

# 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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May 13, 1988

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### **HOUSE & SENATE LEGISLATIVE SENTIMENTS**

December 3, 1986 to December 6, 1988

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

In Senate Chamber  
Tuesday  
April 19, 1988

Senate called to Order by the President.

Prayer by Rabbi Raymond Krinsky of the Beth Israel Synagogue in Waterville.

RABBI KRINSKY: Almighty God, we pray Your blessings upon our Senators and their efforts to improve the social and economic conditions of our state. May their commitment to just laws be joined by our support of equal rights and equal opportunities for all. May their determination to take up the challenging questions of public policy be confirmed by our resolve to become conversant with the important issues of the day. May their service of leadership in behalf of their constituencies be matched by our own willingness to be of service to our communities. Give them the courage to remain undaunted by a momentary failure to accomplish their goals. Give them the strength to persist principled in their ideals. Give them the hope that they labor not in vain but for good cause. And grant that they and we continue to enjoy the blessings of freedom, good health and a bountiful prosperity. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

ORDERS

Joint Resolution

On motion by Senator BRAWN of Knox (Cosponsored by: Senator ANDREWS of Cumberland, Representative MACBRIDE of Presque Isle, Representative DIAMOND of Bangor) the following Joint Resolution:

S.P. 1002

JOINT RESOLUTION COMMEMORATING

THE 75TH ANNIVERSARY OF THE AMERICAN CANCER SOCIETY  
WHEREAS, "Ours is a world which brings pain and hardship, suffering and disaster, but then sets in motion ingenious agencies which greatly but steadily repair the damage"; and

WHEREAS, of those ingenious agencies the American Cancer Society is one of the oldest and largest voluntary health agencies in the United States; and

WHEREAS, founded in 1913 by 10 physicians and 5 laymen as the American Society for the Control of Cancer, the Society today is comprised of 2,500,000 Americans united to conquer cancer through balanced programs of research, education, patient service and rehabilitation; and

WHEREAS, this is a special year for the American Cancer Society, for 1988 marks their 75th anniversary, "Commemorating 75 Years of Life"; now, therefore, be it

RESOLVED: That We the Members of the 113th Legislature of the State of Maine now assembled in the Second Regular Session take this opportunity to commend the American Cancer Society on the occasion of their 75th anniversary and to express a full measure of our gratitude and appreciation for their untiring efforts in the battle against cancer; and be it further

RESOLVED: That a duly attested copy of this resolution be prepared by the Secretary of State and

transmitted forthwith to the National Headquarters of the American Cancer Society in honor of this occasion. Which was READ and ADOPTED.  
Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Amend the Maine Income Tax Law"  
H.P. 1803 L.D. 2467  
(C "A" H-717)

Tabled - April 18, 1988, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, April 18, 1988, PASSED TO BE ENACTED.)  
(In Senate, April 15, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717), in concurrence.)

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Provide for the Safety of Health Care Workers Involved with the Care and Treatment of AIDS Patients and Clarify the Ability of Hospitals to Recover Increased Costs Resulting from the Adoption of Recommended Treatment Protocols"

S.P. 916 L.D. 2392

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-487).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-487) READ.

Off Record Remarks

Committee Amendment "A" ADOPTED.

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

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

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

ORDERS

Joint Order

On motion by Senator DOW of Kennebec the following Joint Order:

S.P. 1004

ORDERED, the House concurring, that Bill, "AN ACT to Make Interim Adjustments in the Certificate of Need Development Account," S.P. 845, L.D. 2191, and all its accompanying papers, be recalled from Engrossing to the Senate.

Which was READ and PASSED.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning Storage Of Radioactive Material in Public Buildings"

S.P. 1003 L.D. 2637

Reported that the same Ought to Pass, pursuant to Joint Order S.P. 973.

Which Report was READ and ACCEPTED.

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

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

Off Record Remarks

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator DUTREMBLE of York, RECESSED until 1:30 this afternoon.

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

Non-concurrent Matter

JOINT ORDER - recalling Bill "An Act to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System," H.P. 1612, L.D. 2205, and all its accompanying papers from the Governor's desk to the Senate

S.P. 1001

In Senate, April 18, 1988, READ and PASSED.

Comes from the House INDEFINITELY POSTPONED in NON-CONCURRENCE.

The Senate INSISTED in NON-CONCURRENCE.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Improve Comprehensive Land Use Planning and Land Use Ordinances to Manage Growth and Development"

H.P. 1830 L.D. 2506

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-738).

In House, April 18, 1988, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-738).

In Senate, April 18, 1988, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

On motion by Senator BALDACCI of Penobscot, the Senate ADHERED.

The Secretary has so informed the Speaker of the House.

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

ENACTORS

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

Emergency Resolve

Resolve, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides

H.P. 1673 L.D. 2292

(S "A" S-470; S "A"

S-421 to C "A" H-610)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

H.P. 1934 L.D. 2635

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

Emergency Resolve

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

H.P. 1936 L.D. 2636

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

Senate at Ease

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Continue the Driver Education Evaluation Program

S.P. 886 L.D. 2298  
(C "A" S-475)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

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

H.P. 1798 L.D. 2462  
(C "A" H-726)

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

On motion by Senator DUTREMBLE of York, RECESSED until 4:15 this afternoon.

After Recess

Senate called to order by the President.

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

RECALLED FROM ENGROSSING

Bill "An Act to Make Interim Adjustments in the Certificate of Need Development Account" (Emergency)

S.P. 845 L.D. 2191  
(C "A" S-473; H "A" H-739)

(RECALLED from Engrossing, pursuant to Joint Order S.P. 1004.)

(In Senate, April 18, 1988, RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473). House Amendment "A" (H-739) READ and ADOPTED. Motion to INDEFINITELY POSTPONE House Amendment "A" (H-739) FAILED. Subsequently, the Senate CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473) AND HOUSE AMENDMENT "A" (H-739).)

(In House, April 18, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473) AND HOUSE AMENDMENT "A" (H-739) in NON-CONCURRENCE.)

On motion by Senator GAUVREAU of Androscoggin, Tabled until Later in Today's Session, pending CONSIDERATION.

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. 1938 ORDERED, the Senate concurring, that Bill, "AN ACT to Require Notice of Major Modifications in Rail Service," H.P. 1752, L.D. 2401, and all its accompanying papers, be recalled from the Governor's desk to the House of Representatives.

Comes from the House READ and PASSED. Which was READ and PASSED, in concurrence.

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

ENACTORS

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

An Act to Improve the Quality of Care in Long-term Care Facilities by Establishing Intermediate Sanctions and Incentives for High Quality Care

S.P. 485 L.D. 1462  
(C "A" S-478)

An Act Concerning Penobscot Tribal Court

S.P. 929 L.D. 2440  
(C "A" S-482)

An Act to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding

H.P. 1792 L.D. 2456  
(H "A" H-688 & H "B" H-741 to C "A" H-674)

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 Promote Economic Development in the State by Enhancing Employment Opportunities for Maine People

H.P. 1703 L.D. 2340  
(H "A" H-730 & S "A" S-467 to C "A" H-705)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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

ENACTORS

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

An Act to Authorize the Annexation of Cove Point Township by the Town of Greenville

H.P. 1929 L.D. 2629  
(H "B" H-731)

An Act to Authorize Knox County to Raise up to \$4,900,000 to Construct a New Jail and Law Enforcement Facility

H.P. 1932 L.D. 2633  
(H "A" H-732)

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 Allow Greater Flexibility in Education, Financial Assistance, Training and Wages Relating to Health Care Facilities Experiencing Labor Shortages

H.P. 1780 L.D. 2433  
(C "A" H-728)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Require Application and Approval for Railroads to Receive Financial Assistance from the State and to Require Notice of Major Modifications in Rail Service

H.P. 1933 L.D. 2634  
(C "A" H-735)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care"  
H.P. 313 L.D. 412

In Senate, April 18, 1988, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-751) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency)  
S.P. 946 L.D. 2494  
(C. C. "A" H-696)

In Senate, April 14, 1988, RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-696).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-750) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Implement the Recommendations of the Study of the Department of Environmental Protection" (Emergency)  
H.P. 1907 L.D. 2604

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-745).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-745) READ.

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-488) to Committee Amendment "A" (H-745) READ and ADOPTED.

Committee Amendment "A" (H-745) as Amended by Senate Amendment "A" (S-488) thereto, ADOPTED in NON-CONCURRENCE.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.

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

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

ENACTORS

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

An Act Concerning Access Fees

S.P. 297 L.D. 847  
(C "A" S-476)

(See Action Later Today)

An Act to Make Housing More Affordable to Maine Citizens

H.P. 1659 L.D. 2269

(H "A" H-740 to C "A" H-678)

An Act to Encourage the Efficient Use of Electrical Energy

H.P. 1721 L.D. 2360  
(C "A" H-736)

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 Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds

H.P. 1638 L.D. 2237  
(C "B" H-725)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act

H.P. 1687 L.D. 2316  
(S "B" S-466 & S "A" S-437 to C "A" H-641)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

On motion by Senator SEWALL of Lincoln, the Senate RECONSIDERED whereby it PASSED TO BE ENACTED, in concurrence:

An Act Concerning Access Fees

S.P. 297 L.D. 847  
(C "A" S-476)

(In House, April 19, 1988, PASSED TO BE ENACTED.)

(In Senate, April 15, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-476), in concurrence.)

Senator BALDACCI of Penobscot moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers in NON-CONCURRENCE.

