

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fourteenth Legislature**

OF THE

**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

December 7, 1988 to May 10, 1989

STATE OF MAINE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Monday  
April 3, 1989

Senate called to Order by the President.

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR BERUBE: Let us pause to reflect and then pray. I am only one, but I am one. I can't do everything, but I can do something. And what I can do that I ought to do, and what I ought to do then by the grace of God I will do.

Lord, make us an instrument of Your peace.

Where there is hatred, let us sow love.

Where there is injury, pardon

Where there is doubt, faith

Where there is despair, hope

Where there is darkness, light

Where there is sadness, joy.

Grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; and it is in dying that we are born to ever-lasting life. Amen.

Reading of the Journal of Thursday, March 30, 1989.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Clarify the Law Governing the Transfer of County Jail Prisoners"

S.P. 364 L.D. 981

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

In Senate, March 29, 1989, referred to the Committee on JUDICIARY and ORDERED PRINTED.

Comes from the House referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the Senate RECEDED and CONCURRED.

House Papers

Bill "An Act Concerning the Maine Low-level Radioactive Waste Authority" (Emergency)

H.P. 722 L.D. 991

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

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

Bill "An Act to Encourage and Support the Development of Affordable Housing Opportunities by Nonprofit Developers"

H.P. 723 L.D. 992

Comes from the House referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Which was referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Ensure Representation on the Committee to Advise the Department of Human Services on AIDS"

H.P. 721 L.D. 990

Bill "An Act to Amend the Laws Relating to AIDS and Communicable Diseases to Remove the Sunset Provision for Health Care Facility Employees and Applicants for Employment"

H.P. 718 L.D. 987

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

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

Bill "An Act to Place in the Unclassified Service the Utility Technical Analyst and Utility Accountant II Positions at the Public Utilities Commission"

H.P. 719 L.D. 988

Comes from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Allow Cities and Towns an Opportunity to Increase Revenue"

H.P. 720 L.D. 989

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on STATE AND LOCAL GOVERNMENT on A Resolution Regarding the Testing of Cruise Missiles in Maine

I.B. 1 L.D. 255

Leave to Withdraw

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

The Committee on UTILITIES on Bill "An Act to Reduce the Cost of Temporary Utility Terminations"

H.P. 407 L.D. 550

Change of Reference

The Committee on EDUCATION on Bill "An Act to Clarify the Responsibilities of School Boards" (Emergency)

H.P. 385 L.D. 516

Reported that the same be REFERRED to the Committee on BANKING AND INSURANCE.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on BANKING AND INSURANCE.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on BANKING AND INSURANCE, in concurrence.

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide for a Carry-over of Funds Appropriated for the Study of Alternative Dispute Resolution in the Superior Court to June 30, 1990" (Emergency)

H.P. 320 L.D. 436

Reported that the same Ought to Pass.  
Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.  
Which Report was READ and ACCEPTED, in concurrence.  
The Bill READ ONCE.  
The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act Relating to Highway Maintenance Compact Areas"

H.P. 410 L.D. 553

Reported that the same Ought to Pass.  
Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.  
Which Report was READ and ACCEPTED, in concurrence.  
The Bill READ ONCE.  
The Bill TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Annex Township 4, Range 3 WELS to the Town of Island Falls"

H.P. 164 L.D. 229

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin  
ESTY of Cumberland  
CARPENTER of York

Representatives:

LARRIVEE of Gorham  
HEESCHEN of Wilton  
WENTWORTH of Wells  
MCCORMICK of Rockport  
HANLEY of Paris

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

Signed:

Representatives:

JOSEPH of Waterville  
DAGGETT of Augusta  
BEGLEY of Waldo  
CAHILL of Mattawamkeag  
ROTONDI of Athens

Comes from the House Bill and Accompanying Papers RECOMMENDED to the Committee on STATE AND LOCAL GOVERNMENT.

Which Reports were READ.

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

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending the motion of Senator BERUBE of Androscoggin to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

(See Action Later Today)

Senate

Leave to Withdraw

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

Senator ANDREWS for the Committee on TAXATION on Bill "An Act to Provide a Refund of Sales Tax on Certain Depreciable Machinery and Equipment Purchases"

S.P. 65 L.D. 48

Change of Reference

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Improve the Availability of Emergency Medical Services"

S.P. 338 L.D. 899

Reported that the same be REFERRED to the Committee on JUDICIARY.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on JUDICIARY.

