate will prevail and also whatever is the result of the legislation, I am certainly supportive of it. However, I did find myself in listening to the debate on the Committee,

prone to being a cautious person to be more supportive of what I felt would accomplish something for my constituents, those who are producing and growing blueberries in Washington County.

At the request of Senator RANDALL of Washington, the Report was READ.

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

Senator BLACK: Thank you Mr. President. Mr. President, men and women of the Senate. Being a member of this Committee, obviously you can see the Majority of the Committee doesn't necessarily agree with the minority. The Blueberry Bill brought by Senator Randall of Washington, was heard. It seems that there has been some displeasure in the present Commission. Some like to play golf and some were ignored and the Agriculture Committee thought it was time we looked into it on the home ground and decided that perhaps what the composition of this Committee would be was shifted in the Bill and we think that the Committee should study it. Set aside is thirty-six hundred dollars to do that and there are many growers, but they don't sell blueberries. There are very few processors which do all the selling and the Blueberry Commission is the marketing agent for the blueberries. I urge you to support the Majority Report by defeating the motion. Thank you.

Senator BLACK of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator MATTHEWS of Kennebec, to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-406) Report.

A Division has been requested.

Will all those Senators in favor of the motion of Senator MATTHEWS of Kennebec, to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-406) Report, please rise in their places and remain standing until counted.

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

6 Senators having voted in the affirmative and 23 Senators in the negative, the motion of Senator MATTHEWS of Kennebec, to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-406) Report, FAILED.

The Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-405) Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-405) 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 As Amended

Bill "An Act to Increase Funding of Elderly Legal Services"

H.P. 1552 L.D. 2112
(C "A" H-581)

Bill "An Act to Amend the Regulation of Lobster Parts"

H.P. 1584 L.D. 2162
(C "A" H-595)

Bill "An Act to Amend the Farm and Open Space Tax Law"

H.P. 1690 L.D. 2319
(C "A" H-593)

Bill "An Act to Require Service Stations to Post the Price of Fuel Sold"

H.P. 1717 L.D. 2356
(C "A" H-594)

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Bill "An Act to Protect Lake Water from Phosphorous Pollution"

H.P. 1784 L.D. 2445
(C "A" H-580)

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

Bill "An Act to Prohibit the Establishment of Docking Condominiums on Tidewaters, Lakes and Great Ponds"

H.P. 1671 L.D. 2289
(C "A" H-585)

Which was READ A SECOND TIME.

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

Bill "An Act to Make Changes in the Administration of the Maine State Retirement System"

H.P. 1764 L.D. 2417
(C "A" H-592)

Which was READ A SECOND TIME.

On motion by Senator USHER of Cumberland, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-592), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-407) to Committee Amendment "A" (H-592) READ.

Senate at Ease

Senate called to order by the President.

Senate Amendment "A" (S-407) to Committee Amendment "A" (H-592) ADOPTED.

Committee Amendment "A" (H-592) as Amended by Senate Amendment "A" (S-407) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

ENACTORS

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

An Act to Make Changes in Marine Resources Laws

H.P. 1458 L.D. 1969
(H "A" H-562 to C "A" H-553)

An Act to Increase the Eligibility of Juveniles for Attendant Care

S.P. 768 L.D. 2025
(C "A" S-384)

An Act to Improve the Regulation of Pesticides

H.P. 1557 L.D. 2121
(S "A" S-356 and S "C" S-380 to C "A" H-516)

An Act to Amend the Harassment Law

H.P. 1579 L.D. 2157
(C "A" H-561)

An Act to Request the Alcohol and Drug Abuse Planning Committee to Examine the Feasibility of Establishing a Detention and Rehabilitation System for Chronic Operating-Under-the-Influence Offenders and Expanding the Kennebec County Community Alternative Sentencing Program

H.P. 1597 L.D. 2183
(C "A" H-565)

An Act to Protect Elderly, Infirm Persons from Improvident Transfer of Title to Property

S.P. 848 L.D. 2204
(C "A" S-386)

An Act to Facilitate the Collection and Organization of Data for Effective Use in State Government

H.P. 1622 L.D. 2217
(H "A" H-575 to C "A" H-557)

An Act Relating to the Penobscot Indian Reservation

S.P. 860 L.D. 2248
(C "A" S-373)

An Act to Revise and Modify Certain Laws Relating to the Department of Inland Fisheries and Wildlife

H.P. 1729 L.D. 2372
(C "A" H-548)

An Act Providing for the 1988 Amendments to the Finance Authority of Maine Act

S.P. 912 L.D. 2378
(C "A" S-372)

An Act to Provide Reimbursement to Certain Employees of the Department of Corrections for Meal Expenses