Senator TWITCHELL of Oxford requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BALDACCI of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers in NON-CONCURRENCE.

A Division has been requested.

Will all those Senators in favor of the motion of Senator BALDACCI of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

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

14 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion of Senator BALDACCI of Penobscot to INDEFINITELY POSTPONE the Bill and Accompanying Papers IN NON-CONCURRENCE, FAILED.

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. Before we enact this legislation today I would like to pose a question through the Chair to a member of the committee. During this Legislative Session, we have dealt with this issue several times. As a matter of fact, it is my understanding that the initial bill dealing with access fees came out of the committee rather lopsidedly defeated at least by the majority of the committee. I would like to know what has

happened in the committee during the second go around on this bill to make it more acceptable at least to the members of the committee and why we should support this now considering the fact that early in the Session it wasn't such a good idea.

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 Kennebec, Senator Dow.

Senator DOW: Thank you Mr. President. Mr. President, men and women of the Senate. Actually this did come out of the committee a lopsided vote and then we sent it back to the committee and came out with an amendment. This Bill is going after some of the people that are putting their land into large leases and still getting the benefit of a large tax break and that is why the bill has now come this far.

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. To disagree with the good Senator from Kennebec, Senator Dow, people who have large tracks of land by the way over a hundred acres this doesn't effect at all. It just effects those people in tree growth who might have less than a hundred acres and they will then if they rent a camp on that or lease it for something, then they will be able to do it, I believe.

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

Senator DOW: Thank you Mr. President. Mr. President, men and women of the Senate. I would suggest maybe that somebody ought to take a look at the bill because it says anything over a hundred acres, not anything under a hundred acres.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. The basic issue here has already been dealt with in a bond issue for public lands to be purchased from a thirty five million dollar bond issue and I think the act concerning access fees is an issue that is moot. It is an issue that shouldn't be before this Body. We have dealt with that issue. We have passed a bond issue. We have a board that is going to be seeking the purchase of public lands and I think any development of any legislation concerning access fees undermines the basic thrust which was to acquire public lands and deal with endangered species. Before we start burdening people with these restrictions and the concerns in taxes, I think that we should basically indefinitely postpone this measure and all accompanying papers. Thank you.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I have before me the amendment to this Bill and I see no reference to a hundred acres at all in the amendment. If you read the amendment it says "amend the bill by striking out everything after the amending clause and inserting in its place." The amendment I have shows no reference to acreage at all, a hundred acres or otherwise. I would think it would be appropriate that we clear this up so those of us who are going to be voting on this matter would know whether we were dealing with the position espoused by Senator Sewall of Lincoln, or those views expressed by other members of this Body.

On motion by Senator KANY of Kennebec, Tabled until Later in Today's Session, pending ENACTMENT.

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

ENACTORS

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

An Act to Establish a Resource Protection Law  
S.P. 870 L.D. 2265  
(H "C" H-743 & H "D"  
H-746 to C "A" S-480)

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

An Act to Promote Orderly Economic Growth and Natural Resource Conservation

H.P. 1688 L.D. 2317  
(C "A" H-727)

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

Senator USHER: Thank you Mr. President. Mr. President, men and women of the Senate. Just a few comments for the Record. The basic pieces of this program is to establish and clearly define and state goals to guide local and state planning efforts. It sets up a process for open public debate of local growth and planning issues. It also provides for a meaningful state assistance program in the form of direct grants through towns and technical assistance and comments of planning efforts. It provides for state review and comment. Incorporation of state comments into local plans is voluntary. It also provides for financial incentives for incorporating state goals into local plans. The incentives include: financial and technical assistance for the Administration, enforcement and legal defense of local growth management programs, primarily land use ordinances. It offers assistance in municipal purchase of open space and recreation lands with any funds that may become available from the Land for Maine Future Program. Finally, it offers planning and economic development assistance in the form of multi purpose community development block grants. It also helps out the local code enforcement officers through their training and certification. There is approximately a hundred and fifty code enforcement officers in the State of Maine. When you stop to think there is four hundred and ninety five towns there has got to be a lot of work done throughout the State of Maine. This committee has worked very, very hard through the public hearing process before the Legislature convened last year and during this Session and I have to commend all the people involved, the Maine Municipal Association and all the other organizations that are involved with the input to make this a major step in correcting our growth in the State of Maine. I think that when everybody cooperates in this matter, we will have a better state to live in.

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

Senator LUDWIG: Thank you Mr. President. Mr. President, men and women of the Senate. This is the famous Growth Management Bill. I represent fifty communities in Aroostook, Penobscot and Washington Counties - areas which have actually lost population in recent years. Obviously our perspective on growth is different from those who live in the Southern and Coastal areas of the state where growth occurred so rapidly that it overwhelmed the existing infrastructure. We need growth if we are to survive.

We also place great value on our woods and clean waters, our farms and breathable air and don't want

to see them desecrated. But developers have come to Northern Maine, as well. And the people have seen forests flattened, and lake fronts gobbled up and "no trespassing" signs mounted in areas which used to provide public access for fishing and hunting and picnicking. And they are beginning to feel the panic which their southern neighbors felt some time ago.

In the past couple of years there has been a tremendous change in attitude. Towns which used to want nothing to do with zoning are forming planning boards and calling to ask, "how do we begin?" The message has reached Northern Maine. We still welcome growth, but we want it to meet our standards, and to provide jobs which will not threaten the quality of life we now enjoy. Many of our larger towns already have well-established plans which may only need updating and implementation. Those which have selectmen or assessors or an all-purpose town clerk, whose "office" is the kitchen table - will need a lot of help, both technically and financially.

L.D. 2317 started off with the best of intentions, based largely on the recommendations of the Commission on Land Conservation and Economic Development. The good Senator from Oxford, Senator Twitchell, chaired the commission and the Senator from York, Senator Tuttle, and I were among those on the nine member commission. We met throughout last summer and fall, conducting public hearings in different parts of the state before issuing our final report.

The Energy and Natural Resources Committee has struggled with L.D. 2317 for most of this Session, conducting our own public hearing, which lasted six and one half hours and working late into the night with all sorts of advice from people who offered to rewrite each paragraph for us.

The Bill grew and become more complicated and inflexible with each new draft. Throughout our hearings on this Bill, it was evident that the majority of those who testified recognized the need for each town to have a comprehensive plan. But equally evident was a message that while they welcomed technical and financial assistance from the state, they wanted to have the freedom to direct their own destiny. "Give us the tools, we'll do the rest" - this was the message, over and over again.

The original L.D. 2317 would have required mandatory compliance with state goals, plus state review and certification before a town could qualify for state aid. It went so far as requiring that every local ordinance no matter how minor would have to be submitted for state review and approval! It would have effectively wiped out town government. It would have created a whole new bureaucracy to supervise, advise, scold and discipline any town which departed from the "master plan." And at enormous cost to the taxpayer.

I have had town managers and selectmen call to say they are offended and insulted by the assumption that they lack the intelligence to decide how their towns should prepare for growth. "Give us the tools; we'll do the rest."

I have to ask the question: "Why do we bother to hold public hearings if we are not prepared to listen to what the people are saying and to address their concerns? Is this democracy in action? Do we just go through the motions and then prepare a bill which says, "big brother" has decided what is best for you...?"

There is a final report, which I feel is far more reasonable. It would require that towns have comprehensive plans which address state guidelines for the protection of the resources which affect us all. It would provide technical and financial

assistance to make that task easier. It would provide flexibility so that the towns themselves could decide how to meet those guidelines to best suit their individual situations.

The Bill may not be perfect. You all know that most of our time is spent - not in creating new laws but in amending laws - or portions of laws, which no longer meet present needs.

But this Bill is the result of weeks and months of intensive study, of listening for endless hours to those who represented every imaginable interest group, and trying to find an acceptable compromise on which all members of the committee could agree.

Now I must tell you that there are those who are intimidated by the thought of coming before the Energy and Natural Resources Committee. They know that they will be expected to answer tough questions, and not be treated as courteously as some might wish, if those answers are not reasoned and defensible. Some might call us stubborn, opinionated or even obstreperous. I prefer to say that our committee is composed of thirteen "rugged individualists," who do not suffer fools gladly. But we respect each other's opinions, we genuinely like each other and we make an extraordinary attempt to be fair.

At one time, not too long ago, it looked as though there might be twelve or five or three divided reports on this particular Bill. But I think we all realized that this was too important a matter to postpone. It would be too easy and too irresponsible of us, considering the massive evidence supporting the consequences to uncontrolled growth, to simply throw up our hands and say, "let the One Hundred and Fourteenth Legislature deal with the problem." We have to deal with it now. In another two years, it may be too late to save the Maine which we all know and love.

I cannot urge you strongly enough to support this unanimous and agonizingly arrived at report from the Committee on Energy and Natural Resources.

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

SENATOR MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I can't really add any words that haven't already been mentioned by the good Senator from Aroostook, Senator Ludwig, who did a very, very good job. I did want to just emphasize just one point. In my three terms here in the Maine Legislature I have come now to see an awful lot of committees work over the years and it stands out in my mind in looking at the good Senator from Cumberland, Senator Usher, across from me and how hard he has worked on the Energy and Natural Resources Committee. That committee really does bend over backwards to work out and hammer out every tough issue that comes along and that hard work by the members of the committee, many of them who served on that committee longer than I, I think is due in a large part to the leadership on that committee and our very own Senator Usher from Cumberland. I would just say that L.D. 2317 before you today, a unanimous report, a report for Maine and Maine's people that attempts to say that we will meet the challenges that lay ahead and we will meet those challenges together unified, working together, local government and state government, is due in a large part because of the Senator from Cumberland, Senator Usher. I applaud him and whatever he does later on because he certainly has the art of compromise and is certainly an outstanding Senator.