Sent down for concurrence.

Ought to Pass As Amended

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Amend the Medical Health Security Act to Include Podiatrists"

S.P. 190 L.D. 417

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-26).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-26) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BOST for the Committee on UTILITIES on Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment, Establish a Consumer Assistance Specialist Position and Make Certain Other Changes" (Emergency)

S.P. 143 L.D. 263

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-27).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-27) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House As Amended

Bill "An Act to Prohibit the Use of Plastic Beverage Stirrers in State Facilities"

H.P. 239 L.D. 351

(C "A" H-17; H "A" H-22)

Bill "An Act to Authorize Issuance of Complimentary Hunting, Trapping and Fishing Licenses for Residents 70 Years of Age at Any Time During the Calendar Year in Which They Attain the Age of 70"

H.P. 288 L.D. 400

(C "A" H-20)

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

Senate As Amended

Bill "An Act to Provide Lifetime License Plates to Margaret Chase Smith"

S.P. 128 L.D. 213

(C "A" S-25)

Bill "An Act to Improve Ferry Service to Matinicus Isle"

S.P. 166 L.D. 323

(C "A" S-24)

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

Sent down for concurrence.

Bill "An Act to Make Minor Changes in the Motor Vehicle Laws"

S.P. 75 L.D. 65  
(C "A" S-23)

Which was READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-23).

On further motion by same Senator, Senate Amendment "A" (S-29) to Committee Amendment "A" (S-23) READ and ADOPTED.

Committee Amendment "A" (S-23) as Amended by Senate Amendment "A" (S-29) thereto, ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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.

The Chair laid before the Senate the Tabled and Specially Assigned matter: (3/30/89)

Bill "An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing-Impaired"

H.P. 688 L.D. 940

Tabled - March 29, 1989, by Senator PEARSON of Penobscot.

Pending - REFERENCE

(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

(In House, March 28, 1989, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter: (3/30/89)

Bill "An Act to Provide Needed Services Identified by the Task Force on Incapacitated and Dependent Adults, and Required by the United States Omnibus Budget Reconciliation Act of 1988"

H.P. 691 L.D. 943

Tabled - March 29, 1989, by Senator PEARSON of Penobscot.

Pending - REFERENCE

(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

(In House, March 28, 1989, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter: (3/30/89)

Bill "An Act to Establish a Demonstration Project in York County to Provide a System of Resources for Children in Need"

H.P. 695 L.D. 947

Tabled - March 29, 1989, by Senator PEARSON of Penobscot.

Pending - REFERENCE

(Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

(In House, March 28, 1989, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter: (3/30/89)

Bill "An Act to Provide Funds for Start-up of School-based Health Centers and Creation of the Position of Educational Specialist II"

H.P. 672 L.D. 921

Tabled - March 29, 1989, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In Senate, March 28, 1989, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence. Subsequently, RECONSIDERED.)

On motion by Senator CLARK of Cumberland, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Off Record Remarks

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

SENATE PAPERS

Bill "An Act to Fund the Maine School Science and Natural History Enrichment Program"

S.P. 383 L.D. 1019

Presented by Senator ESTES of York  
Cosponsored by Representative FOSTER of Ellsworth, Representative LISNIK of Presque Isle and Representative NORTON of Winthrop  
Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Allow All Candidates for an Electrician's License to Take the Examination Immediately Upon Completing Their Education"

S.P. 380 L.D. 1016

Presented by Senator TWITCHELL of Oxford  
Cosponsored by Representative JACKSON of Harrison and Representative WALKER of Norway  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Exclude Certain Home Owners from Amendments to the Overboard Discharge Laws"

S.P. 381 L.D. 1017

Presented by Senator DUTREMBLE of York  
Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide a Special Adjustment for Hospitals Having Unusually Low Financial Requirements per Case" (Emergency)

S.P. 382 L.D. 1018

Presented by Senator TWITCHELL of Oxford  
Cosponsored by Representative WALKER of Norway,  
Representative JACKSON of Harrison and  
Representative HANLEY of Paris  
Which was referred to the Committee on HUMAN  
RESOURCES and ORDERED PRINTED.  
Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Clarify Tax Exempt Status of  
Certain Hospital Affiliates and Nonprofit Ambulance  
Corporations with Respect to State Sales Tax"