S.P. 940 L.D. 2484
(C "A" S-375)

An Act to Add the Commissioner of Labor as an Ex Officio Member of the Board of Trustees of the Vocational-Technical Institute System

H.P. 1824 L.D. 2499

An Act to Establish Operating Permits for Commercial Dairy Farms

S.P. 971 L.D. 2579

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

H.P. 1888 L.D. 2583
(S "A" S-387; H "A" H-524)

An Act to Amend the Maine Insurance Guaranty Association Law

S.P. 981 L.D. 2609

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

An Act to Reduce Special Education Costs to Local School Administrative Units

H.P. 1607 L.D. 2198
(C "A" H-560)

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

An Act to Appropriate Funds for Nonresidential Services in Sheltered Group Homes for Girls

H.P. 1627 L.D. 2222
(C "A" H-558)

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

An Act Establishing the Maine Seed Capital Tax Credit Program

H.P. 1730 L.D. 2373
(C "A" H-564)

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

An Act Relating to School Construction
H.P. 1828 L.D. 2504
(C "A" H-573)

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

An Act to Create the Economic Corridor Action Grant Program

H.P. 1904 L.D. 2601
(S "A" S-383; S "B" S-385)

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

An Act to Designate the Schooner Bowdoin as the Official State Vessel

H.P. 1679 L.D. 2308
(C "A" H-570)

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. You remember a short time ago in the waning days of last week, the good Senator from Penobscot, did inquire as to the reasons why the Schooner Bowdoin should be designated the State of Maine vessel. It was my privilege to respond to that good Senator and in my response I made a grievous error. The Schooner Bowdoin was built in Hodgdon Hill, now the Town of East Boothbay, not Boothbay Harbor. At the end of that exchange between the Senator from Penobscot and myself, I did ask him to inquire once again in the Enactment stage about the Schooner Bowdoin because there were some notes that I took during the public hearing on this Bill that I thought might illuminate, enlighten and even educate the members of this distinguished Body. Sonny Hodgdon is a multi-generation shipbuilder who hails from the Coast of Maine, County of Lincoln. He was the owner and operator of Hodgdon Brothers Shipyard, which as I mentioned, were the original builders. He is recently retired and passed on his heritage to his son. Perhaps we here in this capitol city of our state, do not appreciate extensively or expansively the Schooner Bowdoin. You may be interested to know that it was the length of her mast coming up the Kennebec that determined the height of the new bridge that crosses the Kennebec River. She is strictly a Maine boat, although she was somewhat apologetically designed by a man from Massachusetts. There are assorted and various states which have designated vessels, but there is no other ship in the country that is allowed to birth along side the U.S.S. Constitution, anytime that she comes or goes or sails into the harbor of Boston. And free dockage is provided for the Schooner Bowdoin served as a U.S. commissioned war vessel in the Arctic during WW2. She is the only ship in the entire United States that was specifically assigned for Arctic work and exploration that is still afloat today. The Schooner Bowdoin is indeed a singular vessel and a good emissary for the state of Maine. For this vessel is known world wide.

I would share with you the closing comments of a man whose pride is evident in his family and his heritage, Sonny Hodgdon. And I quote, as he stood there in front of the Committee on State and Local Government with his thumbs much like this under his

vest, rocking back and forth on his feet he said, "my family built it. I would be so proud I would swell up like a pregnant bullfrog, if this state would pass this Bill and designate the Schooner Bowdoin. I think it is a hell of a good idea." So do I members of the Senate.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. Bullfrogs don't get pregnant. But I am really very pleased as I said the other night that finally, something great has been associated with the name Bowdoin.

Which 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: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, having voted on the prevailing side, I now move reconsideration and I would urge you to vote against my motion.

A Viva Voce Vote being had, the motion of Senator PEARSON of Penobscot, to RECONSIDER ENACTMENT, FAILED.

An Act to Extend the Uses of the Potato Marketing Improvement Fund

H.P. 1745 L.D. 2391
(C "A" H-569)

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

Senator PEARSON: Thank you Mr. President. It is my understanding that this Bill needs an amendment.

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

An Act to Exempt Law Enforcement Personnel from Having to Pay Ferry Tolls

H.P. 1823 L.D. 2498

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

Resolves

Resolve, to Compensate Kenneth and Janice Demuth
S.P. 862 L.D. 2250
(C "A" S-377)

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

Resolve, to Establish the Commission to Study the Management of Water Resources in Maine

H.P. 1822 L.D. 2497
(C "A" H-574)

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

Emergency

An Act to Protect Maine's Outstanding Rivers from Water Diversion Projects

H.P. 1553 L.D. 2113
(C "A" H-577)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was

presented by the Secretary to the Governor for his approval.