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



Resolve

Resolve, Authorizing Exchange of Certain Public Reserved Land

S.P. 996 L.D. 2632

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

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Revise the General Assistance Laws"

H.P. 1249 L.D. 1705

RECALLED from the Legislative Files pursuant to Joint Order H.P. 1935, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-749) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Prohibit Strikebreaking Activity" (Emergency)

H.P. 1560 L.D. 2124

Reported that the same Ought Not to Pass.

Signed:

Senators:

DUTREMBLE of York  
ANDREWS of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Senator:

COLLINS of Aroostook

Representatives:

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

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

Which Reports were READ.

Senator DUTREMBLE of York moved to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. It seems rather strange that considering the title of this Bill that the good Senator from York, Senator Dutremble, is on the Ought Not to Pass Report. However, I would like to tell you just very concisely and succinctly that this adds to the present law a provision that would prevent businesses engaged in the business of providing employees on a regular basis during labor disputes from doing so.

Senator COLLINS of Aroostook requested a Division.

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

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. I don't find it strange at all that I am opposing this Bill today because there were two versions of the strikebreaker bill in the Labor Committee. One did something and one did not. This is the one that didn't do anything and as long as I am here, I am not going to pass a bill that doesn't do anything. I hope you will support me on my motion.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator DUTREMBLE of York, to ACCEPT the Majority OUGHT NOT TO PASS Report.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PEARSON, THERIAULT, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

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

ABSENT: Senators None

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, with No Senators being absent, the motion by Senator DUTREMBLE of York, to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

ORDERS OF THE DAY

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

Bill, "An Act to Make Interim Adjustments in the Certificate of Need Development Account" (Emergency)

S.P. 845 L.D. 2191

(C "A" S-473; H "A"

H-739)

Tabled - April 19, 1988, by Senator GAUVREAU of Androscoggin.

Pending - CONSIDERATION

(RECALLED from Engrossing pursuant to Joint Order S.P. 1004.)

(In Senate, April 18, 1988, RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473). House Amendment "A" (H-739) READ and ADOPTED. Motion to INDEFINITELY POSTPONE House Amendment "A" (H-739) FAILED. Subsequently, the Senate CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473) AND HOUSE AMENDMENT "A" (H-739).)

(In House, April 18, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473) AND HOUSE AMENDMENT "A" (H-739) in NON-CONCURRENCE.)

The Chair, in the absence of a motion from the floor, moved to RECONSIDER whereby the Senate RECEDED and CONCURRED.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion to RECONSIDER whereby the Senate RECEDED and CONCURRED.

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

An Act Concerning Access Fees  
S.P. 297 L.D. 847  
(C "A" S-476)

Tabled - April 19, 1988, by Senator KANY of Kennebec.

Pending - ENACTMENT

(In Senate, April 19, 1988, PASSED TO BE ENACTED, in concurrence. Subsequently, RECONSIDERED ENACTMENT.)

(In House, April 19, 1988, PASSED TO BE ENACTED.)

(In Senate, April 15, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-476), in concurrence.)

Senator WEBSTER of Franklin requested a Division.

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 guess it took me a long time to finally figure out what this amendment actually did and the more I found out about it the stranger it got. Let me just tell you about it and as far as I am concerned, you can vote any way you want on it. Originally as you know the way the Bill was written, there was very little sentiment for it. On February 2nd this Bill came out and the bill came back to the committee again and some of us automatically signed ought not to pass again and then it came out with this amendment. I would like to read the amendment to you because I don't want there to be any mystery about it. "The Legislature finds that when the value of a recreational use lease exceeds the value of tree growth which can be extracted on a sustained basis per acre as determined pursuant to Section 7576, then the land is no longer primarily used for the continuous growth of forest products. This finding is sufficient cause to remove from taxation under this Subchapter those parcels that are more valuable in terms of recreation and are being leased on that basis. Therefore, notwithstanding Sections 573 or 574, this Subchapter shall not apply to any parcel of forest land that is leased for consideration to any individual or group of individuals to use for recreational purposes if that parcel of land exceeds a hundred acres and if the consideration for that lease per acre exceeds the value of growth which can be extracted on a sustained basis per acre as determined pursuant to Section 576. The owner of the leased parcels shall submit a copy of the lease or leases on the land subject to the provisions of this Subsection, to the state tax assessor for land in the unorganized territory and the municipal assessors in organized municipalities.

The State Tax Assessor or the Municipal Assessor shall determine if the value of the lease exceeds the sustained growth value. If the value of the lease is determined to exceed the sustained growth value, the owner of the forest land shall have ten days from the date of notification to either terminate the lease, amend the lease to comply with this section, or withdraw the land covered by the lease from the tree growth taxation under this Subchapter. In the case of withdrawal, such action shall be subject to Section 581 of this Subchapter."

If the tree growth law itself isn't confusing enough and hasn't caused enough trouble to all of us, then we have this section coming in. Then it seems that the Bill originally was kind of aimed at one particular fancy resort area that was owned by one particular paper company, let me be specific, International Paper, and they thought maybe it would change it. You see, if you have a building or something in an area that is tree growth, that

section that has something built on it like a building or a resort has to be taken out of tree growth anyway which is why I had some trouble understanding this Bill so that parcel wouldn't be in tree growth anyway and it wouldn't affect that. Then I really struggle to try and figure out just exactly who this would effect and I have had a little experience with tree growth from its inception and I purchased some land that was in tree growth and I am doing my darndest to get out of it. Now I am trying to figure out just exactly who is affected by this, so if I had this backwards, which apparently I did and it is those people who have over a hundred acres and it is in recreational lease, who would that possibly be in tree growth who would be leasing it for recreation. It is in tree growth so you can't have a building on it or a structure on it because then you can't have it in tree growth, you have to take that section out. So who would possibly be leasing it. For the life of me the only people I can think of is the Audubon Society and I just couldn't understand it and I still don't.

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

Senator DOW: Thank you Mr. President. Mr. President, men and women of the Senate. Just for your information the reading of that amendment sounds like a typical amendment to a bill to me. It doesn't sound any different than any one I have ever read before.

There isn't anything that this amendment does except that a hundred acres in excess means more than a hundred acres. We have finally determined that my reading of a hundred acres in excess is a hundred acres. There is a set fee and I tried to call a few minutes ago to see what the set fee was for tree growth and I should remember but I don't. If it is fir it is fifteen dollars per acre, if it is hard wood it is twelve or something like those figures, but don't hold me to those figures. What it says is that if you are leasing the land, a large track of land of a hundred acres or more and in fact you are getting more money for that lease than the value of the wood for tree growth, then you pay the same tax as you would for my camp that is sitting right beside it and that is all it does and it certainly sounds fair to me. I hope you would support this amendment. Thank you.

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. Any camp that is there is already excluded from tree growth. Remember if you have a camp, the land that your camp is on or your house is on or your farm is on is excluded from tree growth already, it has to be. Once it is anything but tree growth and you have to have so much land around the building and that also has to be excluded from tree growth. We are talking about the land that actually has the trees that someone is leasing for recreational use. I would like to know one such person in the state.

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

The Chair recognizes the Senator from Kennebec, Senator Dow.

Senator DOW: Thank you Mr. President, men and women of the Senate. Can I name you two? I.T.T. has a number of leases of this nature and so does Lake Megantic Corporation just to give you two. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. The strongest objection I have to this piece of legislation is the fact that there was a commission that was established by this Legislature and appointed by this Legislature and the Governor to review recreation and the outdoors and the access fee issue. That commission met and came up with recommendations. One of the members of that commission was dissatisfied with what had come up in the commission and had decided that there was other ways to come up with a different proposal using the legislative process. I totally object to it. I object to this issue being before this Body and I think it is a great disservice to the legislative process. Regardless of who this issue is going to effect, that is not the point. We have established a commission, they have come up with recommendations and we don't even pay adherence to that commission which we have established and which has met on their own time to come down to Augusta and meet and discuss these issues and decide what should be in the best interest of state policy. That is what is at issue today with this particular issue and I would hope that we would be voting against enactment of L.D. 847. 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. I would like to respond to the good Senator from Penobscot, Senator Baldacci. I think he is very picky on this Bill. He is picking it apart. He wasn't at the hearings. He wasn't at the work session. If he had any interest in this Bill then he should have been there and listened to the pro's and con's on this Bill. When you put trees in tree growth, you put them in there to grow trees and nothing else. This is a very simple amendment and a very simply Bill. It is a good bill.

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 like to pose a question through the Chair to any member of the committee who might like to answer. Does this mean then if you have your land in tree growth, you shouldn't allow the public to go walking on it because that is recreation?

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

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A Division has been requested.