S.P. 384 L.D. 1020

Presented by Senator TWITCHELL of Oxford  
Cosponsored by Representative WALKER of Norway  
and Representative JACKSON of Harrison  
Which was referred to the Committee on TAXATION  
and ORDERED PRINTED.  
Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Promote Prompt and Peaceful  
Settlements of Labor Disputes"

S.P. 385 L.D. 1021

Presented by President PRAY of Penobscot  
Cosponsored by Speaker MARTIN of Eagle Lake,  
Senator ERWIN of Oxford and Representative CLARK  
of Millinocket  
Which was referred to the Committee on LABOR and  
ORDERED PRINTED.  
Sent down for concurrence.

Bill "An Act Relating to the Director of the  
Bureau of Health"

S.P. 379 L.D. 1015

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by Representative RYDELL of  
Brunswick, Senator BERUBE of Androscoggin and  
Representative MANNING of Portland  
Which was referred to the Committee on STATE AND  
LOCAL GOVERNMENT and ORDERED PRINTED.  
Sent down for concurrence.

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

Senator WEBSTER of Franklin was granted unanimous  
consent to address the Senate off the Record.

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

On motion by Senator CLARK of Cumberland, the  
Senate removed from the Unassigned Table the  
following matter:

HOUSE REPORTS - from the Committee on STATE AND  
LOCAL GOVERNMENT on Bill "An Act to Annex Township 4,  
Range 3 WELS to the Town of Island Falls"

H.P. 164 L.D. 229

Majority - Ought Not to Pass.

Minority - Ought to Pass.

Tabled - April 3, 1989, by Senator CLARK of  
Cumberland.

Pending - Motion of Senator BERUBE of  
Androscoggin, to ACCEPT the Majority OUGHT NOT TO  
PASS Report in NON-CONCURRENCE.

(In Senate, April 3, 1989, READ.)

(In House, March 30, 1989, Bill and Accompanying  
Papers RECOMMITTED to the Committee on STATE AND  
LOCAL GOVERNMENT.)

Senator PEARSON of Penobscot moved to RECOMMIT  
the Bill and Accompanying Papers to the Committee on  
STATE AND LOCAL GOVERNMENT, in concurrence.

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

Senator BERUBE: Thank you Mr. President. Mr.  
President, men and women of the Senate. I didn't  
think I would have to rise to oppose the Senator from  
Penobscot, whom I deeply respect, but I thought he  
had heard the prayer earlier this morning.  
Apparently, I will have to send him a written copy.

I will talk this morning, very briefly, just on  
the issue of Recommitment, not on the merits or  
demerits of the Bill. The Bill was heard March 8,  
1989, we had a three hour and ten minute hearing. We  
heard a great deal of information and I will admit it  
was the most interesting and informative hearing for  
me. That was nearly a month ago and the Bill finally  
came out of Committee a few days later in work  
session and the vote was nine to four, Ought Not to  
Pass. The Bill should have been on the calendar  
shortly thereafter, but I don't know what happened to  
it. Be that as it may, when it finally did appear,  
the vote was eight to five, still Ought Not to Pass.  
It is my understanding that this Bill has been before  
us for several years now, at least three that I am  
told. The Report, I will stress, was totally  
nonpartisan in our Committee, as I hope that the  
workings of the Committee that I co-chair will always  
be nonpartisan. We were told that it would be best  
to Recommit because there was new, valuable  
information to give to the Committee. My answer to  
that was well if there is indeed powerful, viable  
information that we have not heard after three hours  
and ten minutes, plus two previous years, that maybe  
that information should be divulged on the floor of  
the House and Senate. I was told that it would be  
best if it were done in work session, that was the  
reason for calling for Recommitment. It finally came  
to the Legislature early last week and has been  
before the other Body and is before us today.