Emergency
An Act Relating to Horse Racing and Racing Facilities

H.P. 1781 L.D. 2434
(S "A" S-381)

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

Emergency
An Act to Reform the Pharmacy Laws

S.P. 963 L.D. 2555
(S "A" S-349; S "B" S-378)

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

Emergency
An Act to Increase the Debt and Reserve Fund Limits and to Change the Annual Meeting Date of Frye Island Municipal Services Corporation

H.P. 1908 L.D. 2606

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

Emergency Resolve
Resolve, to Amend the Duties, Title and Reporting Date of the Special Commission to Study School-Entrance Age and Preschool Services

H.P. 1874 L.D. 2566
(C "A" H-568)

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

Constitutional Amendment
RESOLUTION, Proposing an Amendment to the Constitution of Maine to Make the Language of the Constitution Gender-Neutral

H.P. 1877 L.D. 2571
(H "B" H-579; H "A" H-521; S "A" S-360)

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

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Emergency Shelter Services to Homeless Youth" (Emergency)

S.P. 760 L.D. 2023

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-409).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-409) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, to Appropriate Funds to the AIDS Lodging House, Inc.

S.P. 965 L.D. 2560

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-410).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-410) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE PAPERS

Pursuant to Private and Special Laws
ADVISORY COMMITTEE ON STAFF RETENTION

Senator BUSTIN for the Advisory Committee on Staff Retention, pursuant to P&SL 1987, Chapter 58, ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Advisory Committee on Staff Retention"

S.P. 989 L.D. 2620

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Sent down for concurrence.

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

ORDERS OF THE DAY

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

Emergency
An Act to Enhance the Effectiveness of the Operating-Under-the-Influence Laws

S.P. 885 L.D. 2297

(C "A" S-398)

Tabled - April 5, 1988, by Senator KANY of Kennebec.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED.

(In Senate, April 5, 1988, READ A SECOND TIME.)

On motion by Senator GAUVREAU of Androscoggin, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-398).

On further motion by same Senator, Senate Amendment "A" (S-408) to Committee Amendment "A" (S-398) READ and ADOPTED.

Committee Amendment "A" (H-398) as Amended by Senate Amendment "A" (S-408) thereto, ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

On motion by Senator BALDACCII of Penobscot, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

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

Senator BALDACCII: Thank you Mr. President. I would like to pose a question through the Chair to anyone who may care to answer it in regards to this legislation. Is L.D. 2297 the legislation that is going to be decreasing the blood alcohol level?

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

The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. It is my understanding that the legislation in question is not the major legislation contemplated by the good Senator from Penobscot, Senator Baldacci, rather it is simply legislation which would set up a study commission to review the overall effectiveness of Maine's operating-under-the-influence legislation, not only dealing with the efficacy of legislation preventing or discouraging OUI behavior, but also studying the overall effectiveness of Maine's rehabilitation programs for OUI offenders.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

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

Bill "An Act Relating to the Maine Uniform Transfers to Minors Act"

H.P. 642 L.D. 865

Tabled - April 5, 1988, by Senator DUTREMBLE of York.

Pending - ADOPTION of Committee Amendment "A" (H-602)

(In Senate, April 5, 1988, Report READ and ACCEPTED, in concurrence. Committee Amendment "A" (H-602) READ.)

(In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602).)

Committee Amendment "A" (H-602) ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator PERKINS of Hancock, ADJOURNED until Wednesday, April 6, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
59th Legislative Day
Wednesday, April 6, 1988

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

Prayer by Reverend Douglas Drown, First Congregational Church, Bingham.

The Journal of Tuesday, April 5, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Reported Pursuant to the Private and Special Laws

Report of the Advisory Committee on Staff Retention, pursuant to Private and Special Law 1987, Chapter 58 ask leave to submit its findings and report that the accompanying Bill "An Act to Implement the Recommendations of the Advisory Committee on Staff Retention" (S.P. 989) (L.D. 2620) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Report was read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Provide Replacement Funding and Capital for the Maine Fire Training and Education Program as offered by the Southern Maine Vocational-Technical Institute" (S.P. 875) (L.D. 2278)

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

Ought to Pass in New Draft

Report of the Committee on Utilities on Bill "An Act to Authorize the Creation of the Freeport Water District" (Emergency) (S.P. 873) (L.D. 2274) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 987) (L.D. 2615)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read the second time, passed to be engrossed in concurrence.

Ought to Pass as Amended

Report of the Committee on Legal Affairs reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-398) on Bill "An Act to Enhance the Effectiveness of the Operating-Under-the-Influence Laws" (Emergency) (S.P. 885) (L.D. 2297)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-398) as amended by Senate Amendment "A" (S-408) thereto.

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-398) was read by the Clerk.