Will all those Senators in favor of ENACTMENT, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, this Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AGING, RETIREMENT AND VETERANS  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
April 14, 1988

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	14
Unanimous reports	12
Leave to Withdraw	2
Ought to Pass	2
Ought Not to Pass	0
Ought to Pass as Amended	2
Ought to Pass in New Draft	6
Divided reports	2

Respectfully submitted,

S/Georgette B. Berube  
Senate Chair

S/Daniel B. Hickey  
House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON AGRICULTURE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
April 13, 1988

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Agriculture during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	28
Unanimous reports	24
Leave to Withdraw	9
Ought to Pass	2
Ought Not to Pass	0
Ought to Pass as Amended	6
Ought to Pass in New Draft	7
Divided reports	4

Respectfully submitted,

S/Zachary Matthews  
Senate Chair

S/Robert Tardy  
House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON AUDIT AND PROGRAM REVIEW  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
April 15, 1988

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Audit and Program Review Committee during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	4
Unanimous reports	4
Leave to Withdraw	1
Ought to Pass	1
Ought Not to Pass	0
Ought to Pass as Amended	2
Ought to Pass in New Draft	0
Divided reports	0

Respectfully submitted,

S/Senator Beverly Miner Bustin  
Senate Chair

S/Rep. Neil Rolde  
House Chair

LEGISLATIVE RECORD - SENATE, APRIL 19, 1988

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 COMMITTEE ON BANKING AND INSURANCE  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 15, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	28
Unanimous reports	28
Leave to Withdraw	13
Ought to Pass	5
Ought Not to Pass	1
Ought to Pass as Amended	5
Ought to Pass in New Draft	3
Rereferred	1
Divided reports	0

Respectfully submitted,  
 S/Raynold Theriault                      S/Charlene B. Rydell  
 Senate Chair                              House Chair  
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 COMMITTEE ON BUSINESS LEGISLATION  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 13, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Business Legislation during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	34
Unanimous reports	30
Leave to Withdraw	11
Ought to Pass	2
Ought Not to Pass	2
Ought to Pass as Amended	11
Ought to Pass in New Draft	4
Divided reports	4

Respectfully submitted,  
 S/John E. Baldacci                      S/Carol M. Allen  
 Senate Chair                              House Chair  
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 JOINT SELECT COMMITTEE ON CORRECTIONS  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 13, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Corrections during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	2
Unanimous reports	1
Leave to Withdraw	0

Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	1
Ought to Pass in New Draft	0

Divided reports 1

Respectfully submitted,  
 S/Beverly Miner Bustin                      S/Harlan Baker  
 Senate Chair                                  House Chair  
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 COMMITTEE ON ECONOMIC DEVELOPMENT  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 15, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Economic Development during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	16
Unanimous reports	13
Leave to Withdraw	3
Ought to Pass	0
Ought Not to Pass	2
Ought to Pass as Amended	6
Ought to Pass in New Draft	2
Divided reports	3

Respectfully submitted,  
 S/Thomas H. Andrews                      S/Nathaniel J. Crowley, Sr.  
 Senate Chair                                  House Chair  
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 COMMITTEE ON ENERGY AND NATURAL RESOURCES  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 19, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Energy and Natural Resources during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	58
Unanimous reports	54
Leave to Withdraw	10
Ought to Pass	4
Ought Not to Pass	13
Ought to Pass as Amended	21
Ought to Pass in New Draft	6
Divided reports	4

Respectfully submitted,  
 S/Ronald E. Usher                          S/Michael H. Michaud  
 Senate Chair                                  House Chair  
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 COMMITTEE ON FISHERIES AND WILDLIFE  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 14, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature

Dear President Pray:

LEGISLATIVE RECORD - SENATE, APRIL 19, 1988

We are pleased to report that all business which was placed before the Committee on Fisheries and Wildlife during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	16
Unanimous reports	14
Leave to Withdraw	3
Ought to Pass	2
Ought Not to Pass	1
Ought to Pass as Amended	4
Ought to Pass in New Draft	4
Divided reports	2

Respectfully submitted,  
 S/Edgar E. Erwin S/Paul F. Jacques  
 Senate Chair House Chair  
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 COMMITTEE ON JUDICIARY  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 19, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature  
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Judiciary during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	61
Unanimous reports	58
Leave to Withdraw	26
Ought to Pass	6
Ought Not to Pass	3
Ought to Pass as Amended	18
Ought to Pass in New Draft	4
Rereferred	1
Divided reports	3

Respectfully submitted,  
 S/Joseph C. Brannigan S/Patrick E. Paradis  
 Senate Chair House Chair  
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 COMMITTEE ON LABOR  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 13, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature  
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	21
Unanimous reports	15
Leave to Withdraw	7
Ought to Pass	1
Ought Not to Pass	0
Ought to Pass as Amended	1
Ought to Pass in New Draft	6
Divided reports	6

Respectfully submitted,  
 S/Dennis L. Dutremble S/Edward A. McHenry  
 Senate Chair House Chair  
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 COMMITTEE ON LEGAL AFFAIRS  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 18, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature  
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Legal Affairs during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	37
Unanimous reports	35
Leave to Withdraw	6
Ought to Pass	4
Ought Not to Pass	6
Ought to Pass as Amended	14
Ought to Pass in New Draft	5
Divided reports	2

Respectfully submitted,  
 S/Judy C. Kany S/Charles R. Priest  
 Senate Chair House Chair  
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 COMMITTEE ON TRANSPORTATION  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 18, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature  
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	37
Unanimous reports	30
Leave to Withdraw	7
Ought to Pass	3
Ought Not to Pass	5
Ought to Pass as Amended	11
Ought to Pass in New Draft	4
Divided reports	7

Respectfully submitted,  
 S/Sen. Charles G. Dow S/Rep. Fred Moholland  
 Senate Chair House Chair  
 Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
 COMMITTEE ON UTILITIES  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 April 15, 1988

The Honorable Charles P. Pray  
 President of the Senate  
 113th Legislature  
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Utilities during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	27
Unanimous reports	26
Leave to Withdraw	6
Ought to Pass	5
Ought Not to Pass	0
Ought to Pass as Amended	10
Ought to Pass in New Draft	4

Rereferred 1  
 Divided reports 1  
 Respectfully submitted,  
 S/John M. Kerry S/Harry L. Vose  
 Senate Chair House Chair  
 Which was READ and ORDERED PLACED ON FILE.

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

Senator BRANNIGAN of Cumberland was granted unanimous consent to address the Senate on the Record. Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to place some information on the Record regarding a bill we have already passed and has become law. Public Law 1988, Chapter 646, which was L.D. 2520, An Act to Reform Provisions of the Civil Justice System was passed by the Legislature March 22, 1988, and was signed by Governor McKernan on March 30, 1988. Section 11 of Chapter 646 amends 32 M.R.S.A., Section 3296, which among other things, provides that records of peer reviews of physicians are exempt from discovery. This section previously provided that such records are exempt from discovery unless there was a showing of good cause.

As Senate Chair of the Judiciary Committee, I wish to make it clear that the primary purpose of the discovery exemption in Section 3296, is to prevent discovery of those records from peer review in civil malpractice cases. The amendment will not, however, prevent disclosure of the records in health professional licensure cases. Consistent with the primary purpose of L.D. 2520, which is to provide the people of Maine with better quality medical care, the amendments to 32 M.R.S.A., Section 3296, should not be construed to preclude or limit discovery by state licensing boards of any peer review records which would assist the boards in evaluating a health care practitioners competency or conduct.

The State Licensure Boards have the ultimate responsibility to ensure that health care practitioners licensed in Maine provide competent, professional health care. Therefore, the board should be able to receive and utilize all peer review records and reports in order to best carry out their responsibilities. Thank you Mr. President.

Senate at Ease  
 Senate called to order by the President.

On motion by Senator DUTREMBLE of York, RECESSED until 6:45 this evening.

After Recess  
 Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Make Interim Adjustments in the Certificate of Need Development Account" (Emergency)  
 S.P. 845 L.D. 2191  
 (C "A" S-473; H "A" H-739)

Tabled - April 19, 1988, by Senator CLARK of Cumberland.

Pending - Motion to RECONSIDER whereby the Senate RECEDED and CONCURRED

(RECALLED from Engrossing, pursuant to Joint Order S.P. 1004.)

(In Senate, April 18, 1988, RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473). House Amendment "A" (H-739) READ and ADOPTED. Motion to INDEFINITELY POSTPONE House Amendment "A" (H-739) FAILED. Subsequently, the Senate CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473) AND HOUSE AMENDMENT "A" (H-739).)

(In House, April 18, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473) AND HOUSE AMENDMENT "A" (H-739) in NON-CONCURRENCE.)

On motion by Senator THERIAULT of Aroostook, the Senate RECONSIDERED whereby it RECEDED and CONCURRED.

On further motion by same Senator, the Senate RECEDED.

On further motion by same Senator, the Senate RECEDED from ADOPTION of House Amendment "A" (H-739).

On further motion by same Senator, House Amendment "A" (H-739) INDEFINITELY POSTPONED in NON-CONCURRENCE.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator THERIAULT: Thank you Mr. President, men and women of the Senate. There was a conflict between House Amendment "A" (H-739) and Committee Amendment "A" (S-473). Consequently, the Bill could not be successfully engrossed and therefore, in a few moments I will present a Senate Amendment which contains both House Amendment and Committee Amendment.

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

On motion by Senator THERIAULT of Aroostook, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-473).

On further motion by same Senator, Committee Amendment "A" (S-473) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-491) READ and ADOPTED.

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

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

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

PAPERS FROM THE HOUSE  
 Non-concurrent Matter  
 Bill "An Act to Require Notice of Major Modifications in Rail Service"

H.P. 1752 L.D. 2401  
 (C "A" H-590)

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1938, in concurrence.