We heard from a lot of people. We heard from the  
Selectmen, from their hired lawyer, we also heard  
from opponents of the Bill. I just feel that with  
all the information that we have heard that it is not  
necessary to Recommit this Bill. I would hope that  
if there is something obviously viable that we would  
be flexible enough to take that into consideration,  
but I am convinced that what we have heard, we will  
hear again in another Recommitted Bill. I would hope  
that we will not usurp the authority of a Legislative  
Committee and I hate to use the word circumvent, but  
circumventing the process. It could mean that when  
we attend elections, if the result is not to our  
liking then we may very well ask for another  
election. This was not a close vote, it was a

reasoned vote by thirteen intelligent members of this Committee and I include myself in that group. So, I believe that we have to respect the system and I would ask that if there is a vote called, that you will vote against Recommitment and Accept the Majority Ought Not to Pass Report. Thank you.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. It is not my wish to circumvent the Committee, I want to make that absolutely clear to the good Chair of that Committee. I say that in all sincerity because I have had occasions in the past when attempts have been made to do that to me and it is not pleasant, it is not nice, and it is not appreciated.

I would respectfully suggest that what the central issue to revolve around this whole Bill, it seems to me, is that of the protection of bodies of water that are partly in Island Falls and partly in the Township that we are talking about being annexed. Frankly, I was a cosponsor of the Bill, and whether that town is annexed or not is not the central issue. I believe that the Bill would be best in trying to protect the water bodies there by having Island Falls oversee it, but I could be wrong. What about the issue of sending it back to Committee and asking them if they don't prefer annexation? At least some method of protecting that water body from development, because that is what Island Falls fears and that is what a lot of us in northern Maine are concerned about; the development of lakes without very much planning. You might say that it falls under LURC jurisdiction, but we all know that LURC is understaffed, and that a lot of things go on in northern Maine that shouldn't go on because of that. So, I would simply suggest that maybe it would be a good idea to go back to Committee to look at the issue of protecting that lake, if you don't want to annex, in some kind of law or zoning so that development won't occur on that particular body of water. I think it is worthy of some thought. Thank you.

Senator BERUBE of Androscoggin requested a Division.

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. I have not gotten involved in this issue before and it is only through conversations this morning that it moves me to say something on the Record about this particular Bill. The reason that I am speaking is because I have recently been involved in the China Lakes problem and, as some of you may know from reading the paper, there has been a great deal of controversy over that lake for many years. It is the water supply for Waterville, Winslow, Fairfield and I suspect some other towns that I am not mentioning. It has a great deal of impact. We have not paid attention in the past to preserving our waters enough, that is evident from the number of them that we have to look at to be restored.

So, we haven't been doing, what I consider, our job. I do not know the arguments for and against whether Island Falls should have the annexation or not, because I do not sit on that Committee. I am not sure that I am really interested in that argument, because what I am interested in is the preservation of that lake. The reason that I would vote for Recommitment is because I do not think that the higher issue has been addressed well enough. They have been concentrating, as perhaps they should have, on whether it should be annexed or not. Not

how you preserve that lake. I think there is some innovative and creative ways that you can protect that lake and that you ought to take the opportunity in this piece of legislation to do exactly that.

I would rather not be here again when we would have to close the barn door after the horse is stolen. That, I think, is what you are talking about on this particular body of water is letting things happen, wait for the horse to get out and then go back and shut the barn door. Well, I will tell you folks, that horse is not going to be in there anymore and that lake is going to have to be restored and you are going to come back and ask the Legislature to give you some money to try to restore that lake. For once why not do it right in the first place? Take a strip of that land, whatever it is, and make it in legislation that it is forever protected and then do whatever you want with the rest of it, whether you want to annex or not. I think the real question is whether that development occurs on that piece of land and I think we ought to take that higher step and protect it. Perhaps there is some cooperative agreements that we can have among the parties involved. There could be all kinds of things that you could do that is innovative and creative.

As far as circumventing the Committee, I'm not sure that is what is doing that. If we are afraid of looking at the issue again before we take a final vote, I think that perhaps we are not doing our job. I want to do my job on this piece of legislation and I plead with the Body to Recommit this, give them a chance to take a look at what else we can do. We say that you ask for another election. Well, in this instance, I think it is another election to ask for the Recommitment, to take another look and see how we can really preserve that lake all other things aside. I would appreciate your support for the Recommitment vote.