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

(See Action Later Today)

Non-concurrent Matter  
 Bill "An Act to Strengthen the Site Location of Development Law"

S.P. 846 L.D. 2202  
 (S "A" S-483 to C "A" S-477)

In Senate, April 18, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-477) AS AMENDED BY SENATE AMENDMENT "A" (S-483) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-477) AS AMENDED

BY SENATE AMENDMENT "A" (S-483) AND HOUSE AMENDMENT "B" (H-753), thereto in NON-CONCURRENCE.  
The Senate RECEDED and CONCURRED.

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

ORDERS  
Joint Order

On motion by Senator BALDACCI of Penobscot the following Joint Order:

S.P. 1005

ORDERED, the House concurring, that Bill, "AN ACT to Amend the Maine Business Corporation Act in Relation to Petitioning the Court for the Removal of Directors," H.P. 1802, L.D. 2466, and all its accompanying papers, be recalled from the Legislative files to the Senate.

Which was READ.

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 31 Senators having voted in the affirmative and 2 Senators having voted in the negative, and 31 being more than two-thirds of the members present and voting, the Joint Order was PASSED.

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

On motion by Senator DUTREMBLE of York, the Senate RECONSIDERED whereby it RECEDED and CONCURRED on:

Bill "An Act to Require Notice of Major Modifications in Rail Service"

H.P. 1752 L.D. 2401  
(C "A" H-590)

(RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1938, in concurrence.)

(In House, April 19, 1988, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.)

On further motion by same Senator, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

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

COMMITTEE REPORTS  
House

Ought to Pass

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

H.P. 1939 L.D. 2638

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1926.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-755).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-755) READ.

Senator WEBSTER of Franklin moved the INDEFINITE POSTPONEMENT of House Amendment "A" (H-755).

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. This is the Errors Bill and the discussion will revolve around an amendment that was put on in the other Body. It is not an amendment that was put on by the Judiciary Committee and I want to make that very clear. It was

an issue that was presented to the Judiciary Committee and it seemed to be an issue that dealt with education. We suggested that it should be dealt with with the Education Errors Bill, or by the Education Committee. That was where we left it. It appeared in the other Body presented by the Chairman of Education. It was debated. I assume it will be debated here. I just want to make it clear that it was not part of the Errors Bill as presented in its pristine fashion from the Judiciary Committee. 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. I would offer my appreciation to the good Senator from Franklin, Senator Webster, for providing me with a copy of this amendment promptly as I have been trying to locate mine in my House Amendment Book.

If I may speak briefly to this. This House Amendment was attached in the other Body because it reflects the frustration and concern of some local school units across our state. There are two local school units, the names of which I shall omit from this presentation here this evening, in which the school administrative directors refuse to attend the school administrative meetings, therefore, a quorum is not present and it is difficult if not impossible to conduct the necessary business of any school administrative district. They also decline to resign whether their declining is respectfully or not, I would probably have a different opinion. However, suffice it to say that those local school units are fought with an impediment and this House Amendment represents this issue and it is an issue with which I have been familiar for almost the four months of which this Second Regular Session has been convened here in Augusta. While I can understand that the pristine nature of the Errors and Inconsistencies Bill from the Joint Standing Committee on Judiciary is of utmost importance, so is the issue which has been addressed in House Amendment "A", under Filing Number (H-755) and therefore, Mr. President and Members of the Senate, I respectfully request that you do not support the pending motion of indefinite postponement of this House Amendment. Thank you Mr. President.

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. It is not often that I rise to speak. The Judiciary Committee and one of its duties is to pass on the Errors and Corrections Bill. Over the years the Senators have given the utmost courtesy to that committee in the belief that these several hundred errors and corrections have been judged fairly and those that are in the Bill are not of a substantive nature, or if so have stated such. This year, I can't remember the number of bills, but it was well over a hundred, we looked through and we worked diligently to do the same thing. This was presented to us and it is of substantive nature. If we are going to continually allow substantive nature issues to be put in the Errors and Corrections Bill, I think a lot of credibility is lost. It is getting so that the Fish and Game has a special Errors and Corrections Bill, Education has an Errors and Corrections Bill and I can't recite the number of the rule, but I think that

if you go strictly by the rules, that all errors and corrections are supposed to go through the Judiciary Committee. I think we are losing the credibility of the system if you allow this amendment to go on. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin to INDEFINITELY POSTPONE House Amendment "A" (H-755) in NON-CONCURRENCE.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE House Amendment "A" (H-755), please rise in their places and remain standing until counted.

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

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE House Amendment "A" (H-755) in NON-CONCURRENCE, PREVAILED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED in NON-CONCURRENCE.

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON TAXATION  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
April 19, 1988

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	48
Unanimous reports	39
Leave to Withdraw	15
Ought to Pass	3
Ought Not to Pass	5
Ought to Pass as Amended	14
Ought to Pass in New Draft	2
Divided reports	9

Respectfully submitted,

S/R. Donald Twitchell                      S/John A. Cashman  
Senate Chair                                  House Chair  
Which was READ and ORDERED PLACED ON FILE.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Increase Maine's Sales Tax to 6% and to use the Funds Generated to Support the University of Maine System, the Maine Vocational-Technical Institute System and Immediately Increase the State's Share of Education Funding to 65%"

H.P. 991 L.D. 1337

Reported that the same Ought Not to Pass.

Signed:

Senators:

TWITCHELL of Oxford  
DOW of Kennebec

SEWALL of Lincoln

Representatives:

SEAVEY of Kennebunkport

WHITCOMB of Waldo

CASHMAN of Old Town

JACKSON of Harrison

DUFFY of Bangor

NADEAU of Saco

ZIRNKILTON of Mount Desert

SWAZEY of Bucksport

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-756).

Signed:

Representatives:

DORE of Auburn

MAYO of Thomaston

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

Which Reports were READ.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator CLARK of Cumberland, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Require Notice of Major Modifications in Rail Service"

H.P. 1752 L.D. 2401

(C "A" H-590)

Tabled - April 19, 1988, by Senator DUTREMBLE of York.

Pending - FURTHER CONSIDERATION

(In Senate, April 19, 1988, RECONSIDERED whereby the Senate RECEDED and CONCURRED.)

(RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1938, in concurrence.)

(In House, April 19, 1988, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.)

On motion by Senator DUTREMBLE of York, the Senate RECEDED and CONCURRED.

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 Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency)

H.P. 1941 L.D. 2639

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 Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

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



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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on LEGAL AFFAIRS on Bill "An Act to Strengthen Penalties for Persons Piloting Boats Under the Influence of Alcohol"

H.P. 1424 L.D. 1935

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-708).

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

Which Report was READ and ACCEPTED.

On motion by Senator KANY of Kennebec, the Bill and Accompanying Papers INDEFINITELY POSTPONED, in concurrence.

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

ENACTORS

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

An Act to Revise the Energy Building Standards Act

S.P. 958 L.D. 2539

(S "B" S-352)

Senator WEBSTER of Franklin requested a Division.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A Division has been requested.

Will all those Senators in favor of ENACTMENT, please rise in their places and remain standing until counted.

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

27 Senators having voted in the affirmative and 5 Senators having voted in the negative, the Bill was PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

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

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Increase the State Funding of Educational Costs

H.P. 272 L.D. 355

(C "A" H-701)

Tabled - April 18, 1988, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 18, 1988, PASSED TO BE ENACTED.)

(In Senate, April 15, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-701), in concurrence.)

On motion by Senator ESTES of York, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-492) READ and ADOPTED.

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

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator PEARSON of Penobscot, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Sewerage Facilities Construction"

H.P. 1883 L.D. 2575

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-758).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-758).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-758) READ and ADOPTED, in concurrence.

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

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

H.P. 1902 L.D. 2598

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-759).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.  
 Committee Amendment "A" (H-759) READ and ADOPTED,  
 in concurrence.  
 Under suspension of the Rules, READ A SECOND TIME  
 and PASSED TO BE ENGROSSED, as Amended, in  
 concurrence.

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

PAPERS FROM THE HOUSE  
 Non-concurrent Matter

JOINT ORDER recalling Bill "An Act to Amend the  
 Maine Business Corporation Act in Relation to  
 Petitioning the Court for the Removal of Directors"  
 (H.P. 1802) (L.D. 2466) and all its accompanying  
 papers from the legislative files to the Senate.

S.P. 1005

In Senate, April 19, 1988, READ and PASSED.  
 Comes from the House READ and FAILED OF PASSAGE  
 in NON-CONCURRENCE.

On motion by Senator BALDACCI of Penobscot, the  
 Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

House  
 Divided Report

The Majority of the Committee on APPROPRIATIONS  
 AND FINANCIAL AFFAIRS on Bill "An Act to Establish an  
 Enhanced 9-1-1 System"

H.P. 1911 L.D. 2608

Reported that the same Ought Not to Pass.

Signed:

Senators:

PEARSON of Penobscot  
 EMERSON of Penobscot

Representatives:

FOSTER of Ellsworth  
 DAVIS of Monmouth  
 HIGGINS of Scarborough  
 RIDLEY of Shapleigh  
 FOSS of Yarmouth

The Minority of the same Committee on the same  
 subject reported that the same Ought to Pass as  
 Amended by Committee Amendment "A" (H-761).

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

NADEAU of Lewiston  
 LISNIK of Presque Isle  
 MCGOWAN of Canaan  
 CHONKO of Topsham  
 CARTER of Winslow

Comes from the House the Minority OUGHT TO PASS  
 AS AMENDED Report READ and ACCEPTED and the Bill  
 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE  
 AMENDMENT "A" (H-761).

Which Reports were READ.

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

Senator BALDACCI of Penobscot requested a  
 Division.

THE PRESIDENT: The pending question before the  
 Senate is the motion of Senator EMERSON of Penobscot,  
 to ACCEPT the Majority OUGHT NOT TO PASS Report.

A Division has been requested.

Will all those Senators in favor of the motion of  
 Senator EMERSON of Penobscot, to ACCEPT the Majority  
 OUGHT NOT TO PASS 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.

16 Senators having voted in the affirmative and  
 15 Senators having voted in the negative, the motion  
 by Senator EMERSON of Penobscot, to ACCEPT the  
 Majority OUGHT NOT TO PASS Report, in  
 NON-CONCURRENCE, PREVAILED.

Sent down for concurrence.

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 Make Supplemental Appropriations and Allocations  
 for the Expenditures of State Government and to  
 Change Certain Provisions of the Law Necessary to the  
 Proper Operations of State Government for the Fiscal  
 Years Ending June 30, 1988, and June 30, 1989"  
 (Emergency)

S.P. 831 L.D. 2156

Reported that the same Ought to Pass as Amended  
 by Committee Amendment "A" (S-489).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-489) READ.

On motion by Senator CLARK of Cumberland, Senate  
 Amendment "A" (S-493) to Committee Amendment "A"  
 (S-489) READ.

THE PRESIDENT: The Chair recognizes the same  
 Senator.

Senator CLARK: Thank you Mr. President. Mr.  
 President, men and women of the Senate. Senate  
 Amendment "A" (S-493) to Committee Amendment "A"  
 (S-489) represents an opportunity for members of this  
 Body to vote openly on the proposed pay increase for  
 Legislators serving in the 114th Legislature. The  
 Bill would remove from the Supplemental  
 Appropriations Bill that section found on page 91,  
 which appropriates one thousand, five hundred dollars  
 for Legislative service in the upcoming 114th Maine  
 Legislature and any Legislature thereafter. The  
 proposed increase in Legislative salaries was  
 incorporated by the members of the Appropriation  
 Committee as the result of the recommendations of a  
 bipartisan commission on Legislative compensation  
 which has already been alluded to in earlier remarks  
 this evening by the good Senator from Penobscot,  
 Senator Pearson and other members of the  
 Appropriations Committee and their presentation to us  
 in Joint Caucus.

I would invite members of this Chamber this  
 evening to vote against the pending motion, thereby  
 retaining the Legislative salary increase in the  
 proposed budget document. Suffice it to say that  
 those of us who have served in this Legislature for  
 numbers of years, and over a decade now as many of  
 you have and including those who are concluding your  
 first term of Legislative service, will find that the  
 citizens in your district are fully supportive and  
 aware of the need to compensate, not in luxurious  
 fashion, but in an adequate fashion their public  
 servants who serve on their behalf here in Augusta.  
 When I began my Legislative service, now sixteen  
 years ago, the Legislative compensation was less than  
 three thousand dollars a year. I supported and  
 testified on behalf of a salary increase which at  
 that time purported to increase Legislative salaries  
 over one hundred percent. We were successful, people  
 still continue to serve and still sought offices.  
 But in order to allow a representative segment of the

citizenry of this state to even consider public service, we must at least compensate those elected officials adequately. It is my individual opinion that the salaries that we earn in serving in Augusta is adequate. Many of you, my colleagues, are not required to survive or live on it, as they say, some of us must. For it represents there our only means of compensation as we serve here, our only means of compensation. Many of us have other avocations, trades, professions and economic activities. A goodly number of us serve here in Augusta, taking leaves of absence from our employment and those leaves of absence include the omission of compensation and even fringe benefits. Legislative service should indeed be a cross section representing all segments of Maine's economy. This proposed salary increase, the omission of which I hope will be defeated this evening, simply addresses a need to adjust periodically in a modest fashion, it represents 2.5 of this General Fund portion of the budget and would raise the Legislative salaries by fifteen hundred dollars. I submit to you that Legislators have justly earned this proposed salary increase and that in fact it does not represent an exorbitant, unmerited salary increase, but one as I said that has been earned and that will be compensated or paid to those who are successful in the general election in November of this year. I would encourage you to vote against the pending motion of adoption of Senate Amendment "A" (S-493). Thank you Mr. President.

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

Senator BRAUN: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to thank the good Senator from Cumberland, Senator Clark, for presenting this amendment tonight so that we will have a chance to be on Record as to how we are going to vote on this issue. Citizens Legislatures are a vanishing species today. I feel we are moving toward a professional career Legislature. A professional Legislature will need more staff, spend more money, as salaries are increased people will be devoting themselves to being career professional politicians. I don't believe that is in the best interest of the citizens of the state of Maine. Professional Legislatures will work to continue to be reelected, I believe they will do what is popular, not necessarily what is always right. I am going to be voting for this amendment tonight and I hope that you will. I would just like to add that you did vote for a pay raise last session and I hope you vote to have this amendment.

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, too, would like to say thank you to the good Senator from Cumberland, Senator Clark, for offering this amendment for us to consider this evening. At this late hour, at this late day, it encourages me to go on with the rest of the Legislative Session, I think it was done in good faith and I do commend her for doing that, but I will also oppose the pay raise. It is a ten percent pay raise that we are asking, the fifteen hundred dollars would be a ten percent pay raise. While the good Senator from Cumberland, Senator Clark's, constituency may feel it is appropriate, I feel very comfortable going back to my constituency, one town in Cumberland County and Sagadahoc County having voted in favor of this amendment tonight.

On motion by Senator CAHILL of Sagadahoc, 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 Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I would join the chorus in my praise to the good Senator from Cumberland, for offering this amendment. Two years ago when I stood on the Senate floor about the same time of the session, late in the evening, I sat in the front row and behind me one of my best friend ever here in the Maine Legislature, the good Senator from Waldo, Senator Shute, that we all loved here. At that time, Senator Shute stood with me and opposed the pay raise issue that is similar to the one we are discussing. I wanted to say for the Record that my opposition to a pay raise has always been very simply that I am running for reelection, I am hopeful that I will be here in two years as all of you are that are running, it is a difficult issue for me to vote to give myself a raise. I am running with the intention of winning as we all are and to me it is giving myself a raise and that is why I am opposed to it. I do thank the Senator from Cumberland to give us a chance to vote on this. We all know how delicate the appropriation process is, I don't remember this issue coming quite this way in the past, but I think it is appropriate that we do offer an amendment on the floor tonight for those of us who feel we can't support this to be in a position to do so. Thank you.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to echo perhaps the feeling that has been suggested by the last two or three speakers and I would like us to remember what has happened in the last ten years with respect to the cost of the Legislature. Ten years ago it cost about two million dollars for all the costs associated with the Legislature, salaries, expenses, staff, travel. Today we are somewhere in the neighborhood of twelve million dollars. I have not had the long continuous experience of some of my colleagues, but I do go back a bit in terms of an initial entry into this Legislature, in 1971 and then I was here ten years ago and I have to report that on one occasion I did vote for a pay increase. I don't think it is appropriate at this time, I think that our cost of doing business, if you will, is at too high of level and I am very uncomfortable with it. I'd point out that we have other states around us that are small states, like New Hampshire for example, where they pay their Legislators about three hundred dollars a year and we have the state of Rhode Island, which pays less than one thousand dollars. On the other hand we have states where they have professional Legislators, like Massachusetts, Connecticut and New York state, where the salaries are much, much higher. I would like to think that Maine with its one million, one hundred and twenty-eight thousand people is not in the same category as some of the larger states and that we ought to continue to have a citizen type Legislature where we come here in part at least as a public service. I recognize that there are those who have difficulty in running for office under this type of environment, but I suggest that it can be done, I suggest that we have done a great deal in the way of benefits, pensions, health insurance, dental insurance, increased allowances for room and board, it really isn't quite as dreadful as some of us suggest that it is. I would be most pleased tonight to support the amendment which would delete two

hundred and thirty-two thousand dollars out of the budget. Thank you Mr. President.

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

Senator WHITMORE: Thank you Mr. President, I would like to pose a question through the Chair if I may to anyone that may care to respond. It probably is a two part question, one would be the year of the last increase and what it was increased from and to last time around.

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

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. In response to the question, I believe the salary went from ten thousand, five hundred dollars for a two year term to fifteen thousand dollars which was a thirty percent raise and other benefits. But, the salary range went from ten thousand, five hundred to fifteen thousand dollars.

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. Just in case someone happens to be flipping through the Legislative Record some time, I would hope that it would be clear on the Record that when we talk about that fifteen thousand dollars that no one thinks that a Legislator makes that each of the two years. That is the lump sum together.

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

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. I remember when I first got here, people used to ask me how much I made and I use to tell them sixty-five. Sixty-five thousand? No, sixty-five hundred. We have improved over the years to a whopping fifteen thousand for a two year period. I guess if you look around at the Maine Legislature that we all are pretty much a special breed of people here. I don't think anyone of us would get up and say that we are here for the money. Is there anyone who is here for the money? I would find it very difficult to find anybody who would get up and say yes I really need that money.