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. The good Senator from Kennebec, Senator Bustin, talks about horses and letting horses out of the barn before we shut the door and I would like to point out to everybody that this Bill does not deal with horses in the barn, it deals with the barn itself. The fact is that some other farmer wants to go in and buy the barn, we are not talking about the horse trying to escape here. I don't want anybody to get the impression that if they don't vote to Recommit, that they are voting against the lakes or the environment or any of the conditions of this State. This Bill deals with annexation and I know that there is no one in this room that would say that they are against good clean lakes in the State of Maine and good clean air and any of the environmental factors that we have here. So, by voting for the Majority Report, we are not voting against the environment and I don't want anybody to think that if they do vote not to Recommit that they are voting against the environment. This deals with the annexation, we have had the issue here for three years and let's deal with that issue. There are Committees in this Legislature; the Committee on Inland Fisheries and Wildlife, the Committee on Energy and Natural Resources, that deals with the environment and so if we want to address the lakes, if we want to address those lakes and ponds in Island Falls then let a Bill be introduced that addresses that, but this is not the vehicle.

This is something that we have dealt with before and let's deal with this now and deal with the problems of lakes, as we have in the past, with other

Bills in other Committees where they belong. Thank you.

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. I would like to thank the good Senator from York, Senator Dutremble, for reminding us that this issue is one of annexation and not one of the lakes specifically. We do have environmental concerns on both sides of the issue, but one thing I would like to mention today is that we hear a great deal down here about level playing fields. If this Bill had been allowed to go through the system on its own merits, it would have died a long time ago. We killed it in the Senate just last spring when it was L.D. 1370, then too, it was by an object of highly irregular tactics, it disappeared for weeks on the Table while different individuals were persuaded to support it because they were told it only effects a couple of six mile square chunks of land in Aroostook County and it will not effect your constituents. Well, if you don't have unorganized territory in your district it may not effect you directly, but it certainly will have a major impact on the future of this State. I would remind you that over ten million acres, roughly half the land in the State of Maine, is under the jurisdiction of the unorganized territory. Eight thousand people live there. There is a dangerous and growing misconception here that unorganized means disorganized and because the eight thousand people who live there pay their taxes directly to the State and don't have Selectmen to speak for them, it is okay to grab their land. Nothing could be further from the truth. The land is already owned by individuals or corporations and their rights deserve to be protected. For many years, a former member of this Body, Senator James McBreairty of Aroostook, defended the unorganized territories, they called him bulldog because once he got his teeth into an issue he never let go. We tend to be that way in Aroostook, if we feel we are in the right, we don't let go, we also like to play by the rules. Given a level playing field, L.D. 229, formerly L.D. 1370, would never have been resurrected. It is a bad Bill. It was given a fair hearing and the Majority of the Committee members decided that it Ought Not to Pass. Now, we are being asked to Recommit to the same Committee. Why? The handful of land grabbers who want this Bill have no new evidence or if they have they should present it on the floor for all of us to hear. Once again, the democratic process is being interrupted and thwarted, it is not fair, it is not right. Thank you for allowing me to express my anger over the way this matter has been handled.

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

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I am not trying to thwart any democratic process in the Senate. I have never been accused of that. I would like to say that in the strongest possible terms that to Recommit a Bill can, if you wish, delay something, but it also can be used as a means of rethinking, readdressing, refocusing and that is certainly a legitimate thing to do and that is all that I, and I believe the other people, intend to do. I know that is at least what I intend to do. I don't want to leave anyone with the impression that somehow or rather there is some Machiavelian plan going on here. If it takes too long and it looks like that is

happening I will be the first one to help the good Senator from Aroostook, Senator Ludwig, to expose that for what it is.

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

Senator CARPENTER: Thank you Mr. President. Mr. President, men and women of the Senate. My way of feeling on this is that the motion to Recommit would mean to me that we did not do our job completely and thoroughly in the Committee. That is very far from the truth. There was a long session, we heard much testimony, and I really don't think we want to get into the testimony here because I could go on for a half an hour explaining testimony. We heard the testimony, we understand the testimony, we considered the lakes, we considered the land, we considered the taxes, we considered whether it was right or wrong. I see no point in Recommitting to the Committee again. I move for a vote of Ought Not to Pass.

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 would like to pose a question through the Chair, to the Senator from York, Senator Carpenter. He just said that they had considered the water and the land there. I would like to know if they did consider the preservation of that land around that water?

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

The Chair recognizes the Senator from York, Senator Carpenter.