Obviously, we are not here for the money, but I think it is very important that we keep this a citizens Legislature. When we reach that point where we eliminate a segment of the Legislature or eliminate a segment of the Maine population who can no longer run for the Legislature because they can't afford to, then we are eliminating representation to a huge segment of the Maine population. That is why we have to make sure that we continue to at least provide an adequate salary for Legislators, not to become professional politicians, heaven forbid. I think when people come here they don't have to worry about what is going on at home and how they are going to send their kids to school or whatever. Nobody is going to get rich on fifteen hundred dollars a year and nobody is going to make the decision to run or not run on fifteen hundred dollars a year. I believe we created a Special Commission on compensation a few years back to do all the work to find out what would be the legitimate amounts of money that not only the Legislature but other state officials should get. That is why we created that to get away from the politics from the whole situation. I would think that at the very least we would increase the salaries of the Maine Legislature, at least to keep up with the cost of living. Sure we are making more than we

did six or eight years ago, but the cost of living has also gone up. I would hope that you would support the motion to not support this amendment.

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. I know that whatever we do here tonight, or what we have done during the last two or three days of this week, probably tomorrow's main feature in the newspaper will be about a Legislative pay raise. We could pass legislation dealing with education, with human services, with all kinds of things, and the lowest common denominator in the articles in the paper tomorrow will be about Legislative pay raises. We all know that, it is kind of unfortunate, but that is the reality. In case they wish to report what I have to say, I would like to make the following remark; Legislative salaries, the Revisors Office, the Secretaries, the Clerks, all the staff that we rely on in Finance, the computer equipment and everything that is associated with the Legislative Branch of state government which is one of the three co-equal branches of state government, amounts to less than one percent of the state budget. I would also like to reply to a comment that was made by Senator Webster from Franklin, about the former Senator from Waldo, Senator Shute, because I remember very vividly him telling me on numerous occasions, that it was not the salary that he objected to, it was the amount of money we receive per diem. Over and over and over again he said that. This year it was said in my Committee again and we did not increase per diem. Instead it was only salary that we addressed. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I think it should be very clear that it is unconstitutional for this Legislature to vote itself a pay raise.

This Legislature is voting for Legislative salaries to be at a particular level. We are not voting for ourselves for a pay raise. It is up to the people to either elect us again, or elect somebody else, but the people that will be sitting in this Chamber or in the other Chamber should they received that type of compensation to be here. The fact of the matter is we have been here twelve hours today. I was just sitting here with my seat mate and discussing how many hours and days and weekends we spend on Legislative affairs. The amount of time that we have spent of these particular issues and the fact of the matter is whoever is sitting in our seat is going to be probably just as conscientious and put in as much time and I think that they should receive some type of compensation. It is not nearly enough to be a full-time job, it isn't with me, but the fact is these people shouldn't be burdened to the point that it doesn't pay for them to even be able to break even. That is really what the issue is so I hope that you will vote against this amendment and be on Record, show people you voted for it or against it, and I think that was a very good idea from the good Senator from Cumberland, Senator Clark.

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 would give appreciation to all of those who have expressed their thanks for having this opportunity in an exercise in what we in Maine call good government, but it was in fact the President of the Senate who suggested that this amendment be developed and I agreed to offer it

under my name. I have listened to the remarks of a number of people here this evening and I do not in any way, shape or form question your sincerity. I do envy in some small fashion and in some large fashions your nobleness in being able or economically positioned to support this amendment which would decrease Legislative salaries as proposed in this largest Supplemental Budget ever to be presented in the history of our state.

There are some people in this state who must work for a living and yet who have the same desire to serve in the Legislature and to serve their constituencies in any shape or form in public service as those of you who are more landed or moneyed. We drive a variety of cars and many of us can pay for them and some of us pay mortgage payments and car payments out of our Legislative salaries, for that is our sole means of compensation. And lest you fear that this Legislature would ever become a dreadfully professional Legislature, let me remind you that the only guarantee that it shall not is that a barely adequate salary that will allow all Maine citizens from all economic levels, whether supported by spouse, or having received inheritances from families or having lady luck land on their doorstep, and that includes my friends in this Chamber, people who must work for a living. When they are allowed to at least candidate for the Maine Senate, knowing that they will receive adequate compensation, therein is the guarantee that this Maine Legislature and all those that come thereafter will be indeed a citizen Legislature. I join you in opposing that, what is perceived to be by some, inevitable development, not necessarily progress, but I do not believe that it will occur in my lifetime and as I look around at those who are much younger than I am, in yours either. I submit to you that the guarantee to preclude that dreadful occurrence is an adequate compensation. That includes this minimal proposed salary increase and this Supplemental Budget. Dreadful? No. Fearful? No. Will you be held accountable? Yes, but isn't that the bottom line for all of our actions here? If you have a spouse that helps support you, then you can support this pending motion, but there are those among us, here in this very Chamber, who's sole compensation is the salary they earn. Men and women, we earn it. Again, I would hope in this Roll Call that you join with me in opposing the Adoption of Senate Amendment "A" (S-493). Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland, to ADOPT Senate Amendment "A" (S-493) to Committee Amendment "A" (S-489).

A vote of Yes will be in favor of ADOPTION.

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

ABSENT: Senators None

11 Senators having voted in the affirmative and 24 Senators having voted in the negative, with No Senators being absent, the motion of Senator CLARK of

Cumberland, to ADOPT Senate Amendment "A" (S-493) to Committee Amendment "A" (S-489), FAILED.

Committee Amendment "A" (S-489) ADOPTED.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 for Construction and Renovation of Public Safety Facilities"

S.P. 970 L.D. 2578

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-494).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-494) READ and ADOPTED.

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

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

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

The following proceedings were conducted after 12:01 a.m., April 20, 1988.

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

COMMITTEE REPORTS

House

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges" (Emergency)

H.P. 1799 L.D. 2463

Have had the same under consideration and ask leave to report that the House Recede from Passage to be Engrossed, Indefinitely Postpone Senate Amendment "B" (S-417) to Committee Amendment "A" (H-588); Indefinitely Postpone House Amendment "D" (H-643) to Committee Amendment "A" (H-588); Indefinitely Postpone Committee Amendment "A" (H-588); Read and Adopt Conference Committee Amendment "A" (H-762) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (H-762) in Non-Concurrence.

That the Senate Recede and Concur.

Signed on the part of the House:

Representative LISNIK of Presque Isle

Representative DIAMOND of Bangor  
 Representative CASHMAN of Old Town  
 Signed on the part of the Senate:  
 Senator DOW of Kennebec  
 Senator THERIAULT of Aroostook  
 Senator BLACK of Cumberland

Comes from the House Report READ and ACCEPTED.  
 Bill PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE  
 COMMITTEE AMENDMENT "A" (H-762) in NON-CONCURRENCE.  
 Report READ.

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

Senator DOW: Thank you Mr. President. Mr.  
 President, men and women of the Senate. This  
 Committee of Conference Report probably is not to the  
 liking to everyone in this Senate as most compromises  
 are not, but the Committee worked hard to come up  
 everything that the Governor and the Transportation  
 Committee had in their program. There is no question  
 in my mind that everyone in this Senate Chamber knows  
 what is in this Committee Report. I do not intend to  
 stand here and prolong the discussion on it, if you  
 have any questions on the Report or what is in it, I  
 would be glad to answer any one of your questions. I  
 do hope you support it, as I said the Committee  
 worked hard and it is a compromise that I think we  
 can all support. Thank you.

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

THE PRESIDENT: The pending question before the  
 Senate is ACCEPTANCE of the Committee of Conference  
 Report.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BLACK, COLLINS,  
 DILLENBACK, DOW, EMERSON, ERWIN,  
 GAUVREAU, GILL, GOULD, KANY,  
 MATTHEWS, MAYBURY, PEARSON, PERKINS,  
 RANDALL, THERIAULT, TWITCHELL

NAYS: Senators ANDREWS, BERUBE, BRANNIGAN,  
 BRAUN, BUSTIN, CAHILL, CLARK,  
 DUTREMBLE, ESTES, KERRY, LUDWIG,  
 SEWALL, TUTTLE, USHER, WEBSTER,  
 WHITMORE, THE PRESIDENT - CHARLES P.  
 PRAY

ABSENT: Senators None

18 Senators having voted in the affirmative and  
 17 Senators having voted in the negative, with No  
 Senators being absent, the Committee of Conference  
 Report was ACCEPTED, in concurrence.

Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 1939 L.D. 2638

In House, April 19, 1988, PASSED TO BE ENGROSSED  
 AS AMENDED BY HOUSE AMENDMENT "A" (H-755).

In Senate, April 19, 1988, PASSED TO BE ENGROSSED  
 in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Senate RECEDED and CONCURRED.

(See Action Later Today)

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on APPROPRIATIONS  
 AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a  
 Bond Issue to Provide Funds to Create an Adaptive  
 Equipment Loan Program"

H.P. 1686 L.D. 2315

Reported that the same Ought to Pass as Amended  
 by Committee Amendment "A" (H-760).

Signed:

Senators:

PEARSON of Penobscot  
 BERUBE of Androscoggin

Representatives:

RIDLEY of Shapleigh  
 CHONKO of Topsham  
 CARTER of Winslow  
 NADEAU of Lewiston  
 LISNIK of Presque Isle  
 MCGOWAN of Canaan

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

Signed:

Senator:

EMERSON of Penobscot

Representatives:

FOSTER of Ellsworth  
 DAVIS of Monmouth  
 HIGGINS of Scarborough  
 FOSS of Yarmouth

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-760).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-760) READ and ADOPTED,  
 in concurrence.

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

On motion by Senator WEBSTER of Franklin, the  
 Senate RECONSIDERED whereby it RECEDED and CONCUR on:  
 Bill "An Act to Correct Additional Errors and  
 Inconsistencies in the Laws of Maine" (Emergency)

H.P. 1939 L.D. 2638

(In House, April 19, 1988, that Body ADHERED.)