Senator CARPENTER: Thank you Mr. President. Mr. President, men and women of the Senate. If you want my reasons or my answers as far as considering the water, now we will get into the testimony that you probably have not heard. The residents of Island Falls, in my opinion, really and basically want to take control of a dam. They want to build a dam to raise the lake level. I believe this is to be done to make it more desirable in the area of Island Falls for building more summer property and recreational property. That is my opinion at this point and that is one of the reasons I voted Ought Not to Pass.

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. There have been, what I consider, some charges of my indicating that the Committee has not done their job on preservation of the lake and the like, or that they have skirted the issue. That is not my intent. I have not been lobbied on this Bill, I did discuss it this morning with a group of people and that is the first I have discussed it this year. So, it is an environmental issue for me. Now, perhaps the good Senator from Aroostook, Senator Ludwig, did in fact give an opening for how we can preserve this lake in her discussion this morning. Perhaps we should put in a Bill that would send this to the Energy and Natural Resources Committee and perhaps they could look at the preservation of this. I am technically and personally not really interested simply because it is not my area as to whether that gets annexed or not, it just isn't my issue. My issue is simply one of a preservation of the lake. In this Legislature on many, many Bills we have had an issue come before us and realized that there were other issues involved with that and we have not been unwilling to look at those other issues. That is what I am asking for when I ask for Recommitment, is to look at those other issues. It is not, as far as I am concerned, that I am suggesting land grabbing, I did not say that.



What I said was perhaps a cooperative agreement could be reached by those parties involved and that is what I am talking about. I think it is a higher issue than simply annexation. It is the higher issue of environmentalism and how we preserve the State of Maine. That is what I am asking for. Thank you.

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

The President then Retired from the Senate Chamber.

Senate called to order by the President Pro Tem.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator PEARSON of Penobscot to RECOMMIT the Bill and Accompanying Papers to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence.

A vote of Yes will be in favor to RECOMMIT the Bill and Accompanying Papers to the Committee on STATE AND LOCAL GOVERNMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

At this time, the Chair noted the absence of the Senator from Cumberland, Senator BRANNIGAN, the Senator from Oxford, Senator ERWIN, and the Senator from Androscoggin, Senator GAUVREAU and further excused the same Senators from today's Roll Call vote.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Senator DUTREMBLE of York who would have voted NAY requested and received Leave of the Senate to pair his vote with President PRAY of Penobscot who would have voted YEA.

ROLL CALL

YEAS: Senators ANDREWS, BUSTIN, KANY, PEARSON

NAYS: Senators BERUBE, BOST, BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, ESTES, ESTY, GILL, GOULD, HOLLOWAY, LUDWIG, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

ABSENT: Senators BALDACCI, EMERSON, HOBBS, MATTHEWS

PAIRED: Senators DUTREMBLE, PRAY

EXCUSED: Senators BRANNIGAN, ERWIN, GAUVREAU

4 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 4 Senators being absent, and 2 Senators having paired their votes, and 3 Senators having been excused, the motion of Senator PEARSON of Penobscot, to RECOMMIT the Bill and Accompanying Papers to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence, FAILED.

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

On motion by Senator BERUBE of Androscoggin, the Majority OUGHT NOT TO PASS Report was ACCEPTED in NON-CONCURRENCE.

Sent down for concurrence.

Senator BERUBE of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator BERUBE: Thank you Madam President. Madam President, men and women of the Senate. There was a terrible tragedy that occurred in my district last week during which a life of a young State Trooper was taken. I would like to read in memoriam to Trooper Giles R. Landry something entitled "A Part of America Died". We could say a part of Maine died:

"Somebody killed a State Trooper today and a part of Maine died. A piece of our State he swore to protect will be buried with him at his side. Now a young widowed mother must work for her child and spend many long and lonely nights. The beat he rode was a battlefield too, just as if he'd gone off to war. Though the flag of our nation won't fly at half mast, our States will. To his name they will add a gold star. Yes, somebody killed a State Trooper in your town or mine while we slept in comfort behind our locked doors. A Trooper put his life on the line, now his spirit rides a beat." Thank you.

On motion by Senator BERUBE of Androscoggin, ADJOURNED, in memory of Trooper Giles R. Landry, until Tuesday, April 4, 1989, at 12:00 in the afternoon.