(In Senate, April 19, 1988, PASSED TO BE  
 ENGROSSED in NON-CONCURRENCE.)

(In House, April 19, 1988, PASSED TO BE ENGROSSED  
 AS AMENDED BY HOUSE AMENDMENT "A" (H-755).)

On motion by Senator WEBSTER of Franklin, the  
 Senate ADHERED.

On motion by Senator BRANNIGAN of Cumberland, the  
 Senate RECONSIDERED whereby it ADHERED.

Senator BRANNIGAN of Cumberland moved to RECEDE  
 and CONCUR.

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. We debated  
 and discussed this issue earlier and I think one of  
 the things that has frustrated me the most having  
 been in the Legislature for a while is that the  
 legislative process has always been that of  
 compromise. It seems to me that this Body in its

wisdom felt that a substantive change not be added to this issue that we have a right to do that. It is my opinion that if we are put in the position where we either have to pass or defeat the Bill, I would rather be in a position of defeating the overall Bill than accepting something that is unsatisfactory to me.

Senator WEBSTER of Franklin requested a Division.

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

Senator DUTREMBLE: Thank you Mr. President. I would like to pose a question to anyone who may care to respond. Maybe I am wrong here, but my question is wasn't the Bill dealing with this issue presented to the Legislative Council and suggested at that time that it be addressed in the Errors and Inconsistencies and unanimously supported by the Legislative Council, of which the good Senator from Franklin, Senator Webster is a member?

THE PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you Mr. President. I would like to pose a question through the Chair to whoever is supporting this amendment. It seems to me these are elected officials we are talking about that get on school boards, is that what we are talking about? If a selectman doesn't show up for three meetings, does the rest of the Board of Selectman kick that person off or remove them? If I don't show up three days to my job here I suppose the voters could do you in in two years, but do you immediately then get removed? If a teacher doesn't show up three days for work, is he or she immediately removed?

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

The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. This deals with as many of you know and know better than I do or we do on the Judiciary that there are many ways that schools are run. School Administrative districts, school unions, school committees and these have different laws in our state. There is one of those groups where this particular process for removal is in place, for one out of those four different ways that schools are run. This would just extend that to the others. When the Judiciary Committee took this up, as was suggested by the council, we just felt that it would better in the Errors and Omissions of the Education Committee because it dealt with education, but evidently this only happened a day or two ago and that Bill was really closed at that time because it was on our desks for enactment. It would seem that this was the only vehicle left in the Errors situation and so there it is and here it is.

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

House Amendment "A" (H-755) READ.

Senator WEBSTER of Franklin moved the INDEFINITE POSTPONEMENT of House Amendment "A" (H-755).

Senator DUTREMBLE of York requested a Division.

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 hope that the Senate here tonight, this morning, whatever it is, would consider supporting my motion. I would seriously prefer to have this entire legislation die then to have something shoved down my throat in the wee hours of the morning that I don't think is

acceptable. This Body, in my opinion, acted reasonably several hours ago on this matter and I would urge you to support your previous position and support my motion. If it means we have to kill the Bill, I say we do that and we will deal with that. I am sure there is nothing in this Bill that has to be here and can't wait until next session and I am sure it will be here again.

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 respectfully would suggest to you that the reactionary position of the good Senator from Franklin, Senator Webster, is one that in our impatience and in our fatigue seems plausible. But, I would invite you in this early hour to please review House Amendment "A" (H-755) for it simply provides a means by which three school administrative districts can address an issue which their local legislative bodies are unable to do, because they don't have the necessary language in their charters. The issue was indeed brought before the Legislative Council and it was the unanimous recommendation of that Council that this proposal, which seeks to remedy the situations that I have earlier described, be attached to a Bill. Surely we haven't reached the extent to which the Senator from Franklin, Senator Webster, suggests that we should trash an entire piece of legislation because something doesn't meet with our liking. This amendment is not a frivolous amendment, but represents a need which was brought to the Legislature in the waning days of our Session and in order to keep costs down and to adhere to what appeared to be then a sensible schedule of moving toward adjournment, it was the recommendation of that Council that this process be pursued. It has been pursued, and the amendment has been attached and I would urge us to reverse our earlier stand of last evening, which seems just a few hours ago, and save not only the issue which is perhaps more substantive than some of us would like and wouldn't be here in this form if we were in the earlier days of our session, but surely it doesn't merit indefinitely postponing the entire efforts of a Committee. It doesn't deal with teachers, men and women of the Senate, who do not show up for their positions for three consecutive days. This deals with publicly elected officials who upon election with three years left in their term refuse to participate in such a manner as to make that legislative or administrative governmental body ineffectual and if this were your experience within your communities or your own school administrative districts, I do feel sure that individually and or collectively you and even me would be more sensitive to the issue that is incorporated in this innocuous amendment. I hope that we do reverse our earlier position. Thank you very much Mr. President.

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

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I am a little confused as to what we are doing. In looking at the amendment it addresses school administrative districts and municipal school committees and I am under the impression that the problem that this seeks to remedy should be properly addressed to school unions. I would suggest whoever is more familiar with this to tell us the proper vehicle that we are addressing, because I think there are three types of school boards, school unions, school administrative districts and the separate municipal and if the

statement of fact is correct this addresses the two that it ought not to. Thank you Mr. President.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. It is extremely late, I am extremely irritable, I don't operate well at this time of the morning, I am truly angry that we cannot conduct our business in a better environment and in more regular times. I understand the pressures that we are under, I wish leadership could resolve those pressures and get the movement going without us staying here until one, two, three or four o'clock in the morning. That is number one. Number two, I don't think that I am being reactionary even though reference was made to the Senator from Franklin, Senator Webster, being reactionary to this. I have been here for eight years, when I was first here one of the major items of discussion was the Errors and Inconsistencies Bill. It got to the point where none of the membership believed that there was just errors and inconsistencies in that Bill, there was so much slipped through. I heartily concur with the feeling that if this is a substantive matter that it should not be in an Errors and Inconsistencies Bill. I am sitting here listening to the Appropriations Committee, and voting for their actions and leaving out some very important Bills, intermediate care facilities for mental retarded, number one. I don't have redress to get that covered and I think that is a lot more important than a director missing three meetings, a lot more important. I think that I have not been told by anybody in this Body that this is such an important issue that we need to handle it in this session, right now, at one o'clock in the morning on April twentieth. I do not see that, I think it is ridiculous. The charge has been made that ten members of the Council voted on this, well I might remind you that there is one hundred and eighty-six members in this Legislature, one hundred and seventy-six might not agree to that.

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. It is ten of one, and I am not angry, but I do want to clarify my previous statement about the Legislative Council. I didn't say the Legislative Council approved this and I don't know if the good Senator from Kennebec, Senator Bustin, understood that is what I meant. What I did say was that the Legislative Council thought that instead of introducing a Bill at that time that it probably would facilitate matters by going through the Errors and Inconsistencies route so that we wouldn't be here at ten of one on April 20, 1988, so that we can make people angry.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin to INDEFINITELY POSTPONE House Amendment "A" (H-755).

A Division has been requested.

Will all those Senators in favor of the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE House Amendment "A" (H-755), please rise in their places and remain standing until counted.

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

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE House Amendment "A" (H-755), in NON-CONCURRENCE, PREVAILED.

On motion by Senator WEBSTER of Franklin, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$31,800,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System"

H.P. 1884 L.D. 2576

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-763).

Signed:

Senators:

PEARSON of Penobscot  
BERUBE of Androscoggin

Representatives:

NADEAU of Lewiston  
LISNIK of Presque Isle  
MCGOWAN of Canaan  
RIDLEY of Shapleigh  
CARTER of Winslow  
CHONKO of Topsham

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-764).

Signed:

Senator:

EMERSON of Penobscot

Representatives:

FOSTER of Ellsworth  
DAVIS of Monmouth  
HIGGINS of Scarborough  
FOSS of Yarmouth

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-763).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-763) READ and ADOPTED, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Increase the State Funding of Educational Costs"

H.P. 272 L.D. 355

(C "A" H-701; S "A" S-492)

In House, April 18, 1988, PASSED TO BE ENACTED.

In Senate, April 19, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-701) AND SENATE AMENDMENT "A" (S-492) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-492) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.



Senator GOULD of Waldo was granted unanimous consent to address the Senate off the Record.

On motion by Senator PERKINS of Hancock, ADJOURNED until Wednesday, April 20, 1988, at 1:00 in the afternoon.

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

In Senate Chamber  
Wednesday  
April 20, 1988

Senate called to Order by the President.

Prayer by the Honorable Ronald E. Usher of Cumberland.  
SENATOR USHER: Lord, give us Your blessings as we approach the final hours of this Session. Let nothing happen these final days that would leave lasting scars on the Members of this Chamber. Help us Oh Lord to make proper decisions when we vote for Maine's future. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

Senate at Ease  
Senate called to order by the President.

ORDERS

On motion by Senator DUTREMBLE of York the following Order:

ORDERED, that the Secretary of the Senate be authorized to furnish 100 25-cent stamps for each member of the Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

Which was READ and PASSED.

Senate at Ease  
Senate called to order by the President.

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

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

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

On motion by Senator THERIAULT of Aroostook, RECESSED until the sound of the bell.

After Recess  
Senate called to order by the President.

ORDERS OF THE DAY  
Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

(Non-Concurrent Matter - April 19, 1988)

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